Laws in Conflict:

Legacies of War and Legal Pluralism in Chechnya

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ABSTRACT

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This dissertation explores how the social and political consequences of armed conflict affect legal pluralism; specifically, the coexistence of Russian state law, Sharia, and customary law in Chechnya. The study draws on qualitative and quantitative data gathered during seven months of fieldwork in Chechnya. The data include over one hundred semistructured interviews with legal authorities and religious and traditional leaders; an original survey of the population; and a novel dataset of all civil and criminal cases heard in state courts.

First, the dissertation argues that armed conflict disrupted traditional social hierarchies in Chechnya, which paved the way for state penetration into Chechen society. The conflict particularly disrupted gender hierarchies. As a result of the highly gendered nature of the conflict, women in Chechnya became breadwinners in their families and gained experience in serving important social roles, most notably as interlocutors between communities and different armed groups. This change in women's bargaining power within households and increase in their social status came into conflict with the patriarchal social order, which was based on men's rigid interpretations of religious and customary norms. In response, women started utilizing the state legal system, a system that at least formally acknowledges gender equality, in contrast to customary law and Sharia. State law is corrupt, inefficient, slow, and its use is associated with community and family ostracism. Nevertheless, this dissertation shows that many Chechen women use and support state law.

Second, the dissertation establishes that the political context of the conflict moderates the effect of war on legal pluralism. The penetration of state law through disruption of social hierarchies is driven by the Second Chechen War (1999-2009). In contrast, communities that were exposed to violence during the First Chechen War (1994-1996) ultimately rejected Russian state law and rely

predominantly on Sharia and customary law. In these communities, the structural effects of disrupted hierarchies were overpowered by alienation from the Russian state. The study explains this discrepancy by showing how communities victimized during the First War developed strong collective identities that filtered blame for the war.

Third, the dissertation shows that war-induced female empowerment in Chechnya faced a strong backlash from the Chechen government. The most notorious manifestations of the neotraditionalist policies of the Chechen government are the semiformal introduction of polygamy, support for the practice of honor killings, and a restrictive female dress code. Furthermore, the officials in charge of state law actively disrupt its functioning in gendered cases. The study finds that state officials in Chechnya are less supportive of state law than the average Chechen. This is the result of the incorporation of former rebels into the government, which is a structural legacy of the conflict. In addition, the dissertation argues that the Chechen regional government promotes legal pluralism and undermines state law strategically, as part of its coalition-building effort. The government allows men to keep control over their families, relying on custom and religion in exchange for their political loyalty.

Finally, the dissertation suggests that government promotion of legal pluralism is a political strategy that has several objectives: (1) it allows the government to borrow legitimacy from tradition and religion, which both have large appeal among the Chechen population; (2) it increases the government's discretion and allows it to cherry-pick norms across alternative orders while avoiding regulations embedded in them; and (3) it gives the regional government additional leverage vis-à-vis the federal center by signaling to the Kremlin that it cannot rule Chechnya directly and that its local intermediaries are indispensable. Overall, the dissertation shows that legal pluralism is not just a reflection of 'political culture' or 'weak state capacity,' but rather is an inherently political phenomenon, an arena for the pursuit of interests by the government and individuals alike.

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Acknowledgements

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My study of legal pluralism benefited a lot from the class on legal anthropology I took at NYU with Sally Merry. Legal pluralism hasn't yet received much attention in political science, therefore it was especially important to learn the wisdom from other disciplines. Sally also provided great feedback on my writings based on the early stages of fieldwork.

To Satsita Israilova

Preface

When I was six years old, I was exposed to endless news programs on an old Soviet television that my grandmother watched while she was cooking. It was 1995, St. Petersburg, Russia. Almost every day, these news programs covered the war in a place with a strange name: "Chechnya." "Chechnya" sounded mysterious and dangerous, like a place from a fairy tale. Almost all the TV programs showed soldiers, bearded rebels, and mud: soldiers in mud, rebels in mud, tanks in mud. My memory absorbed words like *boyevik* (rebel), *fugas* (landmine), and *zelenka* (rough terrain), as well as the names of villages in Chechnya: Achkhoy-Martan, Shatoy, Vedeno. I did not know names of any Russian villages, but I knew names of Chechen ones. I did not know where Chechnya was, but I knew that there was a war there and that the war was never ending. When I was older, Chechnya was used by parents to scare boys into studying. Russia still had military conscription, so my mother used to say that if I studied poorly and failed to enter university, I would be enlisted into the army and sent to Chechnya.

During the senior year of my undergraduate program, in 2011, I voluntarily went to Chechnya as a researcher. I had decided to write my thesis about Dagestan, a republic that neighbors Chechnya. Dagestan itself was scary enough for a complete outsider from St. Petersburg, but I loved my time there. I was not able to restrain my curiosity, so I also went to visit Chechnya. I had a Chechen classmate at my university in St. Petersburg, so when I decided to visit Chechnya, I asked her for some local contacts. She said, "No worries, my people will meet you there." I took a *marshrutka* (mini-bus) from Makhachkala, the capital of Dagestan, to Grozny, the capital of Chechnya. The bus stop was at Minutka Square – another proper name that I remembered from the news: there had been especially heavy fighting there during the battle of Grozny. At Minutka Square, I was greeted by my classmate's relatives Suleiman[1] and Yunus - young males in expensive suits. Two black jeeps waited for us. Both

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[1] I use aliases, not the real names throughout the dissertation, unless I note otherwise.

jeeps had license plates with the letters KRA, an acronym for Kadyrov Ramzan Akhmatovich. Kadyrov, the President of Chechnya, had been ruling in a dictatorial manner since 2007 after inheriting power from his assassinated father Akhmat Kadyrov. The KRA license plates were given to his associates; they allowed their owners to do whatever they wanted on any road in Chechnya. The guys who met me were friendly and appreciated that I was brave enough to visit Chechnya. They fed me extensively with Chechen traditional dishes: boiled meat with garlic sauce and pies with cottage cheese. At some point during our lunch, Yunus put his gun on a table. He explained that he was *kadyrovets* – a member of the Chechen security forces. He told me that he never left his gun: "I've been serving in the police for a while, you know how many blood enemies I have at this point." Blood revenge is a Chechen custom that I knew about from classic Russian literature and Soviet movies – comedies, actually, but the gun suggested that the custom is no joke.

On the second day, my hosts brought me to a picturesque mountainous area to eat *shashlik* (Caucasian kebab) and drink vodka. Suleiman and Yunus explained that Kadyrov prohibited alcohol in Chechnya because "it is against Sharia, you know, our religion." But the norm of hospitality, the core of Chechen customary code, prevailed over the Sharia edict, so my hosts bought four bottles of vodka in a local store. This was another example of the seriousness of the customary norms, and also a revelation of the presence of a religious set of norms (which were abandoned for a short period of time to honor the guest).

These episodes from my first visit to Chechnya made me interested in the coexistence of customary law, Sharia, and Russian state law in postwar Chechnya. After this I went to Chechnya seven times to investigate how individuals and the government navigate this legal pluralism. In the pages to follow, I will present the results of my study, which, I hope, will be useful not only for academic debates, but also for gaining a deeper understanding of Chechnya, a place that always attracts a lot of media attention, but unfortunately very little systematic academic research.

Chapter 1

Introduction

My dissertation was largely motivated by observations of curious situations during my preliminary fieldwork in Chechnya. For example, on one occasion, I was interviewing a village elder. During the interview, his phone rang. After a short conversation in Chechen, he immediately left his house. The man on the phone had asked the elder to solve a dispute regarding a minor car crash. What seemed paradoxical was that the man who had called was an officer of the Russian Road Traffic Safety Police. Even though his agency was in charge of dealing with car crashes, when he became involved in a road dispute himself, he appealed to a village elder. The elder solved the problem by referring to *adat*, the customary law of Chechens, which had supposedly been developed long before the advent of the automobile.

On another occasion, I was interviewing an imam in a mosque. While we were having tea and talking about religion, three men came in and asked for the imam's attention. The imam allowed me to observe their meeting. The men, who came from a mountain village, asked the imam for a Sharia trial of a man from another village who had borrowed money from one of them and failed to return it in time. The imam promised to arrange mediation with the borrower and, should that fail, he conduct the Sharia trial.

These two anecdotes succinctly illustrate the state of legal pluralism in postwar Chechnya. Even though there is only one de jure legal system in Chechnya - Russian statutory law - there are also parallel systems of de facto law: one based on customary law (adat) and the other one based on Islamic law (Sharia). These anecdotes also show that individuals choose between these different systems of law.

I soon realized that the presence of multiple alternative legal orders had a tremendous political significance. References to adat and Sharia became commonplace in reports about the situation in postwar Chechnya. For example, after the large-scale terrorist attack on Chechnya's capital Grozny on December 4, 2014, Head of the Chechen Republic Ramzan Kadyrov proclaimed through his Instagram account that relatives of people who kill police officers would be expelled from the region "without the right to return, and their houses will be razed to the ground." A few days later, unidentified militias burned houses of the alleged terrorists' families. The government referred to the principle of collective punishment, which is one of the core principles of the Chechen customary law adat, but it is against Russian law.

Another high-profile case that brought legal pluralism in Chechnya to the attention of Russian and Western media was a wedding in May 2015.[1] The independent Moscow-based liberal newspaper *Novaya Gazeta* claimed that Nazhud Guchigov, 47 years old, who served as a local police chief in one of the districts of Chechnya, tried to force Louisa (Kheda) Goilabiyeva, a 16-year-old schoolgirl, into marrying him against her will. To prevent his bride from fleeing, Guchigov allegedly had posted guards in the village. When the story became public, Guchigov denied all these accusations and said that he did not know Goilabiyeva, did not plan to marry anybody, and that he was happy with his first and only wife. However, a week later, this story took an unexpected turn: Ramzan Kadyrov intervened into the case and announced that the marriage was going to happen and that his associate had ensured him that the girl and her relatives agreed to the marriage. This "wedding of the millennium" was broadcast on Chechen television, and Kadyrov himself participated in the ceremony. The story of Louisa Goilabiyeva was widely interpreted as evidence of the abrogation of Russian state law in

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[1] The Guardian. "Chechen teenager 'forced' to marry police chief amid growing row in Russia" May 18, 2015; Julia Ioffe "Putin is Down with Polygamy." *Foreign Policy*, July 24, 2015.

Chechnya in favor of customary practices (child-marriage) and religious norms (polygamy), and of the overall severe subjugation of women in the North Caucasus.

In an op-ed in *The New York Times*, historian Michael Khodarkovsky even claimed that "Chechnya's nominally secular institutions are now thoroughly Islamicized. Each district administration has a qadi, or Islamic judge, who wields de facto power in the district. Sharia courts function in the guise of state courts." Khodarkovsky concluded: "The price of peace and order has been the emergence of an Islamic state within Russia."

However, my exploration of the practices of everyday dispute resolution in Chechnya suggests that reality in Chechnya is much more complicated than is suggested in media reports: many Chechens disregard customary and religious norms and utilize state law instead.

For instance, consider the case of Seda, a woman who lived in Grozny. Seda was kicked out of her home by her husband and his relatives when she was seven months pregnant. She returned to her parents' home, where she gave birth to a girl. A few months later, the relatives of her former husband arrived at her parents' house and demanded that she return "their child." According to Chechen customary law, children belong to their paternal clan. Seda's male relatives agreed with the reasoning of her former husband's family and gave the baby away. Despite social pressure to accept her fate, Seda filed a lawsuit in a state court. The court ruled in her favor and returned Seda's daughter to her.

Seda's behavior is not an anomaly. The number of court cases heard in Russian state courts in Chechnya has risen every year since the end of the Second Chechen War.[2] Considering that Russian state law was considered the 'law of the enemy' during the war, and that reliance on it can be penalized by family and community ostracism, the fact that state law is nevertheless often utilized in dispute

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[2] The number of courts cases rose from approximately 600 in 2009 when the counter-terrorist operation in Chechnya was officially lifted to more than 30,000 in 2013. Calculated based on data from Rospravosudie https://rospravosudie.com/region-chechenskaya-respublika-s/

resolution in postwar Chechnya is striking. No less striking is that the government of the Chechen Republic, which is formally in charge of implementing state law, actively promotes customary law and Sharia.

In my dissertation, I address both puzzles. First, I explore the demand for law by investigating the drivers of individual choices among the multiple alternative legal forums. Second, I study the supply of law by analyzing the factors that determine government policies towards the alternative legal orders.

I argue that these related puzzles can be resolved through studying the effects of the armed conflict on both the demand for law and its supply. Chechnya suffered from two devastating wars in the post-Soviet period (1994-1996 and 1999-2009). Therefore, the claim that the legacies of war have to some extent determined individual behavior and government actions in the postwar period should not be surprising. But which legacies are particularly important? My research highlights the disruption of gender hierarchies as one of the principal legacies of the conflict. Seda's story and the wedding of Louisa Goilabiyeva exemplify the crucial role that gender plays in state-society relations in postwar Chechnya. At the same time, I find that the conflict fundamentally changed the government's composition and strategic incentives, the results of which can be illustrated by the highlighted stories of government suppression of state law and promotion of customary law and Sharia.

Thus, my dissertation presents a story of the reversal of fortune in state-society relations: in contrast to the classic schema, in which the government attempts to penetrate a strong society, and society resists these attempts (Migdal 1988, Scott 2009), my dissertation shows how the government might undermine state justice systems by promoting nonstate institutions, and how communities and individuals might voluntarily use formal law that is initially foreign to them.

Why Study Legal Pluralism?

Legal pluralism is a situation in which two or more legal systems coexist in the same social field (Merry 1988). Legal pluralism has been very common in history. In his grand account of the formation of law, Berman (1983) pointed out that "the coexistence and competition within the same community of diverse jurisdictions and diverse legal systems" was "perhaps the most distinctive characteristic of the Western legal tradition." Benton and Ross (2013) showed that pluralistic legal structures were the norm in the empires. Some degree of legal pluralism is present in all contemporary societies. Even in developed democracies with a strong rule of law, formal state laws coexist and interact with diverse sets of normative orders, such as in adjudication among religious minorities, university codes of honor, and internal corporate statutes (Merry 1988).

Legal pluralism is particularly pervasive, however, in postcolonial societies and so-called fragile or weak states, where formal state institutions have to compete for jurisdiction with powerful informal normative orders that are rooted in religion and tradition. This situation is common globally (Hooker 1975). For example, in Afghanistan the formal state legal system coexists with Taliban courts, which operate according to Sharia, as well as arbitration through a myriad of customary organizations (Giustozzi and Baczko 2014, Murtazashvili 2016). In Africa, many countries grant substantial de jure powers to customary leaders or informally guarantee these chiefs nonintervention in their jurisdiction (Baldwin 2015; Mamdani 1996). Another classic example of legal pluralism is Indonesia, where formal state law, based on the colonial justice system coexists with Sharia courts and customary law (Bowen 2003; Geertz 1983, Lev 1972, von Benda-Beckmann 1981).

Legal pluralism has been recognized as an important topic in legal anthropology, sociology, history, and economics (Barkey 2008, Benton 2002, Merry 1988, Mamdani 1996, Sandefur and Siddiqui 2013). Political science literature has explored normative aspects of legal pluralism in relation to sovereignty and secularism (Cohen and Laborde 2016), but empirical studies have been rare (Sezgin

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2013 is an important exception). I argue this is an unfortunate omission, because legal pluralism provides a useful analytical framework for understanding many questions of critical importance to political science, including state-building, legitimacy, and the rule of law. As Berman (1983) pointed out, "Behind the technical questions of jurisdiction lay important political and economic considerations: church versus crown, crown versus town, town versus lord, lord versus merchant, and so on."

I argue that reformulation of the classic question "Why do people obey the law?" (Tyler 2006) into "Which law to obey?" provides a novel perspective on state-building. The existing literature on state-building focuses mostly on the coercive and extractive dimensions of state-building, or to put it simply, on taxation (Besley and Persson 2007, Levi 1988, Slater 2010, Soifer 2015). I shift attention to the regulatory dimension, which is, the use of state law vis-à-vis alternative forms of social control (Ellickson 1991, Migdal 1988). I argue that understanding the use of and interaction between different legal orders provides insight into the relationship between the state, religion, and tradition as competing sources of authority. This framework enriches our understanding of the problem of legitimacy by allowing us to move beyond the simplistic dichotomy of legitimate or illegitimate to explore the legitimacy of one normative order relative to its alternatives.

A focus on legal pluralism is especially useful for studying the demand side of state-building. Most studies of state-building have treated it as a top-down, government-driven process (Tilly 1990, Slater 2010). However, state-building can also occur from the bottom up. For example, Sahlins (1989) showed that local conflicts drove state-building in the borderland between Spain and France, and Gorski (2003) argued that the spread of religious doctrine and Calvinist practices profoundly shaped state-building in Europe.

A demand for state-building is expressed in the choices of state institutions over non-state ones. For centuries, many people actively sought to avoid the state – Scott (2009) described this

phenomenon as "the art of not being governed." Social scientists have also shown that individuals are able to govern themselves without intervention from the state; examples include fishermen in Alanya, Turkey; the diamond market of New York City; the cattle industry in Shasta County, California; brokers in the trading markets of early post-Soviet Moscow, and traders in the bazaars of Bishkek, Kyrgyzstan (Ostrom 1990, Berstein 1992, Ellickson 1991, Frye 2000, Spector 2017). When individuals are unable to govern themselves and do not trust the state, they can appeal for arbitration to mafia or warlords (Gambetta 1993). In many situations, informal nonstate institutions compete with the state; however, despite recognition of the crucial importance of this competition between formal and informal institutions (Helmke and Levitsky 2004), there has been little systematic research on preferences for the state versus its alternatives.

Recent exceptions to this tendency include Ang and Jia (2014), who investigated the role of informal connections on the use of state courts by Chinese firms, and Belge and Blaydes (2014), who analyzed how connections to officials influenced women's choices of dispute resolution institutions in Cairo and Istanbul. Hendley (2017) presented a comprehensive study of the use of courts versus non-judicial strategies in dealing with different types of disputes in Russia. She showed that Russians became more inclined to use courts over time, especially when dealing with counterparts outside of their communities. Gans-Morse (2017) similarly investigated demand for state law versus the use of informal practices of corruption and coercion in post-Soviet Russia. However, relying on informal connections, corruption, or violence is normatively unattractive, and also is unsustainable in the long run. In contrast, tradition and religion provide alternatives that are not simply distortions of formal institutions, but rather have independent and long-standing foundations in society. As a result, demand for the state under legal pluralism might be driven by completely different factors than demand for the state when the alternatives have flimsier normative grounds. I advance the emerging literature on

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demand for the state by presenting a general theoretical framework and exploring the microfoundations of legal choices in competitive normative environments.

In particular, a legal pluralism framework highlights the largely unnoticed role of gender in state-society relations. Previous scholarship on state-building has focused primarily on cleavages among classes and between the center and the periphery (Levi 1988, Tilly 1990, Slater 2010). However, as anthropological research shows, gender conflicts can also order state-society relations. For instance, Massell (1974) showed that in the absence of class conflict, the Bolshevik state in Central Asia provoked gender conflict in order to penetrate its dense society. In a similar vein, Thompson (2000) argued that gender was the central cleavage during the state-building process in Syria and Lebanon under the French mandate. In fact, gender is especially likely to become the central political cleavage under legal pluralism (Chanock 1985). Customary law as a cornerstone of clan-based governance is explicitly discriminatory towards women (Hudson et al. 2015). Religious legal orders also discriminate against women more than secular statutes, even though they give women agency for protecting their rights (Hirsch 1998). In contrast, externally imposed Western systems of law typically treat men and women equally and therefore are relatively more beneficial for women. As a result, issues related to control of sexuality, honor, and shame become an important arena of contestation for social control between state and alternative normative orders.

The issue of competing legitimacies is especially relevant across the Islamic world, where formal state institutions, often based on transplanted colonial statutory law, coexist with Sharia. Debates about the proper role of Sharia dominate politics in places as distinct as Egypt, Nigeria, Sudan, Malaysia, and Indonesia (Buehler, 2013; Kendhammer, 2013; Laitin, 1982; Massoud, 2013; Moustafa, 2014). Pew Research Center surveys consistently show high demand for Sharia across Islamic countries, but this demand is poorly understood. Shapiro and Fair (2010) highlighted that people have different conceptions of Sharia. They contrasted two conceptualizations: one of good governance and

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one of corporal punishments and strict regulations regarding women. The current literature, however, does not explore Sharia in daily life or contrast it with alternative normative orders. This dissertation fills this gap by exploring the role of Sharia in concrete everyday disputes through examining preferences for Islamic norms and authorities and contrasting them with preferences for formal state institutions and customary systems of justice. Such tripartite legal systems are very common across the Muslim world, and therefore the competing legitimacies framework allows us to better understand what drives support for Sharia.

Recently, political scientists have also started to explore the role of traditional authorities in shaping political outcomes, in particular voting behavior and governance (Acemoglu et al., 2014; Baldwin, 2015; Díaz-Cayeros et al., 2014; Tsai, 2007). These studies have primarily focused on the instrumental sources of nonstate authorities' power, in particular on the ability of traditional leaders to coordinate with politicians to deliver public goods. My dissertation, in contrast, explores traditional leaders' authority during dispute resolution (see also De Juan, 2017).

Why Study Legacies of Conflict?

The problem of legal pluralism is especially important for understanding state-building in postconflict settings. Research on conflict-ridden societies, from Aceh to Sudan and from Guatemala to Iraq, demonstrates that violent conflicts increase the need for dispute resolution and also exacerbate the complexity of the presence of multiple legal systems by politicizing the authorities in charge of the competing legal systems (Isser 2011). Arjona (2016) showed that the quality of dispute resolution institutions plays a predominant role in shaping civilian preferences for governing structures during conflict.

In addition to the fact that dispute resolution becomes especially acute in conflict and postconflict settings, and thus is important from a policy perspective, studying the effect of conflict on legal pluralism has two important analytical bases.

First, both legal pluralism and internal conflicts can be framed as "competitive state-building" or "fractured sovereignty" (Cohen and Laborde 2016, Staniland 2012). Therefore, mapping the relationship between conflict and legal pluralism may allow us to better understand state-building in competitive normative environments.

Second, systems of legal pluralism are deeply embedded in history and culture; thus it is hard to explore them in terms of causal relationships. Conflict serves as an exogenous shock that turns societies out of equilibrium and presents an opportunity for researchers to explore the microfoundations of individual behavior and government policies under legal pluralism.

Political science has a long tradition of studying the effects of external warfare on state-building through the lens of taxation. Tilly (1992) famously linked state-building with external warfare by showing that demand from rulers to increase taxation in order to finance their wars led to the consolidation of European states. This argument has been further developed and probed in other regions of the world (Besley and Person 2007, Centeno 2002, Herbst 2000). In contrast, the effect of internal conflicts on state-building is much less studied. Until recently, the scholarly consensus was that civil wars were the 'wrong kind of wars' for state-building (Besley and Persson 2007, Centeno 2002). Slater (2010) challenged this view by showing that some forms of internal conflicts that threaten political and economic elites can incentivize those elites to invest in state-building. Overall, however, as Blattman and Miguel (2010) stated in their review of the literature on civil wars, "The social and institutional legacies of conflict are arguably the most important but least understood of all war impacts."

Wood (2008) outlined a research agenda for studying the social legacies of war. In particular, she emphasized a set of war legacies common across different conflicts: political mobilization, military socialization, polarization of social identities, militarization of local authority, transformation of gender roles, and fragmentation of the local political economy. However, the discipline has not yet succeeded in addressing Wood's call to systematically investigate these legacies.

Political science research has been mostly occupied with studying the influence of wartime victimization on a myriad of outcomes, including political participation, ideology, out-group attitudes, and trust (Bauer et al. 2016 for a review). However, this literature is limited in several regards. First, almost no study has analyzed the effect of conflict on the rule of law. Lake (2017) provided an important exception by showing how wartime elites in the eastern Democratic Republic of the Congo captured and instrumentalized new legal institutions to maximize their military, political, and economic goals. However, Lake focused on elite behavior, while the legal attitudes and behavior of non-elites in the postconflict setting were left unexplored. This gap in the literature is problematic because the establishment of the rule of law is a primary concern in postconflict settings.

Another important limitation is that the literature is mostly concentrated at the individual level of analysis and pays less attention to the meso and macro levels of analysis, that is, communities and polities (Balcells and Justino 2014). As a result, existing studies have prioritized psychological mechanisms that link conflict with postconflict outcomes and downplayed the role of structural and political factors.

Bateson (2013) provided an important contribution for understanding the legacies of war at the meso (community) level by tracing the effect of conflict on social order maintenance. She found that in areas of Guatemala that experienced high levels of violence and combat during the war, postwar violence took the collective form of public lynching, whereas elsewhere it took the form of individual killings. Bateson's study provided important insights into community-level collective organization, but

because of its level of analysis, it did not include the state in its analytical framework. Costalli and Ruggeri (2015) provided another important contribution by showing that local resistance mobilization in Italy during the Second World War profoundly influenced local politics by creating political entrepreneurs with local knowledge. Rozenas et al. (2017) showed that community-level victimization in the western Ukraine during 1940 had a long-term influence on voting for pro-Russia parties.

Research at the macro level has explored the recurrence of civil wars (Lake 2016, Paris and Sisk 2009, Toft 2010, Walter 2015) and the effect of civil wars on postwar democratization (Wood 2001, Huang 2016, Wantchekon and Garcia Ponce 2016). These studies explored how elites react to conflicts, but they kept elites constant and did not explore what happened when rebels won or if elites changed as a result of the war.

Overall, the agenda on wartime legacies is growing, but still has many missing parts. So far, different levels of analysis have not been linked to each other, and scholars have studied either the micro, meso, or macro-level without investigating interrelationships between them. In addition, a big question is what is the right counterfactual for the analysis of war legacies? Some scholars have compared the legacies of different forms of civil wars (Huang 2016), others have compared the political development of countries with different constellations of internal conflicts (Slater 2010), and still others have investigated spatial and individual variation in exposure and forms of violence (Bateson 2013, Blattman 2009). In my study, I bridge different levels of analysis and combine different analytical strategies for gauging the effect of conflict.

Why Chechnya?

Chechnya is uniquely suited for studying the effect of conflict on state-society relations through the lens of legal pluralism for several reasons. First, legal pluralism covers the entire population: everyone, at least in theory, can rely on state law, Sharia, and adat. In other words, legal

pluralism in Chechnya is nonexclusive; this contrasts with many other places, like India or Israel, where nonstate legal systems are reserved for religious and ethnic minorities or for a restricted set of issues (Lerner 2013).

Second, preferences for the alternative legal systems reflect one of the most important political divides throughout Chechen history, one that persists in contemporary Chechen society. The history of this region since Russian colonization in the 19th century has been characterized by an uneasy coexistence between adat, Sharia, and Russian law. During the two Chechen wars in the post-Soviet period (1994-1996 and 1999-2009), the three alternative legal systems became increasingly politicized, representing alternative political forces within Chechnya. The traditionalist faction among the separatists actively promoted the revitalization of adat. The Islamist faction promoted Sharia, and when it became the leading force in Chechnya in 1999, it introduced Sharia law into the formal legal code. In response, the pro-Russian forces fought for the re-introduction of "the Russian constitutional order" in Chechnya. Since the separatists' defeat in the early 2000s, Chechnya has been de jure governed by Russian law. However, adat and Sharia remain vital de facto systems of law. For example, few Chechens formally register their marriages—the majority prefer to hold a religious ceremony in a mosque. In cases of murder, a Chechen will rarely call the police; instead, the clan of the murdered will attempt to avenge the murder according to the custom of blood revenge. De facto normative systems often contradict not only Russian formal law, but also each other. For example, adat prohibits polygamy, which is allowed in Sharia, while Sharia prohibits bride kidnappings, one of the infamous rudiments of Chechen adat.

Third, the state-building process in Chechnya started almost from scratch after the end of the active period of the Second War (2003) because the social order was completely disrupted. This allows me to analyze the process of state-society relations during a compressed period of time, which provides an important addition to long-term historical investigations of state-building (Tilly 1992).

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The ability to analyze choices of state versus its alternatives allows me to investigate the demand side of state-building, which is rarely documented in historical studies of state-building.

Finally, in addition to purely scientific reasons, the motivation for studying Chechnya comes from the fact that while Chechnya plays a tremendous role in post-Soviet Russian politics (Sakwa 2005), it is severely understudied. Kadyrov's Chechnya is a closed society with a repressive political regime that is hostile to independent academic research. At the same time, speculation about Chechnya abounds in Russian and Western media. This dissertation reveals the complicated social reality of postwar Chechnya and also translates the voices of ordinary Chechens into public academic discourse.

The empirical focus on Chechnya imposes important scope conditions for this study. Chechnya after the Second War is not an independent country, but remains part of the Russian Federation. Therefore, my analysis focuses on peripheral state-building. It does not attempt to explore the influence of the Chechen conflict on state-society relations in the rest of Russia (for such analysis see Lieven 1998, Sakwa 2005). This perspective is relevant for other cases of peripheral state-building, such as in Aceh, Kashmir, or northern Nigeria.

In addition, state-building in Chechnya is implemented by local intermediaries of the Kremlin. If Moscow had been directly in charge of the state-building process, perhaps the logic might have been different. But colonial powers and modern external interventions often lead to indirect state-building programs that, even if designed in Western capitals, are carried out by local agents, as in Afghanistan and Iraq (Fukuyama 2007, Hechter 2009). Thus, analysis of the Chechen case enables comparison with other cases of indirect state-building.

The Argument

The main argument of my dissertation is that armed conflict left profound legacies that shape both the demand for law and its supply. Most importantly, I argue that conflict disrupted gender

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hierarchies, thus women became the principal supporters of state law. As a result of the highly gendered nature of the conflict, women in Chechnya became the breadwinners in their families and gained experience in serving important social roles, most notably as interlocutors between communities and different armed groups. This change in women's bargaining power within households and increase in their social status came into conflict with a patriarchal social order based on men's rigid interpretations of religious and customary norms. In response, women started utilizing the state legal system, a system that, in contrast to customary law and Sharia, at least formally acknowledges gender equality. State law is corrupt, inefficient, slow, and its use is associated with community and family ostracism. Nevertheless, many Chechen women use and support state law. This finding is in line with the results of scholars who have studied the effect of the transformation of gender relations in other postconflict areas (Berry and Lake 2017, Garcia-Ponce 2016). The novelty of this study is that it maps the disruption of gender hierarchies onto the demand for the rule of law.

My study suggests that disruption of gender hierarchies can be attributed to three interrelated mechanisms. Perhaps the most direct of these is the change in bargaining power within families due to wartime transformations of gender positions in the labor market. Simply put, the war left many men unemployed and women became the breadwinners in their families. However, the transformation in gender roles is not limited to the economic sphere. War also led to the experience of agency among Chechen women. Many women became socially engaged while protesting war atrocities. Significant numbers of them became involved in human rights activity. After the war, many of the NGOs created during wartime refocused on gender problems and served as important institutional facilitators of women's legal mobilization. Third, my research indicates that the effect of the disruption of gender hierarchies was multiplied by the more general process of community disintegration. Clans and family elders became substantially less powerful as a result of killings of community leaders, mass migration, and intra-communal feuds. Thus the war disrupted not only gender hierarchies, but also other social

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hierarchies based on age and status, which diminished the effectiveness of social pressure on women to abstain from going to state courts.

I found that the political context of the conflict played an important moderating role on the effect of war on legal pluralism. The penetration of state law through disruption of social hierarchies was driven by the Second Chechen War. In contrast, communities that were exposed to violence during the First Chechen War ultimately rejected Russian state law and rely primarily on Sharia and adat. In these communities, the structural effects of the disruption of hierarchies have been overshadowed by alienation from the Russian state. I explain this discrepancy by showing how communities that were victimized during the First War developed strong collective martyr identities which filtered blame for the war into the outright rejection of the Russian state. This happened during the interwar period, when Chechnya was de facto an independent state run by the former rebels. In contrast, the political context in the aftermath of the Second War, won by the Russians, prevented the formation of such collective identities. Therefore, the structural effects of violence, in particular on gender relations, became especially prominent.

My dissertation establishes that war-induced female empowerment in Chechnya faced a strong backlash from the Chechen regional government. The most notorious manifestations of the neotraditionalist policies of the Chechen government are the semiformal introduction of polygamy, support for the practice of honor killings, and a restrictive female dress code. Furthermore, the men in charge of state law actively disrupt its functioning in gendered cases. For instance, law enforcement agencies do not enforce child custody decisions in favor of mothers, and police officers simply ignore complaints related to domestic violence. In fact, I find that state officials in Chechnya are less supportive of state law than the average Chechen.

I explain this fact by two principal factors. First, the structural legacy of war turned former rebels into government officials. The Kremlin's policy of outsourcing the governance of Chechnya to

a faction of rebels who defected from their brothers-in-arms and became pro-Kremlin loyalists resulted in a large share of former fighters in the government. Many of these people did not receive any formal state education and spent their youth fighting the war. So, one explanation of the paradox of antistate officials is who they are, which is a structural legacy of the militarization of authority that is also present in other contexts (Wood 2008).

A supplemental (rather than alternative) explanation is that Kadyrov's government promotes legal pluralism and therefore undermines state law strategically. This strategy makes a tacit concession to a powerful constituency that has independent means of social control. In other words, the government allows men to use custom and religion to keep control over their families in exchange for their political loyalty. Thus, I argue that government policies towards legal pluralism follow the logic of coalition-building.

My dissertation also uncovers other strategic reasons for the government to promote legal pluralism. First, this policy allows the government to borrow legitimacy from tradition and religion, both of which have large appeal among the Chechen population. Second, legal pluralism increases the government's discretion and allows it to cherry-pick norms across alternative orders while avoiding the regulations embedded in them. Finally, the promotion of legal pluralism gives Kadyrov's government additional leverage vis-à-vis the Kremlin that imposed the government. Practices of collective punishment, polygamy, and honor killings, widely discussed in the Russian media, are all strong signals to the Kremlin that it cannot rule Chechnya directly and that its local intermediaries are indispensable.

That said, my study shows that the government does not fully abstain from utilizing state law. I show that the government uses state law overwhelmingly in the communities of those who were defeated in war. These communities were the centers of resistance during the war, and in the postwar period they are perceived as the most disloyal. My interviews suggest that criminal and civil cases

initiated by the government in war losers' communities largely serve as mechanisms of extortion.[3] In short, the government uses law to force the population to pay taxes and utility tariffs that are often arbitrary and very high. I interpret this result as more evidence of coalition-formation logic, one based on the cleavage between the winners and losers of the war. Thus, my study shows that legal pluralism is an inherently political phenomenon.

Research Design and Methods

This dissertation is based on a multilevel research design and a mixed-methods empirical approach. The goal of my research design is to analyze the legacies of exposure to conflict at the individual, community, and societal levels. To achieve this goal, my research design leverages variation within Chechnya and also puts Chechnya into comparative perspective with the neighboring Republic of Ingushetia.

At the individual level, I investigate attitudes and behavior towards alternative legal orders. I also record individual-level indicators of victimization during the war. However, due to the high sensitivity of questions related to conflict, these indicators are likely to be somewhat biased.

At the community level, I explore variation in exposure to conflict within Chechnya. To construct the measure of community-level victimization, I rely on the manual coding of reports from human rights and triangulate these data with elite interviews. I argue that victimization at the community level is not just an aggregation of victimization at the individual level. As a result of killings and induced displacement, victimization at the community level affects the structural composition of

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[3] This claim is also supported by the interviews presented in the International Crisis Group report "Chechnya: The Inner Abroad." According to an expert interview, "None of the rule-of-law institutions work in compliance with the Russian law, not only in law enforcement, but also in civil law. Land code, social and commercial law function through administrative management by local officials who have turned it into a tool for extortion and a source of self-enrichment." p 28.

communities. In other words, victimization at the community level affects not only individuals but also the relations between them (social structure and networks).

An analysis of the legacies of conflict at the community level provides greater analytical leverage, because it makes it easier to identify the fact of victimization, the perpetrator of violence (the state), and the form of violence. In addition, it provides directly comparable units of analysis with high variation. In contrast, research at the individual level is limited because of potential misreporting of victimization, the absence of information regarding the perpetrator of violence, and possible problems of comparability due to selection effects related to killings and displacement. To strengthen the claim that exposure to conflict at the community level has a causal impact on legal choices, I use district-level fixed effects and an instrumental variable approach. I instrument exposure to conflict using proximity to the Russian army's path – a decision that I defend in greater detail later in the dissertation.

Finally, my analysis at the societal level compares Chechnya with the neighboring region of Ingushetia. This analysis allows me to estimate the effect of the war on Chechen society as a whole, rather than exploring variation among communities and individuals. Ingushetia fills the role of a control comparison. The Ingush people live under the same constellation of legal orders as Chechnya's population: Russian state law, Sharia, and adat. Like the Chechens, the Ingush people belong to the Vainakh ethnic group; they share customs and social structure. Until 1992, Checheno-Ingushetia was a single federal unit within the USSR and subsequently Russia, but in 1992 they separated: Chechnya proclaimed independence from Russia while Ingushetia remained within the Russian Federation. As a result, Ingushetia was not affected by the Russo-Chechen wars.[4] Thus I treat Ingushetia as a

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[4] In 1992 for a short period (one week), the Ingush were engaged in an intense ethnic conflict with Ossetians over the disputed Prigorodny district. The conflict led to killings and displacement of many Ingush people, however, the conflict was not nearly of the same intensity as the Chechen wars. I estimate the legacies of victimization during the Ossetian-Ingush conflict on legal behavior and attitudes in Ingushetia, which enables me to compare the legacies of different forms of conflict – war and ethnic pogrom.

controlled comparative case for Chechnya: the case showcases how the interrelationship between alternative orders pans out in the absence of prolonged conflict.[5]

For the macro-level analysis that tests the hypotheses regarding government policies towards legal pluralism, I compare Chechnya with both Ingushetia and Dagestan, another Muslim-majority region of the North Caucasus that borders Chechnya. I also conduct a cross-temporal analysis and compare Kadyrov's Chechnya (2007-2017) with the de facto independent Chechen Republic of Ichkeria (1991-1999).

Qualitative Research

I employed a mixed-methods approach for collecting evidence to test my hypotheses. The building block of my study was extensive qualitative field research. My qualitative research included semistructured interviews, archival materials, secondary ethnographic sources, and observations of court hearings and dispute resolution practices by nonstate authorities, which I witnessed during seven months of fieldwork. Overall I made seven research trips to Chechnya, with each trip lasting on average one month. During my fieldwork, I lived with Chechen families, which helped me to develop good field awareness and local knowledge of the alternative normative orders.

I conducted 115 semistructured interviews for this dissertation. Of these, 73 were conducted in Chechnya, 20 in the neighboring Republic of Dagestan, 14 in the neighboring Republic of Ingushetia, and 8 with the members of the Chechen diaspora in Europe.

The interviews were conducted primarily in Grozny, the capital of Chechnya, as well as in several other towns and villages across Chechnya. The locations were selected to obtain variation in exposure to conflict during the wars and to represent different geographic regions of Chechnya, in

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[5]The war in Chechnya had spillover effects on Ingushetia; therefore, my design is subjected to inferential problems. However, since the spillovers from the war are likely to diminish the difference between Chechnya and Ingushetia, this potential bias is likely to attenuate the effects that I obtain.

particular lowland and mountainous areas. In each of these locales, I interviewed authorities in charge of all three alternative legal systems: judges, prosecutors and police officers (Russian state law), imams and qadis (Sharia), and elders (adat). In addition, I interviewed leading Chechen ethnographers, historians, journalists, and members of NGOs.

To recruit respondents, I relied on the networks that I had established during my first preliminary trip. In particular, I secured interviews through referrals from local academics and NGO members. Referrals were particularly effective in securing interviews given the density of social networks in Chechnya.

All interviews and group discussions were conducted in Russian. All my respondents were proficient in Russian, therefore the research did not require translation. The interviews lasted from 40 minutes to 5 hours. The majority of my respondents were male, which reflected the power structure of Chechen society. However, given that alternative legal orders have a large differential impact on men and women, I conducted 20 interviews with female lawyers, police officers, NGO members, and journalists.

Given the repressive nature of the political regime in Chechnya, I took special care to ensure the privacy, confidentiality, and security of my respondents. Each interview was conducted in private, in most cases in respondents' homes or offices. The interview began with the reading of an informed consent protocol along with a detailed explanation of the purpose of the research. Following Derluguian (2005) and Driscoll (2015), who also conducted research in postconflict regions of the former Soviet Union, I took notes but did not record interviews. Nowhere in my notes did I record the real names of the respondents or other identifying details. In the field notes and throughout the text I use pseudonyms.

During the interviews, I asked my respondents what are the most common disputes in contemporary Chechnya, how these disputes are usually resolved (actual practices), and how they

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believed the disputes should be resolved (normative beliefs). In addition, I asked them how other Chechens choose between multiple alternative legal forums and who prevails if two sides of a dispute prefer different forums. The interviews also covered my respondents' life stories, in particular their memories of the wartime periods, and their views on Chechen history in general.

Most respondents were enthusiastic to participate in the interview regarding Chechen customary law and religion. The strong custom of hospitality was also beneficial for my research: many people invited me to spend time with them, and often formal interviews were followed by long informal conversations during meals. At the same time, some respondents were suspicious of my research, attributing it to the government of the Chechen Republic or foreign intelligence organizations. However, only four people whom I contacted refused to be interviewed.

In addition to the interviews, I researched secondary sources, mostly ethnographic studies on Chechen customary law and Sharia, which were produced by Russian imperial officers and later Soviet ethnographers. Based on these qualitative materials I analyzed the functioning of legal pluralism in Chechnya. In the analysis, I identified the most common disputes in Chechnya, traced their resolution practices, and recorded justifications for the choices between alternative orders.

A significant part of my qualitative research was devoted to reconstructing the wartime history of victimization and politics, which are especially sensitive topics. In general, people in Chechnya are hesitant to talk about the period of de facto independence (1991-1999) and war, and the current regional government actively seeks to destroy any records of the secessionist period. For example, all books and periodicals from that period have been destroyed in the regional archives and libraries.

To measure victimization at the community level, which is an important variable in my analysis, I relied on manual coding of the reports of violent events during the insurgency and counterinsurgency that followed the Second War (2000 - 2009) that had been compiled by Memorial, an NGO. I triangulated this data through the expert interviews. Overall, I conducted 18 interviews

related to the matter of wartime victimization. The interviewees represented different political sides during the war, different regions, and different wartime roles. All interviews were asked to name the 10 communities that had been most victimized during both the First and the Second Chechen Wars.

Qualitative research allowed me to understand the functioning of legal pluralism in contemporary Chechnya and highlighted the most notorious legacies of conflict. In order to investigate the relationship between these legacies and individual behavior and government policies under legal pluralism, I relied on quantitative analysis of original surveys and a novel dataset of all criminal and civil cases in postwar Chechnya; these are described in the next subsections.

Survey Research

I relied on survey research to systematically investigate preferences for alternative legal orders. The principal feature of my surveys was that they were grounded in my qualitative research. The main questions that aimed to reveal preferences for alternative legal orders were based on a set of vignettes – scenarios of disputes uncovered in my interviews, archival research, and observations of resolution practices. Based on these materials, I designed 10 vignettes involving the following issues: (1) child custody, (2) domestic violence, (3) bride kidnapping, (4) honor killing, (5) polygamy, (6) inheritance, (7) property, (8) car accident, (9) debt, and (10) murder. Each vignette is a composite of multiple actual cases.

Each dispute is modeled in order to provide the respondent with a conflict between the legal systems: the three alternative legal systems would be expected to lead to different outcomes. For example, the inheritance dispute is represented with the following vignette:

> Khasbulat, who recently passed away, is survived by his son and his unmarried daughter. Both sides claim rights to Khasbulat's house and land plot and fail to agree on inheritance between themselves.

The questions following the vignettes asked respondents to choose the best forum for dispute resolution from among state law, Sharia, and adat. In the vignette described above there are divergent expected outcomes. Russian law assumes that both sides should receive equal shares of the inheritance. According to Sharia, the son should receive two-thirds and the daughter one third of the inheritance. According to adat, all property belongs to the son.

Aggregated responses to the vignettes serve as indicators of the demand for law. In addition, the survey records the actual dispute resolution practices; individual-level measures of victimization during the conflict, including the history of displacement, property loss, wounds, and killings; and relevant sociodemographic factors.

The survey was organized by the author. No major Russian or international polling firms work in Chechnya. Moreover, my consultations with researchers and NGO workers in Chechnya while I was preparing for the study suggested that many people in Chechnya will not talk to outsiders. Therefore, I relied on local enumerators. I hired and trained 35 interviewers who were either students at Grozny State University or junior research fellows at the Chechen branch of the Russian Academy of Sciences. After a two-day training, I asked the interviewers to list communities (villages and urban districts) where they would be comfortable conducting surveys because they were either from there or had strong family ties to them. I matched this list with administrative records about the population size of urban districts and villages across Chechnya to build a sample for the survey.

My sample is random and proportional to all Chechen cities, districts, and the most populous villages. The survey also includes all major Chechen clans (*teips*). Employing local enumerators allowed me to obtain a high response rate: 81.4% of selected individuals agreed to take part in the study. I asked interviewers to write daily diaries about their experience while conducting the survey.

In addition, I conducted a similar survey in Ingushetia (N=400). In Ingushetia, the survey was conducted by six professional interviewers, whom I trained. The sample was based on the all-Russian

census of 2002 and included proportional quotas for all settlements of Ingushetia with a population greater than 10,000 people. Within selected communities, interviewers were asked to follow the same protocols that were used in Chechnya.

Court Cases Data

I also conducted quantitative analysis of behavioral data from all civil and criminal cases heard in the magistrates' courts in the Chechen Republic from 2010 to 2016. The magistrates' courts constitute the lowest level of the court system in Russia and therefore present the highest level of spatial variation that I can relate to the legacies of conflict.

This analysis has important limitations. Most crucially, there is only data on the use of Russian state courts, and no matching behavioral data on the use of Sharia and adat arbitration.[6] However, the data provide important additions to my analysis. First, it allows one to understand whether attitudes recorded in my survey research translate into behavior. This can overcome the potential problem that survey responses could be untruthful and not match behavior. Second, these data allow me to analyze government policies towards the use of state law, and therefore test competing hypotheses about government logic in the provision of state law.

Magistrates' courts were established in Chechnya in 2010. There are 66 courts in the republic. Utilizing web-scraping, I collected data on all civil cases adjudicated in magistrates' courts in Chechnya from 2010 to 2016. I identify the legal personality of the plaintiffs in the cases by distinguishing cases where the plaintiff is a natural person from those where the plaintiff is a state agency. I also identify the gender of the natural person plaintiffs in order to test my hypotheses about women's utilization of state law.

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[6] Data for the use of the alternative legal orders do not exist. Adat is carried out informally. And even though qadi positions are semiformal in Chechnya, they do not keep any written records of their dispute resolution practices.

The results of the analysis of the different types of data and data from different sources converge. That gives high credibility to the results. In each section, I return to the qualitative materials to establish the mechanisms that lay behind the patterns established in my quantitative research.

Plan of the Dissertation

The remainder of this dissertation consists of seven substantive chapters and a conclusion. Chapter 2 presents a theoretical framework in which I hypothesize how the legacies of conflict shape the demand for law (i.e., individual choices among different legal orders) and the supply of law (i.e., government policies towards legal pluralism). First, I provide conceptualization of the main terms. Second, I model the choice among alternative legal orders as a function of three parameters: (1) the instrumental motivation for the pursuit of self and group interests, (2) the normative motivation for choosing a legal order in line with the salience of ethnic and religious identity, and (3) social pressure from families and communities to rely on customary and religious law. I then hypothesize how different wartime legacies influence the weight of these parameters. In particular, I contrast the psychological legacy of alienation with the structural legacies of female empowerment and community disintegration. Third, I model government policies towards legal pluralism and distinguish three potential outcomes: suppression, tolerance, and support. I then theorize costs and benefits from carrying out the respective policies and highlight the role of state capacity, the quest for legitimacy, and discretion as factors that determine government policies. Finally, I theorize how the logic of coalition formation shapes the interaction between the supply and demand for law. I argue that the gender cleavage and the cleavage between war winners and losers are the core structuring principles of state-society relations under legal pluralism in the postwar period.

Chapter 3 is devoted to reflections on fieldwork, research design, and methods. I discuss in detail the formation and evolution of the project and the interactions between inductive and deductive

phases of the work. The chapter also reflects on the ethics of fieldwork under authoritarian postwar conditions. I discuss researcher subjectivity, security considerations, and building relationships in the field. I analyze in detail some particular methods that I used to conduct survey work in insecure environments, namely a reliance on vignettes and the use of insider interviewers.

Chapter 4 provides a historical narrative of the formation of legal pluralism in Chechnya. In this chapter, I present an account of the formation and development of legal pluralism under the Russian imperial administration, the Soviet government, the post-Soviet period of the independent Chechen State of Ichkeria, and during the Russo-Chechen wars.

Chapter 5 analyzes the functioning of legal pluralism in contemporary postwar Chechnya. I describe the normative basis, the actors in charge of dispute resolution, the most common disputes, their forms of resolution, and individual and government views on these issues. I highlight the presence of strong ideological camps supporting adat and Sharia, and the simultaneous presence of forum-shopping. I explore the factors that drive individual preferences for the alternative legal orders.

Chapter 6 presents an analysis of the effect of conflict on preferences for alternative legal orders in Chechnya. First, I give a brief description of the Chechen conflict that escalated into the First Chechen War (1994-1996) and the Second Chechen War (1999-2009). This narrative does not pretend to be a comprehensive history of the conflict; instead, it highlights the factors that are relevant to my analysis. I draw special attention on the victimization of civilians and the contemporary perception of the behavior of the conflicting sides. The core of the chapter is the analysis of the effect of victimization at the individual, community, and the societal levels on choices among the alternative legal orders. I highlight that individual-level factors of victimization have low predictive value. The only factor that is related to legal attitudes is displacement. I use my qualitative data to explain these results. I pay special attention to the role of blame attribution in moderating the effects of experience of conflict on legal attitudes and behavior. Next I move my analysis to the community level and show

that victimization during the First Chechen War led to alienation from state law, while in contrast, victimization during the Second Chechen War led to the penetration of state law. I again refer to my qualitative analysis and highlight the role of the political contexts of the war and the process of collective identity formation to explain this divergence. I use case studies of three villages for a detailed analysis of this logic.

Chapter 7 is devoted to the exploration of the legacy of the wartime disruption of gender hierarchies on female mobilization through state law. First, I show that gender is the single most powerful predictor of demand for state law in Chechnya. Women choose Russian state law more than men in all 10 disputes presented in my study, both in gendered disputes, such as child custody and polygamy, and disputes that are unrelated to gender, such as car accidents, debt, and murder. In line with the theory, the gender gap in support for state law within Chechnya is especially large in more victimized communities. I show that the results from attitudinal data correspond to behavioral evidence: data from courts show that women are the majority of plaintiffs in civil cases in Chechnya, and that they are especially likely to go to courts in more victimized communities. Finally, the large gender gap in legal choices in Chechnya is in striking contrast to the absence of such a gap in Ingushetia, which is almost identical culturally, but did not experience war. I highlight three mechanisms behind female empowerment in Chechnya: change in the labor market, community fragmentation, and proliferation of NGOs that are focused on female empowerment.

Chapter 8 is devoted to the exploration of government policies towards legal pluralism. I highlight several factors that explain government policy on promoting legal pluralism: legitimacy, discretionary power, coalition-building, and signaling of autonomy. I then contrast these explanations with an alternative explanation based on the logic of low state capacity. I show that the Chechen authorities have high coercive and administrative capacity and their promotion of legal pluralism is driven by strategic considerations. I then show how the conflict affected the strategy of legal pluralism

promotion. In particular, I highlight the structural effect of war-induced change on government composition. I show that, as a result of conflict, many government officials in Chechnya are former rebels who hold strong customary and religious identities and sabotage state law due to their beliefs. I also contend that the government as a whole sabotages state law and promotes rigid interpretations of customary law and Sharia to counterbalance the female demand for state law. This allows the government to build a tacit contract with men and traditional powerholders: loyalty in exchange for power within their households. This policy, which primarily targets the government's core constituency of communities associated with war winners serves as a carrot. In turn, the government uses state law against war losers as a stick. Thus, I show that supply of law in a postconflict environment is inherently political and serves the logic of coalition formation even in extremely authoritarian regimes.

Finally, in the conclusion, I summarize my results and discuss their implications for the study of conflict legacies, the rule of law, and state-building in a postconflict environment. I also discuss the implications of my findings for Russian politics and in particular for center-periphery relations.

Chapter 2

The Theory: How Conflict May Affect Legal Pluralism

In this chapter, I outline the theoretical framework that guides my empirical investigation. First I discuss the conceptualization of legal pluralism and existing theoretical approaches towards it. Second, I link the concept of legal pluralism with the state-in-society paradigm. Third, I theorize what drives individual choices among alternative legal orders. Fourth, I theorize government policies towards non-state legal orders. Finally, I hypothesize how conflict affects these individual choices and government policies.

Conceptualizing Legal Pluralism

The concept of legal pluralism was introduced in the 1970s and quickly became one of the central notions in legal anthropology, comparative law, international law, and socio-legal studies (Galanter 1981, Griffith 1986, Hooker 1975, Pospisil 1971, Merry 1988, Tamanaha 2008, Teubner 1996). There is even a specialized peer-review journal - *The Journal of Legal Pluralism and Unofficial Law* - established in 1969 that publishes three issues a year on a wide range of topics. Google Scholar shows 442,000 results for 'legal pluralism.'

At the same time, the concept of legal pluralism has become a subject of emotionally loaded, heated debates. For example, Brian Tamanaha (1993) wrote an influential critical article titled "The Folly of the 'Social Scientific' Concept of Legal Pluralism." On the other side, Franz von Benda-Beckmann (2002) published an article "Who is Afraid of Legal Pluralism?" The fundamental issue at stake of this debate is defining 'law.' What is law? Can the systems of non-state private ordering be considered as law?

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The origin of the debate can be traced to Bronislaw Malinowski's (1926) classic work "Crime and Custom in Savage Society," where he investigated how 'primitive societies' maintained order without European law. Malinowski (p 14) concluded that law among the Trobriand of Melanesia was not to be found in "central authority, codes, courts, and constables," but rather in social relations. He wrote: "The rules of law stand out from the rest in that they are felt and regarded as the obligations of one person and the rightful claims of another." Malinowksi (p 76) also emphasized that "reciprocity, systematic incidence, publicity, and ambition will be found to be the main factors in the binding machinery of primitive law." The problem with this approach towards law emphasized by several commentators is that it is so broad that it makes it indistinguishable from obligatory aspects of social relations (Moore 1978, p 220, Tamanaha 2008).

Another influential approach towards law, associated with Max Weber and Adamson Hoebel, defines law in terms of institutions in charge of enforcement of norms (Tamanaha 2008). The most commonly used definition of law in this tradition was proposed by H.L.A. Hart (1961). According to Hart (p 89-96), law exists where there is a combination of primary rules of obligation, and secondary rules to identify, apply, and change the primary rules. This definition implicitly links law to the state. This is unacceptable for legal pluralists. For example, anthropologist Leopold Pospisil, one of the pioneers in the study of legal pluralism, concluded that "every functioning subgroup in the society has its own legal system." Laura Nader and Harry Todd (1978), other leading legal anthropologists stated in their book on disputes: "Not all law takes place in courts."

Thus the issue of defining what law is and what it is not became one of the central preoccupation in the literature on legal pluralism. As a result, the large share of theoretical work on legal pluralism is descriptive and conceptual. For instance, Griffith (1986) wrote that "the descriptive theory of legal pluralism is the theory of the normative heterogeneity entailed by the fact that social space is normatively full rather than empty, and of the complexity of the working of norms entailed

by such heterogeneity." Tamanaha (1993) in his analysis of Griffith's theoretical approach stated that "a central objective of a descriptive conception of legal pluralism is therefore destructive: to break the stranglehold of the idea that what law is, is a single, unified, and exclusive hierarchical normative ordering depending from the power of the state."

According to Merry's (1988) review of the literature on legal pluralism, the most enduring generalizable and widely used descriptive theory of plural legal orders is Sally Frank Moore's notion of the semi-autonomous social field. The semi-autonomous social field "can generate rules and customs and symbols internally," but "is also vulnerable to rules and decisions and other forces emanating from the large world." Moore's approach was very useful in exploring interactions between normative orders that are fundamentally different from each other. The concept highlighted "dialectic mutually constitutive relation between state law and other normative orders" (see Merry 1988). Merry summarizes the research in this tradition the following way: "state law penetrates and restructures other normative orders, and at the same time the way that nonstate normative orders resist and circumvent penetration or even capture and use the symbolic capital of state law."

Importantly, Moore refused to equate regulation of a semi-autonomous social field with law (Moore 1978). Similarly, Merry (1988 p 879) stated that "tremendous variation in normative orders and the diversity of particular situations" make it nearly impossible to make a valid and reliable distinction between law and a normative order. Tamanaha (1993) persuasively argued that state law is fundamentally different from the notions of normative order or social control. He wrote: "Due to its life within the legal apparatus of the state, a state law norm is law regardless of whether its norms actually relate to concrete patterns of social ordering. But a norm of non-state 'law' (in the concrete patterns of social ordering sense) ceases to be 'law' when it is no longer a part of the social life of the group" (p 209).

Thus, from a conceptual point of view, it might be safer to use the terms 'normative pluralism' or 'regulatory pluralism' instead of the concept of 'legal pluralism' that sparks such heated debates. However, Tamanaha (2008) who has been one of the major critics of the concept of legal pluralism, proposed a simple solution to the problem. He wrote that scholars should treat law as a 'folk concept,' that is "law is what people within social groups have come to see and label as 'law.'" This approach resonates well with the old anthropological idea that scholars should use native terminology, rather than universal categories (Bohannan, 1957). As I show in the subsequent chapters, state law, Sharia and customary law (adat) are considered in Chechnya as legal systems. Moreover, such constellations of state law, religious law and customary law is quite common across the globe and is conceptualized as legal pluralism (von Benda-Beckmann 2002, Bowen 2003). Thus, I conclude that the concept of legal pluralism is both locally grounded and assures comparability with other cases.

The ultimate goal of my study is not a descriptive theory of legal pluralism or law, but rather a causal theory of state-society relations and state-building. Scholars of legal pluralism, tired of the conceptual battles, have also been advocating for the study of the transformation of legal systems. Merry (1988, p 879) expressed this idea most clearly: "The existence of legal pluralism itself is of less interest than the dynamic of change and transformation." As an example, Merry referred to the study by Starr and Pool (1974), who showed that drastic law reforms introduced into Turkish society in 1926 produced relatively little change in the normative ordering of local villages. Following this call for studying social change, I theorize how experience of conflict change individual and government behavior under legal pluralism. However, before turning to the hypotheses of the causal theory, there are a few remaining conceptual issues that have to be clarified. In particular, I will discuss the concepts of 'customary law' and 'Sharia.'

The scholarship in law and society studies has shown that in many instances what was labelled 'customary law' was not customary or traditional, but instead was the product of colonial encounter

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(Chanock 1985, Moore 1986, Snyder 1981). For example, Snyder (1981) showed how French colonizers created 'customary law' in Senegal to advance their economic interests through their own ideology of land ownership. Mamdani (1996) shown that the colonial powers' appropriation and transformation of customary law strengthened local elites – chiefs, who dramatically increased their despotic power. More generally, codification and selective interpretations of customary law by the colonial powers and their local intermediaries fundamentally changed the nature of indigenous dispute resolution. Tamanaha (2008) describes this process in the following way: "The basic problem is that local norms and processes could not be removed from their original medium without losing their integrity. In many indigenous contexts, rules were not treated as binding dictates, but rather as flexible rules that could be negotiated in the course of resolving disputes." Thus, customary law as we know it in the contemporary form should be considered as historically specific product of colonialism. As Chapter 4 will show this was to some extent also true in Chechnya. Thus, one has to be careful when talking about the 'customary' in customary law.

Similarly, there is also an issue what Sharia is and whether Sharia is law. Muslims around the world view Sharia as a "total discourse" (Messick 1996 p. 2), i.e. the most encompassing regulations of all spheres of life. Sharia is based on the Koran and Sunna – the sayings and deeds of the Prophet Muhammad. Historical and anthropological research has shown that Sharia is not just a set of rules, but also a set of social practices, institutions and personnel (Hallaq 2005, Hefner 2011, Hussin 2016, Messick 1996). Geertz (1983) and Rosen (1989) have characterized Islamic law as a broad cultural system, which determines the ideas about truth, rights, and personhood.

There is a distinction between Sharia as the divine path or God-given justice and *fiqh* (lit. "understanding") as Islamic jurisprudence – application of Sharia by jurists. However, the concept of *fiqh* is not widely used or even known in Chechnya, therefore Sharia is a much more appropriate term to encompass the beliefs and practices of Islamic justice.

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Scholars have shown that practices and understandings of Sharia have been profoundly shaped by colonialism and post-colonial projects of nation-building (Messick 1996, Hussin 2016). Hussin (2016) documented how "Islamic law, whose classical formulation is as an all-encompassing, judge-arbitrated and locally specific system, become the state-controlled and limited province it now is in the majority of Muslim states." Hussin (2016) argues that the transformation of Sharia "did not simply occur as an imposition by the colonialists; it was the outgrowth of complex interactions and negotiations between local elites and colonial officials."

Asad (2003: 104) distinguished different "parts" of Sharia: most importantly, the legal part, that includes conventionally recognizable sphere of justiciable legal rules and related reasoning and argumentation, and the ethics part, that contains moral dispositions and ritual practices.

Kendhammer (2016) showed that in elite and mass discourses in Nigeria, Sharia is often framed beyond legal and ethical domains and is understood as populist economic and social reforms, good governance, constitutional rights, and accountability of politicians. In light of these findings, the fundamental question is: when Sharia should be understood as law?

Erie (2016) in his study of the interrelationship between state law and Sharia in China argued that locals perceive Sharia as law, and therefore it should be considered law. One of his interlocutors put it very sharply: "We consider it law. If we fail to abide by what the Qur'an says in this life, then we will be punished in the afterlife… If you don't think these are law, then you don't understand Islam." Following Asad, Erie also cleverly distinguishes between legal and ethical parts of Sharia. The former is related to for example, the Koranic inheritance shares or rules of divorce. The latter includes rites, etiquette, dietary restrictions, dress code, and other standards of behavior derived from the religion of Islam. This is also true for customary law. For instance, in Chechen, there is a distinction between *adat* as customary law and *gilkh* (or *ezdel* among Ingushs) as the norms of morality. This

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observations highlights once again the principal role of local systems of meaning for the study of legal pluralism.

Highlighting the role of legal pluralism in the local systems of meaning has been one of the major contributions of the interpretivist approach in the law and society studies. Most notably, Geertz (1983) showed how understanding and the use of law reflect cultural codes for interpreting the world, and construct 'facts,' 'truth,' 'justice,' 'responsibility,' and 'causality.' Similarly, Bowen (2003) showed how state law, Sharia and adat in Indonesia serve as repertoires of reasoning about how 'family' is to be understood and reproduced. More generally, Bowen (2003: 8) wrote that "analyzing disputes has long been a particularly illuminating way to understand how a wide range of actions are shaped by ideas, norms, and interests." In my study, I build on these insights on the complexities of local legal sensibilities, but deliberately simplify the setup of legal pluralism in order to make it legible for a causal positivist theory that I root in the state-in-society paradigm.

Theoretical Framework

My theoretical framework builds on the state-in-society approach (Migdal 1988), which views state-building through the lens of competition for social control between state and nonstate orders. The problem of social control is reflected in the fundamental question: Who has the right and ability to make the rules that regulate personal behavior? Migdal highlighted that "state social control involves the successful subordination of people's own inclinations of social behavior or behavior sought by other social organizations in favor of the behavior prescribed by state rulers." This framework emphasizes the regulatory dimension of state capabilities, a dimension that is understudied relative to the extractive domain.

Migdal's state-society approach is closely related to Mann's (1984) concept of infrastructural power, defined as the capacity of the state to penetrate civil society. In both approaches, the state is

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conceptualized in the Weberian spirit as "a monopoly of authoritative binding rule-making, backed up by a monopoly of the means of physical violence" (Mann 1984, p 188).

Migdal emphasized that most societies experience an antagonistic relationship with justice itself and also with the state that represents the rules of justice. In strong societies, based on clan, ethnic, and other group solidarities, social control is fragmented and "the numerous systems of justice operate simultaneously;" this is a definition of legal pluralism. According to Migdal, nonstate legal orders entail holistic systems of meaning and symbolic configurations. They generate ideological beliefs and myths, and also establish strict rules of behavior. Authorities in charge of these institutions use sanctions, rewards, and symbols to induce people to follow the rules. Enforcement in these systems is based on violence, withdrawal of social status, and ostracism.

The core postulate of Migdal's approach is that the capacity of states to regulate societies and establish state predominance is based on the structure of society. Similarly, Black (1976) presented a structuralist model that postulates that state law varies inversely with other forms of societal control: the stronger families and clans are, the less people use law. This also means that the more people use customary and religious orders, the less they use state law. Black also proposed how social stratification, density of social networks, size of communities, culture, and organizational forms affect the presence of law. These patterns are based on the idea that "law is a quantitative variable. It increases and decreases. A complaint to a legal official, for example, is more law than no complaint" (p 3).

Helmke and Levitsky (2004) presented a more nuanced framework for analyzing the relationship between formal and informal institutions. Among other things they explored the relationship between state law and informal legal orders based on custom and religion. The authors presented a typology of four patterns of formal-informal institutional interactions: complementary, accommodating, competing, and substitutive. Helmke and Levitsky conceptualized legal pluralism as

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competing interaction. The wrote: "Competing informal institutions are often found in post-colonial contexts in which formal institutions were imposed on indigenous rules and authority structures… Scholars of legal pluralism have argued that the imposition of European legal systems created "multiple systems of legal obligation." Because these systems "embodied very different principles and procedures," adherence to custom law at times required a violation of state law (and vice versa)" (p 729.) Helmke and Levitsky's typology provides a good descriptive framework, but because of its structuralist nature it leaves no space for analyzing motivations of the actors who use formal and informal institutions.

I depart from the structuralist framework. Social structure plays an important role in the struggle for social control, but the actors involved in this struggle are governments and individuals. Therefore, I focus on agency and theorize how social structures affect agents' behavior. I distinguish between individual choices among multiple alternative legal orders, which I conceptualize as the demand for law, and government policies towards the alternative orders, which I conceptualize as the supply of law. First, I theorize how people choose among multiple alternative legal orders. Second, I theorize what drives government policies towards the alternative legal orders.

According to Migdal, the necessary condition for the prevalence of state law is a massive social dislocation that severely weakens societal control. Major social disturbances that have rocked pre-existing social structures include plague epidemics in Europe, the spread of the world economy through European colonization, and wars. Migdal acknowledged that the most common sources of disruption of pre-existing forms of societal control include "wars, revolutions, and associated with them massive migration" (p 270). I follow this idea and focus in my theoretical framework on conflict as the main independent variable. First, I outline psychological, societal, and political legacies of armed conflict that can affect both the demand for law and its supply. Second, I discuss different scenarios

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regarding how supply and demand for law interact and how postwar coalition-formation logic affects those interactions.

I do not claim that the prevalence of state law over informal dispute resolution systems is a normatively desirable outcome. In the end, even in advanced democratic societies, people settle the majority of their disputes through informal mechanisms rather than in courts (Ellickson 1991, Macaulay 1963). Furthermore, state intervention in society is often oppressive and faces resistance (Scott 2009). However, where nonstate legal orders directly contradict or challenge state legal systems, their relative prevalence is an important indicator of state capacity.

How Do People Choose Among Laws?

In this section, I theorize how people choose among multiple alternative legal orders. I posit that choices among alternative legal orders are motivated by normative and instrumental considerations. The contrast between normative and instrumental motivations in theorizing human choices is a long-standing theme in the social sciences (Elster 1989) and is a useful template for modeling choices among alternative legal orders.

Normative Choice

Normative choices - what ought to be done – are driven by beliefs about legitimacy. Historically, appeals to divine or traditional origins of power were the most common form of legitimacy (Hechter 2009). Legitimization continues to be affected by identity concerns in the modern world (Gibson 2009). For instance, Tom Tyler highlighted the influence of identity on legitimization in his work on the group-value model of procedural justice (Tyler 1989). This model implies that individual beliefs about legitimacy are driven by identification with groups. If these group affiliations are associated with distinct normative systems, this implies that the salience of such affiliation will

determine legal preferences and behavior. For instance, if a person has a strong ethnic identity, he or she might be inclined to choose customary law. On the other hand, if a person has a very strong religious identity, she or he might always choose Sharia law, irrespective of any practical considerations.

Normative choices are especially likely to prevail in the domain of moral issues, most importantly in family law. Questions of control of sexuality, honor, and shame are crucial for ethnic and religious boundary-making, therefore nonstate legal orders expend special effort to police these spheres (Htun 2003; Hussin 2016, Sezgin 2013).

Attachments to tradition and religion can be particularly strong when they are contrasted with a state authority that is considered "alien," that is, one that represents either a colonial power or an occupation force (Hechter 2009). Following the logic of normative legitimization, the literature on institutional transplants argues that an externally imposed legal order will be rejected if it is not congruent with the dominant value system of the population (Berkowitz et al. 2003).

Instrumental Choice

In contrast to a normative approach, the instrumental or rational choice approach assumes that if alternative legal systems lead to divergent outcomes, individuals should be inclined to engage in forum-shopping and choose the legal system that best serves their own self-interests. Forum-shopping is pervasive in many contexts, from international trade arbitration (Busch 2007) to choosing customary forums in western Sumatra (von Benda-Beckmann 1981).

The concept of self-interest is potentially so inclusive as to be nonfalsifiable. I operationalize self-interest as getting the most favorable judgment or verdict in a dispute. I assume that, in addition to pure self-interest, individuals may have group interests driven by a realization that a particular legal order usually provides better outcomes to the group with which they identify. Research on sociotropic

behavior (Kinder and Kiewiet 1981) shows that people often make decisions based on group rather than individual benefits. The group can be based on ethnicity, religion, class, or other factors. For instance, customary law gives a lot of power to elders (Young 1994). Therefore, it is plausible to assume that older people will be more likely to choose customary law. Another potential group interest under legal pluralism is related to the group's size: individuals who belong to large clans might expect to get a more favorable outcome through a customary law forum that is based on the principle of collective responsibility.

Arguably, the most important group interest under legal pluralism is gender. Customary law, as a cornerstone of clan-based governance, is explicitly discriminatory towards women (Hudson et al. 2015). The same is largely true for religion-based legal orders, especially when these orders are appropriated and enforced by the state (Sezgin 2013). Hirsch (1998), Mir-Hosseini (1993), and Orsanloo (2009) showed how women often successfully mobilize Islamic legal notions to concretely improve their living conditions. Thus, Islamic law gives women some agency for protecting their rights. But in relative terms, religious legal orders discriminate against women more than secular statutory laws. State law based on Western standards typically assumes formal gender equality and therefore is relatively more beneficial for women. Sandefur and Siddiqi (2013) provided empirical support for this claim with the data from dispute records and surveys in Liberia. Therefore, women and other groups marginalized by religious and customary law (such as the poor or ethnic minorities) have instrumental motivation to rely on state law.

The pursuit of self and group interests is countered not only by normative considerations but also by social pressure. Families and communities led by powerholders who are the beneficiaries of customary and religious norms impose social sanctions, including sanctions as severe as ostracism, upon individuals who utilize state law. Relatedely, Engel (2016) and Hendley (2017) showed that individuals often opt out of using courts in order to reserve good relations with their family memebers,

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neighbors, and communities. Community cohesion determines the effectiveness of social pressure. Expectations of the social cost associated with relying on state law are therefore a necessary part of instrumental calculations.

Sandefur and Siddiqi (2013) presented a simple economic model of individual choices under legal pluralism, in which they contrasted instrumental factors of outcome favorability with material costs of access to justice. Material cost is definitely an important factor in legal choices. However, I focus on the contrast of outcome favorability with normative considerations and social pressure, which allows me to incorporate the psychological and social dimensions of legal choices.

I assume that any legal choice is based on the relative prevalence of normative versus instrumental considerations. I argue that legacies of conflict can affect the weights of these considerations and therefore shape legal choices. In particular, I hypothesize that exposure to conflict might actualize group interests though the wartime transformation of social roles, especially in gender relations, raise the salience of ethnic and religious identities, and diminish social pressure by disintegrating communities. This simple framework allows me to formulate several hypotheses about the role of legacies of violence in legal choices.

Legacies of Conflict and Legal Choices

If behavior towards alternative legal orders is the main outcome of my study, the main explanatory variable of my study is exposure to conflict. Conflict is a complex phenomenon that embodies many components, including mobilization (Shesterinina 2016) and rebel governance (Arjona 2016).

I build on Wood's (2008) framework of the social legacies of conflict, focusing on the legacies that are particularly relevant for legal choices: the effect of conflict on identities, transformation of

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gender roles, and militarization of authority. I also add the division of society into war winners and war losers as a crucial political legacy of conflict.

This framework allows me to explore the consequences of conflict at different levels of analysis. At the individual level, following Kalyvas (2006), I conceptualize exposure to conflict as victimization, the deliberate infliction of harm on noncombatants or civilians. Although there are many forms of violence, and many actors who perpetrate it, I focus primarily on violent acts perpetrated by the state that take the forms of killings, destruction of property, forced displacement, and similar acts. The effects of conflict at this level are hypothesized to operate in the sphere of psychology.

At the community level, I explore the impact of exposure to conflict on networks and social structures. I follow the logic of Rozenas et al. (2017), that victimization at the community and societal levels is not merely an aggregation of victimizations at the individual level. In other words, victimization at the community level affects not only the individuals, but also the relations between them.

At the macro or societal level, the legacies of conflict affect the type of government, socialization patterns, ideology, and other macro-level factors. This conceptualization allows me to simultaneously explore the psychological consequences of conflict on identity, which determines normative legal choices, as well as the structural effects of violence, which influence the instrumental factors underlying legal choices and strategic government decisions.

Alienation

Several studies have found that exposure to conflict affects identity. Balcells (2012) showed that victimization experiences during the Spanish civil war lead to the rejection of the perpetrators' identities. Similarly, Lupu and Peisakhin (2017) showed that the intensity of family victimization during

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the forced deportation of Crimean Tatars predicted stronger Tatar ethnic identity and rejection of the Russian state. Grossman et al. (2015) showed that exposure to combat in the Israeli Defense Force during the Second Intifada hardened attitudes toward Palestinians and reduced support for negotiation and compromise. Rozenas et al. (2017) found a similar pattern at the community level: they showed that communities that were subjected to indiscriminate violence during Stalin's deportation campaign in western Ukraine during the 1940s were now significantly less likely to vote for 'pro-Russian' parties. All of these studies support the alienation logic: individuals exposed to violence became alienated from the perpetrator. States are often the primary perpetrator of violence during civil wars; it is plausible to assume that such victimization will lead to alienation from state law. This logic allows me to formulate the alienation hypothesis:

(H1): Victimization by the state is likely to harden ethnic and religious identities and therefore increase the preference for religious and customary law over state law.

An alternative hypothesis states that victimization by the state may lead people to choose the state over its alternatives due to induced fear (Garcia Ponce and Pasquale 2015).

The impact of victimization on attitudes towards the state versus its alternatives is conditional on which combatant inflicted the harm and also on subjective attribution of blame for it (Lyall et al. 2013).[7] I develop this idea by speculating that victimization translates into alienation through a process of collective identity formation based on the narrative of martyrdom. I assume that individual blame attribution and collective identity formation are mutually reinforcing and serve as filters between victimization and alienation. The formation of a collective martyr identity allows victimized individuals to overcome fear; this is strengthened and transmitted through the socialization process.

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[7] Sasha Klyachkina in her dissertation investigates how blame attribution affected state-society relations in the North Caucasus.

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Disruption of Gender Hierarchies

The second hypothesis is based on the logic of disruption of gender hierarchies as a result of conflict. Wood (2008) emphasized the disruption of gender hierarchies as one of the central social legacies of conflict. Historical research showed that the World Wars spurred female empowerment in the economic and political spheres in advanced industrial counties such as the United States and the United Kingdom (Acemoglu et al. 2003, Goldstein 2003). Recent research has also shown that civil wars also can disrupt and reorder gender relations, spurring women's political representation as a result (Berry and Lake 2017, Berry 2018, Garcia-Ponce 2016, Hughes 2009, Tripp 2015). For example, Tripp's (2015) analysis showed that the largest increase in female political representation happened in the African countries that have experienced the most durable and intense exposure to conflict. Garcia Ponce (2016) found that electoral gender quotas have been more successful in Peruvian municipalities exposed to the Shining Path insurgency than in those that were unaffected. However, this effect of conflict on female participation is reversed in areas affected by sexual violence.

The literature outlined several potential mechanisms behind conflict-induced female empowerment (Berry 2018, Garcia Ponce 2016, Tripp 2015). These factors are interconnected and the lines between them are quite porous. The first is *a demographic shift*, i.e. changes in the sex ratio or household composition, due to loss of men as a result of conflict. As a result, there should be a mechanical link between the share of females and share of female plaintiffs in state courts.

The second mechanism is *a cultural shift*, due to experience of agency among women. Women often play important combat roles and roles in the support networks of rebellion (Viterna 2013, Parkinson 2013). Women are often engage in the social movements against violence (Tripp 2015, Garcia Ponce 2016). Wood (2008) highlighted that as a result of war women often become interlocutors between their families and communities and military actors. This heightened sense of

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agency might change women's conceptualization of their group interests and, as a result, switch their preferences towards state law.

The third mechanism is *an economic shift*. Conflict kills men and distracts them from economic activities. As a result, women often become the principal breadwinners in their households (Berry 2018, Tripp 2015, Wood 2008). This gives women resources to pursue their rights in state courts, which is a costly endeavor. In addition, the breadwinner position is likely to heighten women's self-esteem and thus strengths the cultural shift mechanism. Tripp (2015:35) puts it the following way: "economic disruptions had consequences for women's status in the household, which in turn affected women's political standing in the community, and both of these types of changes had ideational and symbolic outcomes in terms of what became part of the realm of the possible for women in many other spheres."

The fourth mechanism is *an institutional shift*, due to legislative changes that aim to improve women's rights and proliferation of women's rights organizations. Quotas for women in the positions of power are perhaps the most widely known such formal institution (Garcia Ponce 2016, Tripp 2015). Tripp (2015) also outlined other potential institutions that work for female empowerment, for instance, passage of land rights and legislations against gender-based violence.

Finally, I hypothesize that the process of women's empowerment might be facilitated through *a societal shift*, a process of community disintegration as a result of war. Violence, displacement, and the polarization of political identities diminish community and family social control, and also weaken generational and clan hierarchies. As a result, families and communities are less able to force their members, particularly women, to rely on customary and religious justice systems.

Taken together, these lines of reasoning allow me to formulate the female empowerment hypothesis:

(H2): Exposure to conflict at the community and the society levels increases the likelihood that women will choose state law over the alternative legal orders.

It is worth noting that not all forms of victimization are expected to lead to female empowerment. For example, sexual violence may alienate women and their communities from the perpetrator but also diminish women's status in their communities (Garcia Ponce 2016).

The alternative to the female empowerment hypothesis is the idea that conflict spurs hypermasculinity, violence against women, and backlash against women's potential advancement (Berry 2018, Pankhurst 2003, 2012). As a result of this backlash when women are "forced back to kitchens and fields," there should be no observable gender differences in legal preference and behavior.

I assume that the alienation hypothesis operates at the individual level and is psychological in its nature. In contrast, the female empowerment hypothesis operates at the societal and community levels. Therefore, my theory distinguishes between individual and community-level victimization and pays special attention to the nature of violence. I expect that alienation is more likely to arise when the political context of conflict allows for the formation of a martyr identity. In turn, female empowerment and community fragmentation are more likely to be caused by prolonged violence that shapes social roles and community structure.

What Determines Government Policies Towards Legal Pluralism?

In this section, I theorize the structural and strategic factors that determine government policies towards legal pluralism. Legal pluralism is often a product of colonialism, a form of alien rule (Hechter 2009) that is characterized by the transplant of European codified law into a society that is governed by customary and/or religious norms. As a result, both colonial rulers and the rulers of postcolonial societies face a dilemma about what to do with nonstate legal orders.

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I assume that a ruler who governs a society where there are multiple alternative legal orders has three broad potential policy options towards nonstate alternative legal orders: suppression, promotion, and tolerance. Ataturk's abolishment of Sharia law in Turkey and Nyerere's ban of customary law in Tanzania are fine examples of the suppression logic (Starr and Pool 1974, Moore 1986). The Soviet government in Chechnya prohibited customary law and Sharia, and also used harsh measures for eradication of the 'holdovers of the past,' such as bride kidnappings or blood revenge (Mamakayev 1963).

The promotion logic requires active government support for the nonstate legal orders. This support can be both formal, through the official recognition of nonstate legal orders and the provision of salaries and other benefits to authorities in charge of them, and informal, through de facto support. Sezgin (2013) presents a nuanced analysis of the 'promotion' policicies of the state towards non-state legal orders, in his case, systems of religious arbitration, in dealing with personal status matters. He distinguishes 1) a 'fragmented confessional' approach, when state-recognized ethno-religious communities are ganted autonomy to apply state-enforced laws (e.g. Israel); 2) a 'unified confessional' approach, when different bodies of religious law are directly applied by civil judges in secular state courts (e.g. Egypt); and 3) 'unified semi-confessional' approach when secular judges at civil courts apply communal laws to minorities and unified state law to the majority group (e.g. India). These distinctions are important, but less dramatic in comparison to the differences from suppression and tolerance approaches, and not relevant in the socities when state approaches towards non-state legal orders are not formalized.

Finally, the tolerance approach holds when the government in charge of state law neither suppresses, regulates, nor promotes nonstate legal orders. This approach fits into the category of strong legal pluralism, as it describes a situation when state and nonstate legal orders function in parallel.

The approach towards legal pluralism a leader chooses depends on a calculation of costs and benefits. On the one hand, legal pluralism creates a situation of fractured sovereignty; in other words, it undermines the state's monopoly on the legitimate use of law-making and law enforcement (Migdal 1988). This might be particularly problematic if authorities in charge of nonstate legal orders decide to challenge the ruler politically, for instance by supporting the opposition in elections or rebellion. Legal pluralism might also have negative economic repercussions. For example, the coexistence of multiple legal codes in Ottoman Turkey inhibited commercial expansion by reducing the credibility of contractual arrangements (Artunc 2017). From the standpoint of a progressive ruler, the presence of customary or religious law is also an indicator of backwardness and a source of human rights violations in the form of discrimination against women and other marginalized groups. All of these considerations might motivate a ruler to suppress nonstate legal orders.

On the other hand, legal pluralism might present substantial benefits to the ruler. First of all, nonstate legal orders rooted in custom and religion often enjoy high legitimacy. Therefore, their suppression can be politically costly, while support for them can be politically beneficial. A ruler who supports customary or religious law can borrow legitimacy from these sources. For example, Sharia law has a very high legitimacy in northern Nigeria, therefore many northern politicians publicly endorse Sharia law and in early 2000 formally introduced it in northern states (Kendhammer 2013).

Second, support for nonstate legal orders can also serve as a tool of concession during coalition-building. For example, in Indonesia secular politicians enacted Sharia norms in provinces and municipalities where there were strong Islamic movements (Buehler 2016). Support for nonstate legal orders can be used to co-opt the authorities in charge of these orders into political machines. For example, in South Africa the ANC supports customary law arbitration by chiefs because chiefs are effective agents of electoral mobilization (De Kadt and Larreguy 2017). Similar alliances are common

in many other African countries, where strong chiefs are in charge of both arbitration and electoral mobilization (Baldwin 2015).

I posit that in addition to gains in legitimacy and co-optation of traditional elites, legal pluralism can provide a ruler with another important benefit: discretion. Max Weber highlighted that discretion is a fundamental feature of neopatrimonial regimes. Increase of discretion and deliberate weakening of formal state judicial institutions may be especially appealing to authoritarian rulers who aim to increase their chances of political survival. For example, Massoud (2013) showed how the rulers of Sudan over time strategically promoted Sharia law in order to undermine the independent judiciary left from British colonial rule.

In addition to the calculation of costs and benefits, government policies towards legal pluralism are determined by state capacity. In many situations, the government can do little about the prevalence of nonstate legal orders because it lacks the coercive capacity to eradicate nonstate alternatives and lacks the administrative capacity to build an effective state legal system.

Legacies of Conflict and Government Policies

How does conflict affect government policies towards legal pluralism? Most directly, conflict can radically diminish state capacity, which will lead to relatively stronger alternative nonstate legal orders. As highlighted before, conflict can also politicize ethnic and religious identities and increase the legitimacy of the customary and religious justice systems associated with them. As a result, the benefits of support for nonstate legal orders will increase. Conflict also leaves two specific legacies that may affect government policies: change in government composition and division of society into winners and losers.

Government Composition: The Rise of Rebel-Bureaucrats

Conflict is likely to affect the structural composition of the bureaucracy in the postconflict period. Wood (2008) used the concept of *militarization of authority* to refer to elite structural change as a result of a conflict. A common way in which civil wars might lead to changes in elite composition is the incorporation of warlords and former fighters into the government (Driscoll 2015, Mukhopadhyay 2014). As a result, postconflict societies are often governed by a type of official that I call rebel-bureaucrats. These former rebels usually were not socialized through standard bureaucratic routine and often hold strong religious and ethnic identities developed during the war. I hypothesize that such officials should be less likely to follow the letter of the law than officials in societies that did not experience conflict.

(H3): Government officials in postconflict societies will be less likely to rely on state law and more likely to rely on nonstate legal orders that are based on custom and religion.

This hypothesis rests on the observation that insurgents often fight in groups with strong ethnic or religious identities. However, this logic should not necessarily work if insurgents are motivated by ideology.

Winners vs. Losers

Another crucial political legacy of conflict is the division of society into *winners* and *losers*. While the division between winners and losers plays an important role in democratization literature (Przeworski 1991), it is surprisingly understudied in the research agenda on civil wars.[8] This division can manifest itself spatially or at the individual level. A regional division is relevant if the sides fighting the war have clear areas of support, as in the American Civil War, or in ethnic conflicts, where groups

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[8] A recent exception is Rizkallah's (2016) study, which showed in the context of Lebanon that war winners' communities were characterized by lower political competition than war losers' communities.

are spatially concentrated. An individual-level division is relevant for wars driven by ideology or class, like the Russian civil war.

The division of society into winners and losers presents the postwar government with a dilemma regarding where to promote state law. Of course, the government could apply law in a blind and nondiscriminatory manner. However, this is unlikely in a politicized postconflict environment. Therefore, I formulate two alternative hypotheses, based on competing logics. My main hypothesis is that:

(H4): The government, which represents war winners, will employ state law in the war losers' communities in order to penetrate and control them.

In other words, I hypothesize that the government is likely to employ the classic formula, *to my enemies, the law.*[9] Furthermore, the government might pander to its core constituency, which might prefer customary and religious law over state law.

On the other hand, the government might rely on state law in the winners' communities because it is likely to face less resistance there. The losers' communities would then be left to be governed by informal orders.[10] I expect that the two competing logics depend heavily on the level of state capacity, because penetration of state law in losers' communities requires a higher level of coercive and administrative capacity.

The Politics of Legal Pluralism

In the previous two sections, I outlined how conflict affects demand for and supply of law under legal pluralism. However, of course, supply and demand are not independent. In this section, I

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[9] The quote: "For my friends everything, for my enemies the law" is attributed to the President of Peru Óscar R. Benavides.

[10] Kasara (2007) presented a similar logic regarding taxation in African countries.

theorize how they interact, which equilibria can emerge, and how coalition logic may shape these equilibria.

If the alienation hypothesis is correct, and a victimized society rejects state law, the postwar government has strategic incentives to increase its legitimacy by promoting alternative nonstate legal orders. On the other hand, if female empowerment and community fragmentation hypotheses are correct, and war creates demand for state law in society, the government might respond by strengthening state law and restricting alternative legal orders. However, the political legacies of conflict can prevent the occurrence of these responsive equilibria through the activation of coalition formation logic.

First, the division of society into war winners' and losers' constituencies may lead the government to promote state law only in losers' communities, as a stick, and to support alternative legal orders in winners' communities, as a carrot.

Second, the coalition formation logic beyond the winners' and losers' divide can drive the politics of legal pluralism. I argue that the government might strategically undersupply state law as a tacit concession to a powerful constituency that has independent means of social control. In light of potential war-induced female empowerment, the government might allow men to keep control over their families through custom and religion in exchange for their political loyalty. Thus, the government might have an incentive to reinforce a patriarchal social order through the promotion of customary and religious law. Thompson (2000) presented a similar argument regarding Lebanon and Syria in the 1930s, where conflict and famine led to the empowerment of women. This empowerment was counterbalanced by the policies of the French mandate authorities, who did not extend rights to women in order to secure the support of men in general, and of traditional and religious leaders in particular. The theory highlights the role of gender as a central ordering cleavage of state-building, but the cleavage need not necessarily be gendered. For instance, in South Africa, the government

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undersupplied state-building in Bantustans in order to exclude the Black population from stateness (Mamdani 1996). Thus the coalition theory of legal pluralism can be generalized to cover any group that mobilizes law in order improve its rights.

Chapter 3

The Field

This chapter presents reflections on my fieldwork: researcher subjectivity, ethical dilemmas, empirical strategies, and the practical limitations of my study. This project started from observations in the field and was largely informed by them. In academic terms, the project combined inductive and deductive modes of reasoning. In other words, I was constantly in the loop between the things I saw in the field and the things I read in books. The previous chapter dealt with what was in the books. This chapter deals with the field. The nature of fieldwork is crucially important for understanding the development of the project and the social context of this study.

Originally, I became interested in the North Caucasus after reading Georgi Derluguian's (2005) book *Bourdieu's Secret Admirer in the Caucasus*. The book was based on fascinating fieldwork that inspired me and taught me to focus on particular details in the field – including my respondents' biographies, rumors and conspiracy theories, and nonverbal elements of communication, such as dress, gestures, and facial expressions ("metadata" in Fujii's (2011) terms). Following Derluguian's example, during all of my fieldtrips, I wrote notes that became the foundation of this chapter.

I also learned from methodological chapters written by Elizabeth Wood in her book *Insurgent Collective Action* (2003), Jesse Driscoll in his *Warlords and Coalition Politics* (2015) and in his co-authored article "Spies Like Us" (2018), Lee Ann Fujii in her *Killing Neighbors* (2009), Romain Malejacq and Dipali Mukhopadhyay (2017) in their reflective article "The 'Tribal Politics' of Field Research," and a methodological appendix for Anastasia Shesterinina's article "Collective Threat Framing and Mobilization in Civil War" (2017). All of these sources discuss the practical and ethical issues that arise during field research in conflict-affected and postconflict environments. In particular, these sources raised my awareness of the issues of researcher subjectivity, respondent recruitment, approaches to

discussing violence with potential perpetrators and victims, and managing security and fear in the field. But the lion's share of my fieldwork strategies were developed through trial and error.

The fieldwork for this study consisted of seven research trips to Chechnya that lasted for approximately seven months in total, as well as additional trips to the neighboring regions of Ingushetia and Dagestan, which serve as comparative cases, and trips to Europe, namely France and Belgium, where I interviewed members of the Chechen diaspora. Overall, I conducted 115 semistructured interviews for this dissertation project. Of these, 73 were conducted in Chechnya, 14 in the neighboring Republic of Ingushetia, 20 in Dagestan, and 8 with members of the Chechen diaspora in Europe. In addition, I implemented representative household surveys in Chechnya (N=1,200) and Ingushetia (N=400).

My study has a nested research design. First, I leverage variation in legal attitudes and behavior between individuals using interviews and survey data. Second, I compare communities within Chechnya. Finally, I put Chechnya into comparison with neighboring regions.

Originally, I went to do fieldwork to pretest a dissertation idea about the politics of Sufism, a mystical and hierarchical branch of Islam that plays a tremendously important role in the political life of Chechnya and Dagestan. I interviewed Sufi sheikhs and their followers, as well as their opponents and critics. During the interviews, I realized that Sufis did have large political power; for example, they mobilized their followers during elections. But no one would talk about these issues with me because of the secretive nature of the Sufi orders. At the same time, while interviewing the clerics, I was able to observe the lines of disputants who came to ask them to adjudicate their conflicts. Observation of the functioning of this nonstate legal system made me interested in the issue of legal pluralism.

I came back to New York and started to read the classic works of legal anthropology, for instance *The Nuer* by E. E. Evans-Pritchard and *Local Knowledge* by Clifford Geertz, and found ample similarities to dispute resolution practices that I had observed in the field in the Caucasus despite the

drastic differences in social contexts. In addition, I researched sources on Chechen customary law and Sharia that were produced by Russian imperial officers in the late 19th and early 20th centuries and later by Soviet ethnographers. These sources helped me prepare for my first trip dedicated to the study of legal pluralism, in January 2015.

During the first stage of my fieldwork, I interviewed authorities in charge of all three alternative legal systems: judges, prosecutors and police officers (Russian state law), imams and qadis (Sharia), and elders (adat). In addition, I interviewed leading Chechen ethnographers, historians, journalists, and members of NGOs. To recruit respondents, I relied on the networks that I established during the preliminary trips to the Caucasus. I secured the interviews through referrals from local academics and NGO members. Referrals were particularly effective in securing interviews given the dense social networks present in Chechnya.

During the interviews, I asked my respondents to identify the most common disputes in contemporary Chechnya, how these disputes are usually resolved (actual practices), and how they believe the disputes should be resolved (normative beliefs). In addition, I asked how people choose between multiple alternative legal forums and who prevails if two sides of a dispute prefer different forums. The interviews also explored my respondents' life stories so I could contextualize their responses.

The interviews were conducted in the Russian language and lasted from 40 minutes to 5 hours. Interviews with some respondents spanned multiple meetings. I was based in Grozny, the capital of Chechnya. I also traveled to conduct interviews in other towns and villages. Chechnya is relatively small in terms of land area (approximately the size of Connecticut) and has good road infrastructure, which made it easy for me to travel across the region while being based in Grozny. The locations were selected to represent different geographic regions of Chechnya, in particular, lowland and mountainous areas.

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In addition to individual interviews, I organized four group discussions. These discussions were conducted with students in the Law Departments at the Chechen State University and the Islamic University of Chechnya, and also with elders in two villages. These discussions included eight participants on average.

In addition, I observed the functioning of the alternative legal orders. For instance, I attended several hearings at the state federal court in one of the Chechen towns. One case was particularly interesting because it involved norms from all three alternative orders. The dispute started from a bride kidnapping. Ahmet,[11] a young man, and Sia, a young woman from one of the Chechen villages, were in love, but Sia's parents were against their marriage. Ahmet kidnapped Sia, hoping that this act would change her parents' decision. However, Sia's parents remained firm: Ahmet and Sia were distant relatives and according to Chechen customary law, a bride and a groom cannot be related up to seven generations. Sia's parents brought their daughter back and appealed for a Sharia trial against Ahmet. Local qadi ruled to punish Ahmet with flogging – 40 strikes. Sia avoided punishment even though she was complicit in the kidnapping. According to Chechen customary law, any corporal punishment is a gross offense against one's honor and Ahmet's relatives became very angry at Sia and her family. Sometime after, the elders of the village were drinking vodka at the river bank (alcohol is effectively banned in Chechnya, but some Chechens who belong to the older "Soviet" generation still manage to get liquor). During this gathering, Musa, Ahmet's family patriarch, publicly offended Sia's honor by calling her a slut. In response, Said, Sia's family patriarch, punched Musa in the face. When Musa came home, he told his three sons that he had been beaten by Said. The sons took baseball bats and knives and went to Said's house to revenge the offense. Despite the fact that Said was much older than the attackers, he was able to fight back. In fact, he was a master in wrestling, and during the fight he pulled a knife away from one of Musa's sons and killed him with it. The case I observed in the state court

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[11] I use aliases throughout the text, except for the interviews with public figures who agreed to be named.

was about this murder. In parallel, the two families engaged in the conflict were negotiating to avoid blood revenge in response to the murder of Musa's son. The details that led to the murder were not heard in the courtroom – I learned them in the corridors of the court.

I also observed several Sharia arbitrations conducted by district qadis. The cases were about car accidents and child custody. The hearings and adjudication were in the Chechen language. One of the qadi's deputies translated the hearings for me. I was able to observe the spectacle of the arbitration, but it was difficult to grasp the details of the cases from just observing them. Moreover, I felt that observation of the case by an outsider might put additional stress on the disputants, especially in family dispute cases. Therefore, most of my qualitative research took the form of interviews with the authorities and the disputants, rather than direct observation of dispute resolution practices.

Based on these qualitative materials, I identified the most common disputes in Chechnya, traced their resolution practices, and reconstructed justifications for choices between alternative orders. This analysis allowed me to form a rich descriptive account of legal pluralism in Chechnya. I gradually developed an understanding of the individual drivers of legal pluralism and got a grasp on government policies toward it. But the project lacked an analytic spine, something that would unite different moving parts. In terms of standard social science research design, I had a good dependent variable and managed to capture an interesting variation in it, but I lacked a single independent variable. Then I started to trace the effect of conflict on legal pluralism. In a postconflict society where the war affected all spheres of life, this was a natural decision. Step by step, this approach allowed me to build a coherent research design.

Interviews related to conflict experiences were especially challenging because war is a sensitive and traumatic topic. Through these interviews, I aimed to reconstruct the history of individual and community victimization, wartime governance, and politics. I explored why some communities within Chechnya were especially heavily victimized and what legacies the war left in Chechen society. I

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conducted 18 interviews that were specifically devoted to wartime victimization. My informants on wartime violence included senior members of the Ichkeria (rebel) government; former rebel commanders; prominent members of the pro-Russian opposition to the Ichkeria government, who were part of the interim pro-Russian government during the First War (1995-1996); present-day government officials; local members of different NGOs, who helped displaced Chechens in Ingushetia and victimized families in Chechnya throughout the Second War and counterinsurgency campaign; local academics; elders from different regions of Chechnya; and journalists who extensively covered both wars. Most of these interviews were conducted in Chechnya. Interviews with the former rebel commanders were conducted in Paris, France. The interview with one of the former Ichkeria government officials was conducted in Moscow. Thus, interviewees represented different political sides during the war, different regions, and different wartime roles: civilian, fighter, politician, human rights worker, and reporter.

In addition, to study the variation in exposure to violence within Chechnya, I conducted case studies of several communities that differed in the intensity of victimization during the conflict. I sampled communities with a history of large-scale indiscriminate victimization by the Russian army, such as sweep operations or heavy artillery bombings. This subsample included the villages of Alkhan-Yurt, Samashki, Starye-Atagi, Serzhen-Yurt, Tangi-Chu, and Vedeno, which were among the most heavily victimized communities during the Chechen wars. In contrast, the villages of Kurchaloy, Itum-Kali, Nozhay-Yurt, Chishki, and Novye Atagi, and the towns of Gudermes and Urus-Martan, were much less affected by state violence. In each of these communities, I interviewed state officials, religious leaders, and elders, as well as local history teachers and other intelligentsia members.

Everywhere in Chechnya, and everywhere in the Caucasus in general, my fieldwork was shaped by my identity as an outsider and the particular strategies of data collection that I chose. In the sections that follow, I discuss the most important factors that affected my fieldwork.

Identity and Subjectivity

When I decided to study the North Caucasus, I had no connection to the region: no family history, no friends or acquaintances. Essentially, I remained an outsider even after spending many months in the region. There were different markers of my outsider status, but perhaps one of the clearest ones was on my face – I wore glasses, which is considered "unmanly" in Chechnya and the neighboring regions. Even people with very poor vision abstain from wearing glasses.[12] Another visible marker was my relatively long curly hair, which was in stark contrast with the short hairstyle that was the standard among men in the region. One Salafi adherent even referred to my hairstyle in an appeal for religious tolerance: "We have long beards following the example of our Prophet. And the Russian state persecutes us for that. You have this weird hairstyle. But this should not be a reason for persecution. Do you agree?" Thus, even by glancing at me, almost everyone was able to identify me as an outsider.

The largest barrier for me in the field was the fact that I did not speak the Chechen language. As a result, I wasn't able to read many social interactions that I observed. Two Chechens will almost always talk to each other in Chechen in a private setting. In a public setting, the default option is often Russian, or a combination of Russian and Chechen. Chechen is an ancient language that is unrelated to the Indo-European language family. It is very difficult to learn outside of the natural language environment. Even Chechen families who live outside of Chechnya have a hard time transmitting the language to their children. For outsiders it is an even more complicated task. I am familiar with only one case of a foreigner who learned Chechen: Johanna Nichols, Professor of Linguistics at the University of California-Berkeley, spent ten years in Ingushetia and Chechnya and learned the language well enough to compose a Chechen-English dictionary. Over the time I spent in Chechnya, I learned

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[12] This particular feature changed somewhat over the time of my research. During the course of my fieldwork, I observed how more and more people in the Caucasus started wearing glasses following the global "hipster" fashion trend.

a lot of basic phrases,[13] but it seemed impossible to learn the language well enough to be able to use it as a research tool. Therefore, I relied on Russian, my native language, for communication.

In Chechnya, everyone I spoke to was fluent in Russian. In fact, because Russian is the second language for Chechens, many speak the literary version. This is in stark contrast with the neighboring region of Dagestan, where Russian is a lingua franca for its numerous ethnolinguistic groups and where, as a result, a pidgin version of the Russian language emerged. Members of the Chechen intelligentsia often emphasize this contrast and mock their neighbors in the Caucasus for their accents and mistakes in Russian. The Chechen intelligentsia also do not miss an opportunity to highlight that Mikhail Lermontov and Leo Tolstoy, giants of Russian literature, both spent time in Chechnya and highly praised the Chechen national character. In fact, a village in Chechnya is named after Tolstoy.

During my fieldwork, I encountered only one respondent who did not speak the Russian language at all. This was a 115-year-old man in one of the mountain villages. This elder was a local celebrity. He preserved an old Chechen house, which is a rare artifact, given that the wars of the post-Soviet period left the entire region in ruins.

My inability to speak the Chechen language was perhaps the most important manifestation of my outsider status, but it was not the only one. I was not a Muslim, and I did not belong to the Chechen nation. Both identities are very important in Chechnya. Religion and national traditions are key elements of socialization in Chechen society.

Since I belonged to neither the Chechen nation nor the Muslim religion, some people expressed skepticism that I would be able to write a dissertation on the topics of customary law and Sharia. For example, the head of the Council of Elders of Chechnya, told me: "Oh, you have a difficult topic, young man. You will never fully understand our customs and our religion." However, there

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[13] For a long time, the only phrase in Chechen that I knew was *Khara tsitsig khaza du*, which meant "This cat (male) is handsome." Since many Chechen households have cats, the phrase proved to be a useful icebreaker. Overall, my language skills in Chechen never served any other function than entertaining my respondents.

were people who said that the opposite was true. For example, Khamzat, a young Chechen professional who worked in the top law firm in London, told me: "People who say that you can't properly study adat and Sharia because you are not a Chechen are wrong. In fact, you, as an outsider, can ask questions about traditions and religion that I, as a Chechen, can't ever ask. The issues of tradition and religion are not up for questioning. If I meet an elder and start asking questions about a particular custom, he will ask me if I am a retard. In contrast, if a guest asks a question about our culture, of course we all will be glad to talk for hours." I guess that both positions have some truth in them. As an outsider, I was able to ask almost any questions I wanted. However, as a person not socialized in the culture, I was never able to fully grasp all the particularities of customary law and Sharia as practiced in Chechnya.

Being *not* Chechen and *not* Muslim was one thing, another thing was that I was Russian. The extreme brutality of the Russo-Chechen wars led many of my academic colleagues as well as family and friends to wonder whether I encountered any hostility as a Russian during my trips to Chechnya. In fact, I never encountered any hostility towards me personally or Russians in general. Many people with whom I spoke hated Boris Yeltsin, who started the Chechen wars, and the generals and the soldiers of the Russian army who committed war crimes, but never Russians as a nation. In fact, many people were nostalgic about the times of the Soviet Union, when Chechnya was a multiethnic Republic and many Russians lived there. I benefited from the fact that I was from St. Petersburg, which most of my informants considered as "the city of intelligentsia, where people are cultural and kind," in contrast to Moscow and other regions of Russia. I always embraced this stereotype. My association with St. Petersburg did not face any hostility even when I went to Aldy, a village on the outskirts of Grozny, where special forces from St. Petersburg committed an indiscriminate mass killing of civilians during a "sweep operation" in 2000.

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My fieldwork was facilitated by the strong norm of hospitality that is deeply rooted in the societies of the North Caucasus. Many people offered their help with the study and the vast majority of people whom I contacted agreed to be interviewed. Interviews with state officials, academics, and NGO workers often happened in their offices. Many interviews were held in Grozny's cafes, upon respondents' suggestions. But on many occasions, people invited me to talk in their homes. In these cases, interviews often were preceded by real feasts. Only four individuals whom I asked for an interview during my numerous visits to the region refused to meet me. All of them were afraid that I worked for some intelligence agency, with varying options: FSB – because I was a Russian, CIA – because I studied in America, or Mossad – because I had curly hair. Conspiracy theories are very widespread in postwar Chechnya, and an outsider curious about the Chechen society is often met with suspicion. However, as I found out, the norm of hospitality can overcome the inclination for conspiracy theories. One of my respondents told me that he firmly believed that I was "a spy who works for the CIA or Mossad or something like that. But in the end, that does not matter – I will talk to you anyway. Because first of all, you are our guest, and then a spy or whoever you are."

Another particularly helpful feature of the Chechen social context was the connectedness of society. For instance, to establish the first contacts when I knew nobody in the region, I went to the wrestling club in my native St. Petersburg, where my friend was a coach. I knew that wrestling, and martial arts in general, are very popular in the Caucasus, so I asked my friend if he had any guys from the Caucasus in his club. He told me that there were plenty and I could talk to any of them. That is how I secured my first interview. My first respondent, Magomed, happened to have an uncle who was the head of one of the municipal districts in the Caucasus, whom I interviewed later in the field. This became one of the central tools of my research: in the densely connected societies of the North Caucasus, everyone knows everyone, and references from the right people could open almost any door. These connections were not necessarily based on blood. Getting connections through relatives

was common, but the ties of friendship or professional associations were no less prevalent. For example, during my first research trip to Chechnya, I was hosted by a poet, to whom I had been introduced by another poet.

Despite spending a lot of time with Valid, my host-poet, a man his 40s, I've never really saw his wife. Valid was an intellectual who expressed liberal progressive ideas. But gender separation of social space in his household was very strict. Valid's wife cooked food for us in the "female part" of their small apartment, but it was Valid's son who brought the dishes to the main room where we were sitting. Naturally, I was not able to talk about legal pluralism with Valid's wife. I never asked to talk with her, as it was implied that this was not appropriate. This illustrates one of the major identity factors that shaped my study: gender.

Gender

Chechnya is a conservative patriarchal society, perhaps the most conservative and patriarchal among all societies that were part of the Soviet Union. As a male researcher, I was on the one hand enabled to talk with fellow men, but on the other hand was restricted in my access to female respondents. This became an especially important concern when I realized that gender turned out to be one of the central factors in my analysis.

Out of 115 semistructured interviews that I conducted, only 20 were with female respondents. This was largely due to the fact that the majority of my respondents were authorities in charge of the alternative legal orders. Customary and religious authorities are exclusively male. Men also dominate the state judiciary and law enforcement agencies. Nevertheless, the interviews with female academics, lawyers, police officers, NGO members, and journalists were very insightful for my understanding of how the alternative legal orders work. Female respondents shared with me their personal cases of disputes adjudicated across the alternative orders and also the cases in which they worked as lawyers.

My exploration of gender relations in Chechnya was facilitated by the strong network of civil society organizations that work on female empowerment and combating gender-based violence in Chechnya. I was very surprised by the presence of this vibrant community of NGOs under the repressive conditions of Kadyrov's Chechnya. I spent many hours in the offices of these NGOs, where their workers shared with me information about their projects and gender problems in Chechnya. The wars left deep scars on the psychological and psychic health of women who went through the conflict.

Lipkhan Bazayeva, the head of the oldest and one of the most respected NGOs in Chechnya, Women for Development, gave me a succinct analysis of the intersection of gender and legal pluralism in Chechnya. She said: "Women of Chechnya are in 'the iron triangle' between law, adat and Sharia. All of these systems are supposed to protect women's rights, but men cherry-pick norms across them, they choose the most discriminatory interpretations of them, and as a result women become completely stripped of all their rights." Lipkhan and her colleagues shared with me numerous cases of discrimination against women in nonstate legal orders that had been brought to them by ordinary women from all across Chechnya.

Malika Abubakarova, a brilliant lawyer and the head of Women's Rights, an NGO, and her colleagues told me about the high demand for legal representation among Chechen women and shared with me transcripts of court hearings of cases in which they represented women in state courts. Thus, even though I had little access to female disputants, interviews with lawyers and NGO workers allowed me to get some important insights on women's perspectives on legal pluralism.

Another tremendously important source of information about gender in Chechnya was Lida Kurbanova, a professor of sociology at the Chechen State University. Professor Kurbanova wrote her doctoral dissertation on the transformation of gender relations in Chechnya and also had been teaching gender to Chechen undergraduates for more than a decade. During many meetings and conversations, Professor Kurbanova shared with me the results of her studies and her candid

observations of gender issues in contemporary Chechnya. Characteristic of the state of gender relations in contemporary Chechnya, a young man who served as the university security guard always checked that Professor Kurbanova wore an appropriate head scarf and that her skirt was long enough when we entered the university campus.

In general, the strict separation of male and female social space that I encountered in my host-poet's house was more exception than norm in Chechnya. Over the course of my fieldwork, I interacted with many women who worked in the government, NGOs, universities, and libraries. I became friends with some local female scholars and journalists. Women were the majority of the interviewers who carried out the survey that I organized in Chechnya. These were of course not the representative "average" Chechens, but were largely educated, mostly urban intelligentsia.

Initially I was somewhat skeptical that the perspectives on gender that I recorded in my interviews with highly educated liberal-minded scholars and women's rights activists would resonate at all with ordinary Chechen women, with whom I had very limited contact. However, because the results of the statistical analysis of the survey data and administrative data from court records showed patterns consistent with the narratives from my expert interviews, I reconsidered my initial skepticism. As a result, gender became one of the central issues of my analysis.

If I were a female researcher, it would have increased my access to non-elite female respondents during the qualitative phase of my fieldwork. For instance, Kaliszewska (2016) provided a brilliant example of using her own gender to get access to study sensitive topics in Chechnya and Dagestan. On the other hand, being a female researcher might have limited my access to male-dominated spheres, especially religion. In addition, Russian and Western female researchers and journalists with whom I met in the North Caucasus had to spend large portions of their interviews answering questions about their private life (Why not married? Why no kids?), to which I was exposed

to a very limited degree. They also had to be very cautious in their relationships with male counterparts, while I was never treated in a sexualized manner and did not have to think about it.

Religion

Another recurring issue that occupied my mind during the fieldwork was religion. Chechnya is a very religious society. Even though religion was banned in the Soviet era, and only a few people practiced some basic religious rituals, Chechnya experienced a dramatic religious revival during the post-Soviet period. In the early 1990s, mosques reopened across all Chechen settlements, many people went to Hajj in Mecca, some Chechens went to study Islam in Arab countries, and Muslim missionaries in turn came to Chechnya. The war played an especially important role in the rise of religiosity in Chechnya. First, the experiences of conflict, when existential threats had been a permanent state of daily life for all Chechens, created a dire need for the promise of eternal life and ultimate justice. Second, the war destroyed the Soviet urban secular classes of nomenklatura and intelligentsia, who left Chechnya en masse. Third, almost the entire generation of Chechen children was left without regular secular education. At the same time, Islamic education, however limited, was widely available. Finally, the postwar Chechen government of Ramzan Kadyrov actively pursued a policy of Islamization of all spheres of Chechen life in its quest for legitimacy. As a result, almost no person in contemporary Chechnya will say he or she is an atheist. Islam became a hegemonic cultural frame.

Many of my interviews – with imams, university professors, and police officers alike – ended with a question about whether I considered converting to Islam. There is a simple reason for that. In Islam a principle called *daawah* states that inviting people to the religion is a meritorious activity. In addition, many people were sure that through studying Sharia I would find my way to Islam.

I always remained extra sensitive to religious issues and carefully listened to the proselytizing speeches. Reading academic books on Islam in general and Islamic law in particular, and interviewing

clerics across the North Caucasus, made me quite knowledgeable in the basics of the Islamic faith, which allowed me to better structure numerous conversations about religion.

The religious sphere in Chechnya is divided between the Sufi and the Salafi versions of Sunni Islam. The government of Ramzan Kadyrov has been actively promoting the Sufi version of Islam in Chechnya, which is recognized as the "traditional" or "official" Islam. There are two main Sufi orders in Chechnya, Qadiri and Nakshbandi, which are further divided into numerous suborders, called *virds*. Belonging to Sufi virds cross-cuts clan membership. These two social categories, clan and Sufi vird, are perhaps the most important social markers in contemporary Chechnya. In turn, the several Salafi versions of Islam in Chechnya are labeled as "Wahhabism," and their adherents are heavily persecuted. Nevertheless, many people in Chechnya tacitly share Salafi ideas and reject Sufi practices such as the famous Qadiri *zikrs,* rituals of remembrance of God and the Prophet Muhammad that resemble collective dances in circles. Salafi ideas are quite widespread among young people, which leads to acute generational conflicts between the "sons" and the "fathers" in Chechnya and elsewhere in the North Caucasus (Starodubrovskaya 2015). Knowledge of this religious divide was very important for navigating the interviews and conversations with the representatives of different generations in Chechnya.

Religious identity in Chechnya became especially heated after the Charlie Hebdo attack. During the attack I was doing fieldwork in Chechnya. In response to *Charlie Hebdo's* publication of caricatures of the Prophet Muhammad, Ramzan Kadyrov organized a mass rally in support of the Prophet Muhammad. Almost the entire population of Chechnya gathered for the rally on the main square of Grozny. The crowds of people were marching below my windows on the main street of Grozny shouting "Allahu Akbar!" I also joined the rally. Most people were enthusiastic about it and supported the rally's slogans. Nevertheless, the government forced people to come using administrative pressure. In other words, the government was forcing people to come to a rally that

they would have joined anyway. At the rally, and during the entire fieldtrip that coincided with the Charlie Hebdo controversy, I had numerous conversations about it. Even the most liberal among my respondents supported violence against the caricaturists. For example, a judge whom I met in one of the Chechen towns, and who otherwise expressed liberal secular ideas, turned into an Islamic fundamentalist during our conversation about Charlie Hebdo.

Another religiously-colored issue that often came up in my interviews and mundane conversations with people in Chechnya was homosexuality. Most of my interlocutors expressed extreme hostility towards gay people, and support for violence against them, justifying it by references to the Koran.

In conversations about Charlie Hebdo and the issue of gay rights, which were not formally part of my study, I always took a stance and tried to persuade people away from violent positions. These conversations were not formally part of my data-gathering process, and my behavior might seem questionable from the purest ethnographic standards because I was intervening in the belief systems of the subjects of my study. But I thought that not intervening would have been morally wrong. Even if I was able to persuade one person, I thought it was worth the hours of heated conversations. From another perspective though, my attempts to "'enlighten" the subjects of my study might be categorized as paternalistic, or even an expression of "Orientalism."

Orientalism

Edward Said's (1978) rich and nuanced concept of Orientalism has been often reduced to a blind criticism of any study of a non-Western society by a Western outsider. This reduction is absurdist: Said in his book never said that a Westerner cannot study an Eastern society. But the power of the reductionist concept in academic debates seems high. When I presented an early version of my study at a conference at Harvard, one of the conference participants asked me, wasn't my "emphasis

on gender cleavage in legal attitudes and behavior an example of Orientalism and an attempt to save the Muslim women?" Echoing this sentiment, another participant said that I misrepresented bride kidnapping, "the beautiful custom of the people of the Caucasus." I went to this conference straight from the field, where I had recorded numerous stories of violence against women, including a postwar wave of kidnappings of 12- and 13-year-old girls by armed men. The girls were often kidnapped in front of their relatives. Even though this topic is a taboo in Chechen society, my respondents acknowledged that in some cases the kidnappings ended in rape that was committed to force "a bride" to accept her fate. After two months of hearing these stories, the comments about "Orientalism" and "beautiful custom" made me very angry.

Nevertheless, the issue of Orientalism is undoubtedly very important for understanding legal pluralism in the North Caucasus. Orientalism defined the approach of the Russian Empire towards the people of the North Caucasus. In this regard, the Russian Empire did not differ from the British and the French ones. The image of "the virtuous / vicious savages" from the Caucasus was widely popularized in Russian literature and art (Gould 2016).

Orientalism as a system of knowledge production had a large impact on the development of legal pluralism. It was Russian imperial officers who codified the adat, which had previously been a living oral legal tradition. Also, as historian Robert Crews (2009) showed, imperial scholars of Islamic law profoundly changed the way Sharia was practiced among Muslim subjects of the Empire. Thus, legal pluralism in Chechnya was to a large extent a product of Russian colonialism. "The rudiments of the past," in the form of such traditions as blood feuds and bride kidnappings, were part of the representation of the Caucasus in Soviet popular culture as well.

Essentialization of Chechens skyrocketed after the fall of the Soviet Union in the 1990s, especially once the war started (Evangelista 2011). Russian media and popular culture first portrayed Chechens as bandits. During the war, Chechens were portrayed as savages who cut heads off, and

then as terrorists. Even academic studies became full of simplistic narratives about the "Chechen national character." Essentialization of Chechens has not been limited to Russia. After the Boston Marathon bombing in 2013, organized by the Chechen-descended Tsarnayev brothers, and after active involvement of Chechens in ISIS and other jihadi groups in Syria and Iraq, Western pop culture, media, and policy analysis have been overwhelmed by narratives of "the brutal Chechens." At one of the conferences, one academic came to me after my presentation and asked "How aren't you scared of studying Chechens – the most dangerous people in the world?"

"Experts" on Chechnya have been always obsessed with *teips,* Chechen clans. References to teips explained virtually everything that was happening in Chechnya. It is important to note that some Chechens actively participated in romanticizing and essentializing their own nation. The 1990s witnessed a dramatic rise in Chechen nationalism and neotraditionalism, as clans started to organize their congresses and some even came up with heraldic symbols.

Ekaterina Sokirianskaia's (2009) dissertation, based on extensive ethnographic fieldwork, showed that explanations of Chechen politics through references to clans and other forms of neotraditionalism in 1990s were empirically false. Since at least the early 19th century, Chechen teips had been loosely organized symbolic groups. Nowadays, some Chechen teips have tens of thousands of people and therefore can be considered "imagined communities." But the power of imagination should not be underestimated, especially if it is Ramzan Kadyrov's imagination. Kadyrov has been actively revitalizing the importance of teip membership by promoting his own teip, *benoi*, and using threats of collective punishment against the teips of his opponents.

During my fieldwork, many of people with whom I spoke talked about the crucial role that teips play in contemporary Chechnya. For example, one of my respondents said that "all 100,000 men from my teip are always ready to support me in a complicated situation." On the other hand, many other respondents presented a much more modest account of the significance of teips in

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contemporary Chechnya. As an academic historian told me, "Teips are largely irrelevant now. Most Chechens live as nuclear families now. In rural areas two generations often would live together. Even in the case of blood revenge, only brothers and maybe cousins will be involved. The second cousins are too distant relatives already."

My study, as an exploration of customary law, has always been on the verge of falling into the traps of romanticizing and essentializing. For example, when I asked authorities in charge of alternative legal orders about the cases that they have to adjudicate, almost all of them started to talk about blood revenge or bride kidnappings. These are the cases that they think would be interesting to me as a guy from St. Petersburg who wants to learn about Chechen culture. Furthermore, even the cases of blood revenge and kidnappings that people usually shared with me were very dramatic and contained a lot of symbolic elements: anthropologists love cases like that and often characterize them as trouble-cases. For instance, one Chechen ethnographer narrated the following case:

> This story happened in the midst of the First Chechen War in the village of Bamut, situated on the border between Chechnya and Ingushetia. A man called Ilyas was irritated by his neighbor's dog's constant barking. One day the dog also bit Ilyas's son, who had teased it. Ilyas got very angry and shot the dog right in the neighbor's yard. According to the Chechen customary law - adat - to kill a dog in someone's yard is the equivalent to murder. And according to adat, murder must be avenged with murder. So, when the dog's owner, Jabrail, learned about the killing of his dog, he took his gun and killed Ilyas. The spiral of violence went forward: Ilyas's relatives retaliated and killed Jabrail. Then Jabrail's clan killed another person from Ilyas's clan. After seven people had been killed, the two sides decided to find a way to resolve the feud. State institutions were not functioning in the midst of the war, so the two sides went to the village imam for arbitration according to Sharia. In Islam, unlike in adat, the dog is an unclean animal, and there is no such thing as collective responsibility, so the imam failed to find any path to reconciliation. With no resolution coming from the imam, the two sides called for a gathering of respected elders. The elders deliberated for two days and finally found a solution according to adat: they found the dog guilty in initiating the feud, and since it had been killed, elders decided to punish the dog's "clan," its puppies, and applied one of harshest form of punishment reserved in adat: people expelled the puppies from the village. After that, the dispute finally came to an end.

This case is fascinating. It shows the power of adat in Chechen society and the complicated relationship between alternative legal orders. However, it is not clear whether the case actually

happened or is a legend. When I retold this story to one of my trusted Chechen interlocutors, his reaction was: "This is either made up, or these people in Bamut are crazy nuts!" In other words, even though the case illuminates many elements of Chechen customary law, it is hardly representative.

More generally, when I asked authorities in charge of alternative forums how often they adjudicated cases of blood revenge and bride kidnappings compared to more mundane disputes related to child custody or property disputes, they usually answered: one to twenty. In my semistructured interviews, I asked questions about different types of disputes, including how common these disputes were. Relatedly, I always had to differentiate the positive descriptions of the actual dispute resolution practices from the normative accounts. I found a very similar reflection on fieldwork in Sokyryanskaya's dissertation on Chechen clans. She wrote "I noticed that during interviews when asked questions about traditional institutions people would often talk about how things ought to be, not how they really are."

The single most important part of my fieldwork that allowed me to increase my awareness of the actual social terrain in Chechnya and separate romanticized accounts from reality was my immersion into Chechen daily life through living with Chechen families. During my fieldwork, I developed a particularly strong connection to one individual, who became my host, my Chechen family, and my most trusted informant on war, legal pluralism, and all other things I was curious about in the field.

Immersion

Originally, I heard about Satsita Israilova from one of my colleagues in the community of researchers on the Caucasus, who described her as "the leader of civil society in Chechnya." Satsita was the director of the Chechen National Library. The library was famous for hosting numerous

conferences, roundtables, art exhibits, and clubs where people discussed books or practiced speaking in English.

I arranged an interview with Satsita during one of my early fieldtrips to Chechnya. The interview was held in her office in the library. When I told Satsita that I was interested in adat, Chechen customary law, her eyes lit up. Satsita told me that for her entire life her favorite activity had been to question elders about Chechen traditions. As a result, Satsita had acquired a pre-eminent understanding of adat. Our conversation about adat lasted for several hours, and at the end she asked me where was I staying in Grozny. At that time I stayed in a rented apartment in the very center of the city. When she heard my response, Satsita said that this was a shame. "You are a guest. Next time when you come, you will stay with me." I gratefully accepted her invitation and stayed with Satsita during all five subsequent trips to Chechnya. My relationship with Satsita became an extremely important part of my study. First and foremost, she shared with me her extensive knowledge of adat and Chechen history. Soon I found out that Satsita's family had an important role in this history.

Satsita's grandfather, Khasan Israilov, organized one of the major rebellions against the Soviet authorities in mountainous Chechnya during the 1940s. Khasan had an interesting life trajectory. He received a good Islamic education and also earned a law degree from a university in Russia. In 1929, Khasan joined the Bolshevik party. He was writing prose and poetry and worked as a journalist for one of the leading newspapers of the Soviet Chechen Republic. In the early 1930s, Khasan was arrested for his critical articles, but he was soon released. After his release, Khasan went to study in Moscow at the Institute of Communism for the Proletariat of the Orient, named after Stalin, where he became friends with other prominent members of the Chechen intelligentsia. Upon his return to Chechnya, Israilov wrote a letter to the Soviet leadership in which he claimed that the Soviet government aimed to annihilate the Chechen people and declared a rebellion, which lasted for four years in the form of small-scale guerilla attacks. In 1944, Khasan was killed by NKVD (KGB) agents.

One of Khasan's sons, Magomed, along with dozens of other rebels, did not surrender and continued to fight in the mountains. Magomed's group of rebels surrendered only in 1957 with a guarantee of amnesty from the Soviet authorities. Magomed started a civilian life and married Sero, a woman from Pankisi Gorge. Sero gave birth to three daughters. The parents named the third daughter Satsita, which in Chechen means "enough girls!" The spell worked and Sero then gave birth to a son. But Magomed never saw his son's birth; he had been assassinated by KGB agents. Sero was left with four young children and the status of the widow of an enemy of the Soviet people.

Satsita's family history illustrates some of the core manifestations of adat. Sero originally refused Magomed's proposal to marry him. She loved another man from her village. But Magomed, the former rebel, decided to try his fortune and kidnapped Sero, whose virtues and beauty were known across the whole Pankisi Gorge. Teymuraz, Sero's father, was extremely angry, but forced Sero to marry Magomed to avoid any possible speculations about the family honor. Sero never loved Magomed; however, after she became a widow when she was just 27, she refused endless offers to remarry. According to customary law she was supposed to leave the children to her husband's relatives and was free to remarry. However, she appealed to the elders of Magomed's clan and asked their permission to retain the children and remain in her husband's house as his widow. The elders agreed to her plea. Magomed's relatives revenged his death in accordance with adat: they killed a brother of the KGB agent who was responsible for his assassination. Thus, bride kidnapping, blood revenge, and adat norms regarding children were all incorporated into Satsita's life from the very beginning.

During the many months that I stayed with Satsita, every evening we ended up drinking strong tea and talking. Many of Satsita's stories were personal. As a result, Satsita's life trajectory animated for me life in Chechnya during the late Soviet Union, the troubled times of the Chechen national revolution and the de facto independent state of Ichkeria, and especially the wars. Satsita never left

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Chechnya during either war, and her recollections of the wartime period largely formed my knowledge of civilian experiences during the Chechen wars.

Satsita grew up in Grozny, which was largely a Russian city. The category of "Russian" included ethnic Russians, Ukrainians, Armenians, and Jews. Chechens and Ingush were minorities in the city. In Satsita's school the split between Russians and Chechens was almost equal. Like many other Chechens who lived in the Soviet Union, Satsita remembered that period as one of interethnic friendships and intercultural exchange. However, at the same time, Satsita also remembered numerous incidents of discrimination. For example, one of her teachers referred to all Chechen students as "bandits" and to Satsita as "the granddaughter of the main bandit." Satsita remained part of the family of an enemy of the Soviet people.

Satsita's family history turned from a burden into a potential resource with the Chechen national revolution of 1991. The story of Khasan Israilov, who belonged to the Chechen intelligentsia and rebelled against Soviet power, became attractive to the emerging Chechen nationalist movement. Ichkeria officials even renamed a street in Grozny after him. In turn, Satsita, by then a young woman, received numerous marriage proposals from those who wanted to marry the granddaughter of the famous rebel. She declined all of them. In the early 1990s Satsita finished her college degree and started to work as a librarian. The library system employed mostly Russian-speaking workers. However, most of them left the region, including Satsita's boss Solomon Moiseyevich, soon after the revolution of 1991. As basically the only worker who did not leave, Satsita became the head of the Grozny library system at the age of 27.

The time of the revolutions, political struggles, and wars were not especially suitable for library work. During the post-Soviet period, Satsita fought the endless attempts to expropriate library buildings and turn them into restaurants. In this struggle, she even ended up in the office of Dzhokhar

Dudayev, the first President of the independent Chechnya, whom she remembered from their meeting in his office as a tired and lonely man.

During the wars, the libraries of Grozny were bombed along with other buildings, and almost all of the libraries burned down. Satsita took this as a personal tragedy and walked around the city to collect books from the ruins. She stored them in the basement of her own house. As she remembered, the first book in this collection was Plutarch's *Lives of the Noble Greeks and Romans,* which she found in the ruins of the destroyed headquarters of the famous Chechen warlord Salman Raduyev.

In the immediate aftermath of the Second Chechen War, in February 2000, Satsita reopened the city library of Grozny, which for a long time remained the only pubic space in the destroyed city. Both the Russian army and the rebels treated Satsita as crazy and let her keep the library running. The library became a magnet for those who stayed in the city. Few came to read: people mostly needed communication and some normalcy in their life. Satsita organized art exhibits, roundtables, and poetry readings. Due to her efforts to save the books and keep the library open during both wars, Satsita became an urban legend in Grozny. Almost everyone in the city and Chechnya in general knows her and respects her for these wartime efforts.

Having Satsita as my host was a tremendous advantage for my study. Satsita's references helped me secure many interviews with representatives of Chechen intelligentsia, scholars, and many prominent former politicians. Furthermore, these politicians belonged to opposing political camps: I met with former members of the separatist Ichkeria government as well as with former members of pro-Russian governments.

My relationship with Satsita also helped me with the logistics of the study. I obtained an informal office in the library, where I held some of my interviews and wrote my field diaries. Satsita also mobilized librarians across Chechnya to help me with my study. Libraries exist in all towns and

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villages in Chechnya, and she knew the librarians in almost all of them. Because of that, when I needed to go to a village, I always had an initial contact there.

Living with a Chechen family was immensely helpful for understanding the basics of family relations in the Chechen society. Satsita semijokingly adopted me as her son and gave me the Chechen name Goro, the name of Satsita's 15th ancestor, which was also phonetically close to my actual name. During my stay with Satsita, I met many of her relatives, neighbors, and colleagues, who all shared with me their life stories and cases of disputes resolved according to one of the alternative legal orders. Out of Satsita's 150 library employees, perhaps 90 percent were women, with many of whom I had numerous conversations. These conversations helped me to partially overcome my inability to access women respondents. Overall, the knowledge that I gained from conversations with Satsita's relatives, neighbors, and colleagues was almost as important for my understanding of everyday disputes in Chechnya as the insights from my formal semistructured interviews.

Outside of Satsita's house and the library, I spent most of my time in Grozny in the Center for Contemporary Art, an art cafe where intellectual Chechen youth gather in the evenings. The cafe hosted exhibits, live music concerts, and public lectures. People also gathered to play board games, drink tea, and talk. This was basically the only place of its kind, and I became a regular there. Both men and women gathered at the cafe. Because of that, some of my respondents viewed the cafe regulars as "too liberal." For me, however, this was the perfect setting for socializing with young Chechen men and women. I spoke with them about their families, contemporary Chechen literature and music, family relations, and dating. I would not ask similar questions during a formal interview. Many people at the cafe gave me advice on my study and connected me to their relatives, colleagues, and friends. I visited the native villages of some of my new friends, and went to their families' weddings and funerals. Since I was a regular at the cafe, many people got used to me. When I returned to the

field after months of being away, a common reaction was "We haven't seen you in a while, where have you been?"

The cafe had one rule: visitors could talk about everything except politics and war. This rule was strictly enforced, and this is not surprising given the security situation in Chechnya. Security was the central concern for my work. The issue included my personal security as well as the security of the subjects of my study.

Security Situation and Protection of Study Subjects

When I first told my family and friends that I was going to conduct fieldwork in the North Caucasus, most of them either thought that I was joking or advised me to wear a bulletproof vest. At the time of my study, Russian media constantly reported episodes of insurgent attacks and counterterrorist operations in Chechnya and the neighboring regions of Dagestan and Ingushetia.

On the ground, however, the situation differed dramatically from the media's portrait. In fact, by the time of my study (2014-2017), the security situation in Chechnya and in the region overall had improved dramatically compared to earlier periods. There was no active sustained insurgency in Chechnya during the time of my study. Even so, the streets of Grozny and the roads of the republic were always filled with heavily armed security personnel. On several occasions, I spoke with members of the security forces on the streets. For instance, during one of my first trips to Chechnya in the summer of 2014, I was walking down Grozny's main avenue, named after Vladimir Putin, when a police officer shouted to me: "Hey! Where are you from?" He was visibly bored and was sheltering in the shade of a small tree as it was more than 100 degrees Fahrenheit. When the police officer learned that I was from St. Petersburg, he said, "Don't look at our big guns and be afraid – it is pretty safe here. But I would not advise you to go to the mountains." However, when I told him that I was a political scientist, he lowered his voice: "Oh, is that like Politkovskaya? She was writing the truth –

that is why they killed her." The officer's words succinctly summarized the security situation in Chechnya. Overall, it was quite safe – the insurgency was largely tamped down and crime was almost entirely absent – and many people told me that you could leave a car unlocked and no one would take it. I was easily able to walk around any part of Grozny at any time of the night. But at the same time, if the government of Ramzan Kadyrov did not like you for whatever reason, your safety was at grave risk.

For instance, during my fieldwork in Chechnya, The Committee against Torture, a human rights organization that was in open conflict with Ramzan Kadyrov, suffered from numerous attacks by unidentified militias. The organization's office in Grozny was burned down. A car with NGO employees and journalists from Russia and Europe was attacked on a road. The unidentified militias beat the activists and journalists and burned their car.

At the same time, Kadyrov's government started to monitor social networks. Those who posted critical comments against Kadyrov or Putin were forced to make public apologies to Ramzan Kadyrov. Over time, Kadyrov's regime created an unprecedented atmosphere of fear in Chechnya.

To ensure safety during my fieldwork I did several things. First, I obtained letters of endorsement for my study from two research universities in Moscow, the Higher School of Economics and the Academy of Public Administration. Both schools are connected to the Russian federal government and the latter even has "The President of Russia" in its full name. This was necessary because of the strong anti-Americanism of the Chechen authorities. I treated the letters as some form of insurance, however weak. Despite the suggestion of my trusted friends in Chechnya to avoid mentioning America altogether, I always informed my respondents that I was a graduate student at Columbia University in the United States.

The second step in my security protocol was meeting local authorities and explaining the purpose of my study to them. I met with many government officials during my fieldwork, but most

crucially during one of the early fieldtrips I met with one of the deputies of the Prime Minister of the Chechen Republic. As in many other situations, I organized that meeting through a network of previously established connections. That high official met with me for maybe 10 minutes, listened to my speech about my study of the use of Chechen customary law and religious norms to adjudicate disputes, and said: "Study whatever you want. These are good topics." The framing of my research as the exploration of Chechen customs and religion was very important in that interaction and in many other interactions with officials. For the officials, a study of Chechen customary law and religious arbitration seemed harmless. They perceived it as a case of cultural studies rather than political science.

Third, I assumed that my communications in Chechnya were under constant surveillance, given the high coercive capacity of local security services. Therefore, every day of my fieldwork, I called my mother and in very plain Russian language explained to her what I did during the day, emphasizing learning about Chechen customary practices such as bride kidnappings, blood revenge, funerals, and weddings. I assumed that I was speaking not only to my mother, but also to some lieutenant in the local branch of the FSB (KGB successor). This was another way of framing the study as cultural anthropology, harmless for the authorities.

Despite all that, I never felt fully secure during my research, especially during the first fieldtrips. It was especially scary to go into dark apartment building hallways when I was renting during my early trips. Being housed at Satsita's home decreased this stress dramatically.

Perhaps the scariest episode of my fieldwork happened during one of my early fieldtrips, when I had not yet met Satsita and lived in a rented apartment. At 7 in the morning, I heard loud knocking on my door. Through a peephole I saw a bunch of armed men in camouflage in front of my door. I was scared and did not open, moving silently to pretend that the apartment was empty. To my surprise, the men left. They went upstairs and started to knock on other doors in the building. Clearly, they had not come for me. As I was told later, this was a standard procedure of the Chechen police, who

regularly check apartments in the city center. I was not sure exactly what they were checking, but that morning I was really scared.

Another truly memorable day of my fieldwork was December 17, 2016, when I was in Grozny during a rare, large-scale insurgent attack that resulted in two days of fighting between insurgents and security forces. For the entire period, I could hear gunfire and cannonade. But what astonished me most during those two days was that most Chechens did not pay much attention to the gunfire and cannonade: everyone went to work, and the streets were full with cars and pedestrians. People who lived through two wars barely acknowledged this fight with insurgents.

The central concern of my study was ensuring the safety of my study subjects. In the end, as an outsider, I was always much more secure than people in Chechnya. Kadyrov's government could not threaten my relatives or fire me from my job. But locals who participated in my study in any form were potentially at risk. Therefore, I first ensured that the government of Chechnya was aware of my study and informally approved it. Second, I always briefed my respondents about the purpose of my study and orally requested their consent to take part in the study. Third, I avoided asking any political questions about Ramzan Kadyrov, Vladimir Putin, or other sensitive issues such as repression in contemporary Chechnya. Fourth, I never recorded the interviews. During the interviews I made notes. My terrible handwriting doubled as a form of encryption. In the notes and in the texts of the dissertation, I use aliases in most cases, other than in interviews with respondents who agreed to be named and did not express any controversial opinions.

Finally, I took special care when asking questions about wartime experiences. The Kadyrov government heavily polices narratives about the wars. Perhaps more importantly, recollection of wartime experiences can be psychologically challenging for people who went through the horrors of the Chechen wars.

Experiences of Conflict

Throughout my fieldwork, people told me numerous stories about the wars. The conflict lasted for more than a decade and, for almost all my respondents, the war split their lives into "before" and "after." All Chechens lost loved ones, and many were wounded, lost their property, had to live in refugee tents for decades, or leave Chechnya altogether.

Grozny, which was recognized by UNESCO as the most destroyed city on Earth in 2003, now is completely rebuilt. There are almost no signs of war left in the capital. Unlike many other postconflict places, for instance Sarajevo, where the authorities decided to preserve some holes from bullets and bombs as symbols of the horrors of the war, the government of Chechnya completely erased everything that could point to the history of conflict. There are no special monuments for victims of the war, only one to Ramzan Kadyrov's assassinated father Ahmat and one to police officers who were killed in counterterrorist operations. Furthermore, the commemoration of Stalin's deportation of Chechens to Central Asia on 1944 is also strictly regulated, because the collective commemoration of the crimes of the Soviet and the Russian governments against the Chechen people seem dangerous to the Chechen regional authorities. For example, after civil society activist Ruslan Kutayev organized a roundtable on February 23, 2014, the anniversary of the deportation, he was arrested and sentenced to four years for alleged drug possession. The politics of memory in Kadyrov's Chechnya is almost like a minefield. Therefore, I was very cautious when asking about the deportation and the war.

Nevertheless, conversations about traumatic experiences happened all the time. In both Chechnya and Ingushetia, I conducted numerous interviews with elders, many of whom survived the deportation of 1944 or were born in Central Asia before the Chechens and Ingush were allowed to return to the Caucasus in 1957. In almost all of these interviews, we reviewed respondents' memories of the deportation and life in exile. For instance, Khamzat Yandarbiev, an elder from the village of

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Starye Atagi, told me that he was seven when he was deported along with his father, mother, two brothers, and sister.[14] Their family was deported to a remote mountainous area in Kazakhstan, where they were forced to work on a sawmill. "The conditions were unbearable. My father bribed some administrator of the felling camp and they allowed us to leave the camp and go to the city nearby. There was no transportation. We children did not have any shoes and had to walk through the forest for four days in severe cold in self-made shoes. During the trip my sister died. Soon my brothers and my father died too." Personal stories of losses united the narratives about the deportation and the war.

Conversations about the war happened all the time. Even at the art cafe, where talking about the war was prohibited, on some occasions people started to sporadically recollect their childhood wartime memories. On night, for example, two young men – let's call them Adam and Said - started to talk about how they played with the shells from the bombs. They discussed the kinds and parameters of the bombs with such profound knowledge and detail that I was amazed. For this generation of Chechen youth, shells and bullets were the only toys they had.

Many people started to talk about the war even if I did not ask them about it. In fact, almost no one was able to speak about their life without mentioning it. For example, Vakha, an elder in a Chechen village, told me that for him the experience of war was first of all about humiliation.[15] His house was repeatedly invaded by both Russian soldiers and rebels. Vakha remembered how one day his wife made some bread for Russian soldiers, who raided their house in the morning, and the same night the rebels entered their house and said: "We've heard that you feed the feds [Russian soldiers] here, old man!" Vakha responded that his family had no choice when armed men came, whether Russian or Chechen. Vakha said that for him, "It was especially painful that he had to offer excuses to younger Chechen men, who invaded his house and talked disrespectfully with him and his wife."

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[14] Interview # 71, December 2016, Starye Atagi
[15] Interview # 3, August 2014, rural Chechnya

For him, this was a clear violation of the Chechen customary code of behavior that he embraced. Similarly, Khasbulat, an elder from a village that experienced horrible violence during the Second Chechen War, told me that his most vivid memories of the war were the images of the soldiers who walked into his house "with their boots covered in mud" and "constantly swearing."[16] For Vakha, Khasbulat, and many other people with whom I talked, these experiences of humiliation were almost as painful as killings that they witnessed. These killings became routine in Chechnya for a decade. For instance, Vakha vividly remembered how Russian soldiers killed a group of men from his village as revenge for Russian soldiers killed by rebels near the village. The villagers were killed, with astonishing cruelty, with a flamethrower.

The war had a profound impact on the mental health of generations of Chechen men and women. For instance, Suleiman, an assistant professor at one of the local universities, told me:

> Everyone here is a little bit crazy. The war made us crazy. When I was a kid, I was very close to being dead. I was eight years old maybe. I went to swim in the river which was separated from our village by the small forest. When I was walking down this forest, I heard a click below my foot – by then everyone in Chechnya knew that this click meant that I had stepped on a landmine. I tried to shout out for help, but no one heard me. I stood on the same place for maybe five hours. At some point, I had no energy left and took my leg away. The mine did not work. I guess I was too gaunt and the bomb just did not consider me as a man. You have to be forgiving to our people after all that.

To my surprise, when talking about the war, many people remembered funny episodes and told me jokes. According to one of my respondents, dark humor became very popular in Chechnya as a coping strategy during the wars. "It was horror everywhere, so we needed to confront it with laughs."[17] Another respondent told me that for him the most memorable episode of war was the following story:

> I was fighting in the resistance movement. During the First War, at some point the Feds [the Russian army] had already captured Grozny, but we [the rebels] still controlled Staraya Sunzha, the village right next to the city. Our men were tired and

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[16] Interview # 29, January 2015, rural Chechnya
[17] Interviw # 4, August 2014, Grozny

hungry and we decided to send one of us to the city to find some food. I volunteered. I went to Grozny and after some walking around I saw several sheep at the roadside. I took one sheep and turned back. However, soon after, heavy shelling started. I had to hide and hugged the sheep to protect it. When the shelling ended, we kept walking. On a bridge next to the old tram depot, I heard the noise from the coming troops and their armed vehicles. We – the sheep and I - were in an open spot. There were no buildings around, so I jumped in a rocket hole in the bridge to hide. The sheep jumped into the same hole. I decided that it was too risky to leave our shelter and we were sitting there in this small hole for hours. Two of us – the sheep and I. At night we finally went out and we made it back. When my men saw me, they were very happy – they thought that I was surely dead. When they saw that I brought the sheep, they became even more excited, expecting to have some good kebab. However, I prohibited them to touch the sheep. It became my comrade! I gave it to a family in the village and asked them to protect it. Unfortunately, I did not find this family after the war, so I do not know what was that sheep's fate after our meeting.[18]

Stories like that allowed me to understand the experiences of those who fought and those who tried to survive in different civilian roles. Overall, the qualitative part of my study helped me to understand the context of the study, and I learned a lot about the conflict, the independent variable of my analysis, and the functioning of legal pluralism, the outcome of interest of my research. However, as I mentioned above, some of the core inferences of my analysis are made with analysis of the quantitative data. These quantitative data are inseparable from my fieldwork.

Fielding the Survey

After I obtained a basic understanding of the functioning of the alternative legal orders, I aimed to analyze the factors that drive individual choices between them. The cases that went through Russian state legal systems were recorded, but arbitration according to adat and Sharia were not. Therefore, analysis of the administrative data was not the best option for studying choices among the alternative legal orders: it simply lacked information about nonstate orders. I therefore decided to organize a survey of Chechnya's population.

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[18] Interview # 69, December 2016, Grozny

The principal feature of my survey was that it was grounded in my qualitative research. The main questions aimed to reveal preferences for alternative legal orders were based on a set of vignettes: scenarios of disputes uncovered in my interviews, archival research, and observations of resolution practices. Based on these materials, I designed 10 vignettes involving the following issues: (1) child custody, (2) domestic violence, (3) bride kidnapping, (4) honor killing, (5) polygamy, (6) inheritance, (7) property, (8) car accident, (9) debt, and (10) murder. Each vignette is a composite of multiple actual cases. Before conducting the survey, I discussed each vignette with lawyers, alims (Islamic scholars), and leading Chechen ethnographers to ensure their validity in capturing social conflicts in Chechnya.

In November 2015, I went to the field and piloted the survey with students from three major universities in Grozny, a sample of experts and my Chechen acquaintances. The survey was conducted in the Russian language. Originally I thought to conduct some interviews in Russian and others in Chechen as an experiment to study the effect of language (as a proxy for identity) on survey responses. However, soon enough I found out that conducting surveys in Chechen was impractical: most people were not able to read in the Chechen language, which remains largely oral. In addition, Russian is used as the official language of communication and the survey was perceived as something official.

The piloting of the survey convinced me that my vignettes worked well for capturing preferences for alternative legal orders and underlying identities and interests. For example, Ali, a relatively young Chechen official, told me that "after filling your questionnaire, I spent the entire next day thinking about who am I first: a Chechen or a Muslim?" Others also found the questions interesting, relevant to actual everyday disputes, and noncontroversial in the eyes of the authorities.

After I piloted my survey instrument, I moved to the organization of the mass household survey. During the fieldwork, I learned that no major Russian or international polling firms work in Chechnya. Moreover, consultations with researchers and NGO workers in Chechnya suggested that

many people in Chechnya would not talk to outsiders. Therefore, I organized the survey myself, relying on local interviewers.

While preparing the study, I met in Moscow with Sergey Khaikin, a sociologist who had conducted a set of representative surveys in Chechnya in 2003, during the active insurgency. He told me that he believed that it was easier to conduct surveys in Chechnya in 2003 than in 2015. "At that time, people who went through the war wanted to share their opinions. Now people are extremely afraid to say something that they might be punished for. People are really scared." Khaikin also shared with me numerous pieces of methodological advice on the organization of the survey.

To build a sample frame, I relied on the available administrative records. I implemented a multistage sampling protocol. First, I defined the primary sampling units (PSUs) as Chechnya's 300 settlements, as found in a methodological appendix to Khaikin and Cherenkova's report on their 2003 survey. Second, I selected 44 settlements to be included in the sample, stratifying the selection by district and population size. The sample included both urban and rural settlements, and represented all 17 municipal districts in Chechnya. The number of respondents per unit was proportional to population size. The geographical distribution of the sample is presented in Figure 1. Within household units, respondents were chosen based on gender and age quotas ("youth," 18-25; "middle-aged," 25-60; and "older generation," over 60 years old).

To implement the study, I hired and trained 35 interviewers who were either students at the Chechen State University or junior research fellows at the Chechen branch of the Russian Academy of Sciences. The majority of interviewers were female (28 of 35); the average age was 23.

After a two-day training, I asked each interviewer to list communities included in the sample (villages and urban districts) where they were comfortable conducting surveys because they were either from there or had strong family ties to them. The original match was imperfect, so I recruited and trained additional interviewers to cover underrepresented districts.

Each enumerator was assigned to conduct between 6 and 60 surveys (35 on average) in their communities, depending on the community's population size. The majority of interviewers (22 of 35) worked in a single location. Larger settlements were surveyed by multiple interviewers. For instance, 12 interviewers worked in Grozny, the largest city in Chechnya. Within selected communities, interviewers were asked to follow a uniform selection of households (every 4th household) from a preselected point going anticlockwise around the blocks with a left turn at every street corner. In the villages, the starting points were in the middle of the main street (which almost always was named after Ahmat-hajji Kadyrov, Ramzan's father). In urban districts, the starting points were randomly selected street addresses. In the multistory buildings in the urban areas, interviewers selected every 4th apartment number in the block. As a result, within each sample site, the respondent selection procedure was random. If enumerators were not able to talk to anyone in the selected household, they were instructed to return to the house twice. If no eligible adult could be found after three visits, the household was marked as missing. However, this was a relatively rare outcome (approximately 10 percent of nonresponses); the vast majority of nonresponses (approximately 90 percent) were due to a refusal to participate. Respondents explained their refusals by citing a lack of time or low education.

Employing local interviewers allowed me to reach a high response rate: out of 1,490 selected households, 1,213 took part in the survey, for a response rate of 81.4% (AAPOR2). I asked interviewers to maintain daily diaries about their experiences while conducting the survey. These diaries became an important source for understanding the survey implementation process.

For example, interviewers' diaries informed me that respondents reacted positively to the questions in the survey. They were pleased that some researcher was interested in Chechen customs and religion and wanted to write a book on this topic. The overwhelming majority of respondents liked the vignettes. They were easily able to relate to the characters of these hypothetical disputes. Many people told my interviewers about similar situations that happened with them, their relatives,

friends, and neighbors. One respondent even sang an old Chechen song in response to one of the vignettes. According to the interviewer's diary: "The song was about a Chechen girl who fell in love with an officer of the Russian imperial army. They got married and the women gave birth to a son. However, soon the husband suddenly died. The woman's brothers wrote her a letter where they said that they forgave her and invited her to come back home to Chechnya. The woman went back home, but her brothers killed her immediately upon her return from Russia. And then they raised her son as a real Chechen."

Interviewers also recorded relevant information about respondents' experiences during the conflict. The questionnaire contained only a few questions about the history of victimization, but respondents often provided long descriptions of their wartime experiences. According to one interviewer's diary, in one village that was especially heavily victimized, several respondents cried after questions about the war.

Through the diaries I also learned that even though the questionnaire was in Russian, the interviews switched from Russian into Chechen and back all the time, as respondents asked clarifying questions and provided their extended opinions on the vignettes. One interviewer wrote that that in one village she had a hard time understanding the dialect and it was easier for her to talk with respondents in Russian. At the same time, another interviewer said that he had to translate the entire questionnaire into Chechen for several elderly respondents who did not speak Russian well.

The diaries also provided a lot of small but telling details about the perception of the study. For example, one respondent made a comment about the case of murder. The vignette was the following: "During a mass fight, Ali hit Shamil with his fist. Shamil fell down and died." This respondent's reaction was: "This is not just Ali, but Byurs-Ali [Bruce Lee in Chechen]!"

Most enumerators wrote in their diaries that conducting the survey was very interesting for them, because they learned a lot about customs and religion and were curious to learn that people had drastically different opinions about the situations described in the survey.

The diaries showed that employing local interviewers was a good strategy, because they were able to elicit the respondents' trust. Almost all interviewers wrote that people did not just respond to the questions, but also spoke with them and in many cases treated them to lunch or dinner. As one interviewer put it: "Never in my life did I eat so much as during these two weeks."

Working in their own communities was also extremely important for the interviewers' own participation: many of them, especially female interviewers, would never have agreed to work in unfamiliar communities. One of the interviewers said, "My mother would never allow me to work outside our village." Another interviewer wrote in her diary that she "was afraid of walking into strangers' houses" and therefore she brought her brother with her while conducting surveys.

Interviewers actively highlighted their local status. In one diary, the interviewer wrote, "First of all I introduced myself. I told people the name of my father to create trust, because if I deceive them, they can go and talk to him. That worked very well. Not a single person refused to talk to me." Others emphasized that "there was a wary perception of me from the people I did not personally know" and "People whom I did not know more often refused to be interviewed."

Other interviewers, however, claimed that there was little difference between interviewing people they knew and those they did not know. For instance, one interviewer wrote in her diary that two women who lived on her street and whom she had known for years refused to participate in the study without any explanation. Another interviewer wrote that in her native village, where she knows virtually everyone, people were more suspicious than in the neighboring villages where she did not know people.

I also fielded a similar survey in Ingushetia. As in Chechnya, prior to implementation of the survey I conducted qualitative research and piloted the questionnaire.

Beyond Chechnya

In order to put the effect of conflict on legal pluralism in Chechnya into comparative perspective, I conducted research in two neighboring Muslim-majority regions: Ingushetia and Dagestan. The main comparative case was Ingushetia. Until 1992, Checheno-Ingushetia was a single federal unit within the USSR and subsequently Russia, but in 1992 they separated: Chechnya proclaimed independence from Russia and Ingushetia remained within the Russian Federation. As a result, Ingushetia was not affected by the Russo-Chechen wars. Today, Ingushetia lives under the same constellation of legal orders as Chechnya: Russian state law, Sharia, and adat. Ingush people belong to the same Nakh ethnolinguistic group as Chechens. The language differences between Chechens and Ingush are less than between British and American English. Social structure and culture are also almost identical between the two regions. Therefore, I treated Ingushetia as a good comparative case.

Nevertheless, inferences derived from the comparison of these two cases should be taken with caution. First, Chechnya and Ingushetia differ along many dimensions other than their history of conflict. For instance, Ingushetia is much smaller and more rural than Chechnya. Second, Ingushetia had its own history of conflict: in 1992, the Ingushs suffered from ethnic cleansing during an intense 5-day conflict with neighboring Ossetians over a territorial dispute. Third, the Chechen wars spilled over into Ingushetia: the region hosted hundreds of thousands of Chechen refugees; and security forces' violence against civilians spread from Chechnya into Ingushetia in the 2000s. However, the experience of prolonged armed conflict is still likely the most important factor that distinguishes Chechnya from its neighbor.

My research in Ingushetia mirrored my approach in Chechnya. I interviewed officials in the state justice sector, prominent religious and customary leaders, and members of NGOs. Ingush society is even more densely connected than the Chechen one. As a result, during a relatively short fieldtrip of three weeks, I was able to secure interviews with two members of Ingushetia's Supreme Court, as well as with the most influential religious authorities, including the Mufti of the Republic and prominent Salafi clerics.

On the ground, the main difference from Chechnya was that Ingushetia was much more free: people were open to talk about any topic and often openly criticized the government. The famous Ingush writer and dissident Issa Kodzoyev expressed the ultimate value of egalitarianism in Ingush society with the proverb: "Higher than me is only God, lower than me is only grass."[19] In turn, Idris Abadiyev, an Ingush businessman, told me that "Ingushetia is the most ancient democracy in the world. We've never had kings and always lived according to adat."[20] He also claimed that "Chechens evolved from the Ingush." Sharing similar nationalistic sentiment, one Ingush academic whom I interviewed was bewildered after I told him that Ingushetia and Chechnya are very similar. He said, "There is nothing similar between Chechnya and Ingushetia! Chechens just stole all elements of our culture. Our food, our dances, our songs!"[21] I encountered examples of petty nationalism against the Ingush - the brother-nation - among some Chechens as well, but the overwhelming majority of people with whom I spoke in both regions agreed that the differences between the two nations are minimal.

During my fieldwork in Ingushetia, I gathered information about the most common disputes, and these happened to be quite similar to the ones I found in Chechnya. I also pretested my questionnaire vignettes with local lawyers, scholars, and alims. After that I implemented the survey (N=400) following the same procedures as in Chechnya.

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[19] Interviews # 98, August 2016, rural Ingushetia
[20] Interview # 99, August 2016, Nazran
[21] Intervirw # 97, August 2016, Nazran

In addition to Chechnya and Ingushetia, I studied legal pluralism in Dagestan, another Muslim-majority region of the North Caucasus that borders Chechnya. I did several research projects in Dagestan prior to my dissertation study, and also went there for a one-month research trip that was dedicated specifically to issues of legal pluralism. During this fieldtrip, I interviewed state officials, lawyers, scholars, and religious authorities.

I paid special attention to the study of dispute resolution practices among Akkins, Chechens who live in Dagestan near its border with Chechnya. Akkins share the same set of legal orders and were not affected by the conflict. I conducted numerous interviews with Akkin community leaders, but failed to organize the survey there as I had planned. I learned that the government ran a controversial survey in the Akkin community right before my fieldtrip and after that the word "survey" became a curse there. In other words, the government spoiled the field.

Finally, some of my research was outside of the North Caucasus. I did a few interviews in St. Petersburg and Moscow, and also researched the Chechen diaspora in Europe, mostly in France. The study of the diaspora was necessary because the war led to a large-scale exodus of Chechens; according to conservative estimates, there are more than 150,000 Chechens living in Europe (the population of Chechnya is approximately one million). Among those who emigrated, many were supporters of the Ichkeria government (nationalists) and Islamists. Both groups are against Russian law and support adat and Sharia respectively. Thus, the study of the diaspora was necessary to probe the severity of population sorting based on political preferences during the conflict that might have affected the inferences of my analysis. Indeed, most of those whom I interviewed in Europe had strongly politicized identities. However, as one of my respondents who is deeply engaged with the Chechen diaspora told me, "The vast majority of Chechens who live here are neither *ichkeriytsy* (nationalists)

nor Islamists – they are just people who wanted to live like normal human beings and escaped from the hell of war."[22]

Another reason for conducting fieldwork in Europe was that I was able to interview supporters of the pro-independence Ichkeria government, former field commanders, and rebel fighters. These interviews were very useful for understanding their perspectives on war and on the functioning of parallel legal orders in de facto independent Chechnya during the 1990s.

In addition, my research in Europe allowed me to explore the functioning of adat and Sharia law when they are contrasted not just with Russian law, but also with European legal orders, which are much more efficient and less corrupt and biased. Thus, I was able to explore factors that drive individual preferences for alternative legal orders in different institutional environments.

Despite the fact that many diaspora members were open to talking with me about Ichkeria and conflict, many others rejected my requests for an interview because they were afraid of Kadyrov's potential repression despite being in Europe.

Finally, a portion of the fieldwork was "placeless," not connected to a particular physical location. Over the course of my fieldwork, I became connected to many people through different social media. Instagram and Whatsapp are particularly widespread in Chechnya, because Ramzan Kadyrov loved these media platforms and encouraged or even forced the population and state officials to use these social media.[23] As a result, even some elders and imams whom I met had Instagram accounts. Almost all followers of my Instagram account that I opened when I was in Chechnya are from the North Caucasus. Connections on social media helped me keep in touch with my network of contacts in the field when I was away and ask additional clarifying questions. I have been also reading

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[22] Interview # 113, June 2016, France
[23] In fall 2017, Kadyrov was banned from Instagram and Facebook.

posts and news that my "fieldwork friends" share, which allows me to be informed about the most important developments in the region.

During the fieldwork and in between the research trips, I also immersed myself into Chechen literature, music, and cinema. For instance, listening to Timur Mutsurayev, a Chechen rebel singer and bard, helped me to better understand the rebel wartime narratives. German Sadulayev's novel *Shali's Raid* became a particularly useful source of knowledge about the functioning of alternative legal orders in Chechnya during the interwar period (1996-1999).

General Reflections

Reflecting on my fieldwork made me rethink the issues of impartiality and power. There is a long tradition in qualitative research that emphasizes the impartiality of the researcher and the power asymmetry in favor of the researcher in the relationship between researcher and informant. However, as Malejacq and Mukhopadhyay (2017) showed, these principles might not work in conflict-affected field sites. Chechnya does not currently have an active armed conflict, but the legacies of war and the repressive authoritarian regime make the conditions of field research in Chechnya close to those in warzones.

In response to the challenging security situation, I inevitably had to rely on a network of trusted sources. This network was large, and I had multiple "entry points" in the field. Ultimately, I was able to meet and interview actors from across the ideological spectrum and the former wartime fronts: government officials and pro-government fighters (*kadyrovtsy*), former secessionist leaders and rebels, and Islamic fundamentalists. Nevertheless, through the time I spent in the field, I developed strong feelings towards particular actors, which undoubtedly colored some of my field observations and perhaps my analysis. Empathy towards the individuals victimized by the conflict was the strongest

emotional basis of the study. In the end, it is impossible to remain "impartial" when talking to the victims of mass violence.

The field also largely reversed the standard power dynamics between researcher and subject. During my fieldtrips, I was always treated as the guest, and almost everyone offered me their protection and assistance as my hosts. I was perceived as a young man, a student, who deserved respect for coming to a place with the reputation of being "dangerous." The guest role ultimately was more important than my gender, nationality, and personality characteristics. In other words, I was a guest first, and then a man, a Russian, and everything else. A telling detail is that I was almost never allowed to pay in the restaurants and cafes when I met with my respondents there, not by men or women, old or young, rich or poor. Even though my student stipend at Columbia was higher than the salary of most of my informants, the guest status overshadowed the practical considerations and my objections.

The overwhelming support that I received during my fieldwork increases the importance of the question regarding the benefits of my study to its subjects. For most people, the idea of a study of Chechen customs, religion, and experiences with conflict was absolutely enough. Many people were very curious to read the book that I plan to write based on my study. During the later stages of my fieldwork, when I met with many of my original informants for follow-ups, I presented them with the results of the analysis of the survey data and court records, usually in the forms of figures. My informants were very curious to learn the results of the study and offered useful interpretations of the data. The results of my analysis that emphasized the role of gender were particularly useful for the NGOs that work on female empowerment in the region, because they provided systematic data for the demand for their legal representation services. I also established good contacts with local academics and helped to organize academic presentations by Satsita Israilova and Lida Kurbanova at the Harriman Institute at Columbia.

On one occasion, I also decided to intervene in a case that I was told about during one of my trips to a remote mountainous district of Chechnya. The case was a manifestation of gross injustice within the Russian law enforcement system. I helped connect the family that suffered from the injustice with lawyers and human rights organizations. But on all other occasions, I was not able to offer any tangible help to people who had experienced injustices.

In a few situations, my identity as a scholar associated with a prestigious university in America put me in the spotlight. On one occasion, I appeared on Chechen National Television. I used this to further legitimize my study in the eyes of the Chechen authorities by explaining in detail that my study of Chechen traditions and religion was purely academic. On another occasion, the media affiliated with the Muftiat of Ingushetia widely publicized my interview with the Mufti. The Ingush Mufti had a conflict with the Head of Ingushetia and used the fact that a researcher from Columbia University came to meet him to boost his credentials.

It is important to emphasize once again that the fieldwork in the North Caucasus was challenging. I was not chasing extreme fieldwork and by and large there was never any immediate danger involved in my study. However, the repressive and violent political conditions of the North Caucasus created a stressful environment. Some people whom I met during my trips eventually got killed. Others were jailed. One man, Alexei, an ethnic Tat ("mountain Jews") from the town of Khasavurt on the border between Dagestan and Chechnya, whom I met on several occasions and who hosted me once, got kidnapped for ransom in September 2017 and is still not free at the moment when I write this paragraph. These things, along with anxiety about my own security during the trips, made the field research very stressful.

At the same time my fieldwork was an extremely insightful and rewarding experience. I made good friends, some of whom became almost like a second family. And I have learned a lot.

It goes without saying that the shortcomings of the study are many. For instance, in Ingushetia I was not able to access the data on court records, because some intern allegedly deleted these records by mistake. I missed some other opportunities for gathering data because I learned about them too late. In some interviews I did not ask the right questions. But the fact that I was able to conduct systematic qualitative and survey research in Chechnya defeated my initial skepticism that this was at all possible. With all its flaws, these empirics provide a rare account of what is going on in Chechnya on the ground and allows me to test the hypotheses of my study. I turn to these tests in the next chapters.

Chapter 4

The History of Legal Pluralism in Chechnya

In this chapter, I describe the history of the formation of legal pluralism in Chechnya. First, I explore the emergence of legal pluralism as a result of colonization and the anticolonial struggle. Second, I present an account of the persistence of legal pluralism in Chechnya despite Soviet-era efforts to eradicate it. Third, I describe the resurgence of customary and religious institutions in the unrecognized independent Chechen Republic of Ichkeria. Finally, I analyze the functioning of legal pluralism during the Russo-Chechen wars and the interwar period. This historical analysis is necessary because it illuminates the political logic of legal pluralism promotion and traces the identities formed historically around the alternative legal orders. This chapter also sheds light on the social and political contexts of the functioning of legal pluralism in the region.

The Colonial Origins of Legal Pluralism in Chechnya

Legal pluralism emerged in Chechnya as a result of Russian colonization in the 19th century. Before the colonization, Chechens and the related Ingush people never had a centralized state. Clans (*teips*) and territorial communities were the principal social organizations; they were governed according to customary law, known as adat (Lieven 1999; Tishkov 2004). Derluguian (2005) describes the Chechen social organization as a society of military democracy, organized at the village level, where all men were armed and equal and made the most important decisions collectively.

Since Chechen society was politically fragmented, there was no unified system of adat. Different clans and different territorial communities had their own versions of adat, even though the core principles of adat were common across all Chechen societies. Most importantly, as in other clan-based stateless societies throughout the world, Chechen adat assumes that the subject of the law is the

family and clan, rather than the individual. All disputes within the clan are resolved by its head. The worst punishment is ostracism, exclusion from family and clan. The ultimate regulator of interclan transgressions is blood revenge.

The core values of Chechen adat are freedom, honor, hospitality, and respect for elders. Importantly for this study, Chechen adat gives high social status to women. For instance, Chechens were the only ethnic group in the Caucasus that reserved for women the freedom to choose their husbands; there were no arranged marriages. Murder of a woman under Chechen adat should be avenged by killing two men from the clan of the murderer. There are also numerous provisions of respect for women. At the same time, the customary law based on the principle of agnatic kinship effectively excluded women from political decisionmaking and property rights.

Adat has been traditionally carried out by elders. All Chechen clans and communities delegated an elder to a representative institution called Mekh-Khel (the Council of the Land), which convened regularly and had judicial, legislative, and executive authority. Mekh-Khel governed in accordance with adat norms.

Adat norms in Chechnya have been transmitted through early childhood socialization and have never been codified. In the 19th century, Imperial Russian military officers and academic ethnographers (sometimes they were the same people), wrote down many adat norms and attempted to systematize them. However, these attempts were bound to be incomplete due to the flexible and context-dependent nature of adat.

The first ethnographic description of Chechen society, *The Chechen Tribe,* was published in 1872 by Umalat Laudayev, a Chechen who served in the Russian military. Laudayev made several important observations. First, he claimed that Chechens never had any aristocracy or monarchy and were all equal. Second, he described Chechen society as "anarchic" and based on the rule of force. In particular, Laudayev noted that adat justice had no enforcement other than oath, and as a result strong families

and clans disregarded adat rulings and abused weak ones. Laudayev also described several cases of dispute resolution according to adat. For example, he described the following dispute:

> A man was walking down a river bank with his stick, while a shepherd was sitting on the edge of the cliff of this bank. The man accidently dropped his stick; the shepherd flinched from the unexpected noise, fell into the river and died. The shepherd's relatives blamed the man for murder. The Elders gathered to resolve the dispute and decided that the shepherd's blood costs forty cows. The payment of blood price was divided equally between the man, his stick, and "the timid soul" of the shepherd. So, as a result, the man paid only a third of the blood price and gave his stick to the relatives of the shepherd.

This example highlights two important features of Chechen adat. First, adat does not distinguish between intentional and unintentional crimes. Second, adat is based on nuanced compensatory logic: basically, every transgression has a price.

Relying on ethnographic materials, Maxim Kovalevskiy, a famous Russian sociologist of the 19th century, wrote the fundamental treatise *Law and Custom in the Caucasus*. Among other things, Kovalevskiy claimed that the clan structure of Chechen society predetermined many customary norms, such as blood revenge, restrictions on individual property rights, and exclusion of women from inheritance rights. Kovalevskiy also emphasized that adat in Chechnya and elsewhere in the Caucasus had been significantly modified under the influence of Islam.

Islamization occurred in Chechnya relatively late, from the 16th to the 18th century (Gammer 1994). Some Ingush and Chechen communities adopted Islam only in the 19th century. With the adoption of Islam, Chechens started to use Sharia norms, but the use of these norms in Chechnya was highly selective. Usually Sharia norms were used when they did not contradict adat regulations (Zelkina 2000).

The situation dramatically changed in the 19th century as a result of Russian colonization and the related Caucasian War (1818-1864). Russian colonization policy in the North Caucasus was carried out by General Ermolov, who in an attempt to incorporate the Caucasus applied the so-called "siege policy" (Gammer 1994). The defining feature of Russian colonization of the Caucasus was brutal

terror against any insubordination (Gammer 1994). Ermolov's infamous punitive expeditions were the major means for achieving the loyalty of the North Caucasian peoples.

Russian colonization caused deep resentment in Chechnya. The first large-scale anti-Russian movement was led by a Chechen religious leader named Sheikh Mansour in 1775 - 1791. Despite initial military successes, Mansour's movement failed due to lack of broad support and the apparent military advantage of the Russian Empire.

The most notorious rebellion in Chechnya started in 1840, when Chechens invited Sheikh Shamil, a famous religious and military leader from neighboring Dagestan, to lead an insurrection. Shamil managed to organize effective guerilla warfare against the Russian Empire for several decades. More importantly, he managed to build the first centralized state in Chechnya and Dagestan. Shamil's state, or imamate, which functioned from 1840 to 1856, was a military theocracy. The state had an elaborate government apparatus, a system of taxation, and a unified legal system. Sharia was the ideology and political base of Shamil's state (Bobrovnikov 2002, p 137). The imamate had several levels of government, and Sharia arbitration had a system of appeal. Each village in the imamate had a qadi, an Islamic judge who was in charge of resolving disputes. On the province level, Sharia was carried out by a mufti. The imam, as the head of state, had supreme judicial authority. Guided by Sharia, Shamil enacted a set of laws, *nizams*, that regulated issues of governance, taxation, and social behavior. Shamil actively suppressed adat in Chechnya. He abolished the Mekh-Khel and prohibited local customs of blood revenge, bride kidnapping, and large bride prices (Zelkina 2000). In accordance with Sharia, Shamil also obliged women to cover their heads and faces, and prohibited alcohol consumption, music, and dances.

The Caucasian War had a large impact on Chechen society. Sokirianskaia (2009) emphasized that the war led to the destruction of traditional Chechen economic systems, mass population resettlements, extermination of a large share of the male population, and the strengthening of the role

of Islam. All these factors undermined the power of clans and elders and thus transformed social relations in Chechnya.

According to Sokirianskaia (2009), the Caucasian War also produced an ideological divide between and within Chechen clans. Some were supportive of Shamil's Islamic order based on Sharia, while others took the side of Chechen traditions and customary law. Zelkina (2000) highlighted four main differences between Sharia and adat. First, adat is based on the principle of collective responsibility, while Sharia is based on the principle of individual responsibility. Second, in contrast to Sharia, adat has no differentiation between premeditated and unintentional criminal acts. Third, in Sharia punishment and inflicted harm have to be proportional to one another. Finally, in Sharia a dispute is adjudicated by a third-party, while in adat adjudication is carried out by the most respected elders of the parties involved in the dispute. Moreover, in adat the judgment is not binding.

After the defeat of Shamil's insurgency, the Russian administration effectively utilized Shamil's government structure (Bobrovnikov 2002). The Russian administration also formalized legal pluralism and introduced a division of jurisdictions: personal law issues, including marriage, divorce, and inheritance, as well as religious property, were under Sharia jurisdiction; petty crime and property disputes were regulated by adat; and criminal cases went to Russian courts. The only custom that the Russian administration banned was blood revenge.

Gradually more and more Chechens started to join the Russian imperial military and administrative services. In return, the colonial government gave their new servicemen large plots of land expropriated from Chechen communities. That led to a sharp rise in inequality among Chechens, who had previously relied on collective forms of property rights.[24] Colonial administration also involved Chechnya in the national and global capitalist economy. In the late 19th century, Chechnya witnessed development of the oil industry, and its capital Grozny became one of the main industrial

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[24] Interview # 46, August 2015, Grozny

centers of the North Caucasus. Colonial administration, military service, and capitalism weakened traditional forms of social control in Chechnya; however, the balance between the three alternative legal orders that regulated the daily life of ordinary Chechens was largely preserved outside the modern sectors of the economy. Everything changed dramatically with the Russian Revolution in 1917.

Legal Pluralism during Soviet Rule

After the October Revolution, the Bolshevik government in the North Caucasus initially built a surprising coalition with Islamic clerics and established "Red Sharia courts." In 1920, Stalin, who was at that time the Soviet minister for nationalities affairs, proclaimed, "We have also been informed that the enemies of Soviet power are spreading rumors that it has banned the Sharia. I have been authorized by the Government of the Russian Socialist Federative Soviet Republic to state here that these rumors are false. The Government of Russia gives every people the full right to govern itself on the basis of its laws and customs. The Soviet Government considers that the Sharia, as common law, is as fully authorized as that of any other of the peoples inhabiting Russia" (Bobrovnikov 2002). However, upon consolidation of its rule in the mid-1920s, the Soviet government eliminated Sharia courts. Many respected clerics and elders were repressed.

The Soviet government attempted to suppress both adat and Sharia, although it never fully succeeded in doing so. As Sokirianskaia (2009) wrote, the establishment of the Soviet justice system in Chechnya was not a very successful project. In Chechen understanding, it "stipulated strict penalties for minor offences, while not punishing murderers sufficiently enough. Consequently, the minor offences were hardly ever reported and blood feuds were carried out regardless of the Soviet courts." As a result, Chechen society continued to live under legal pluralism: Soviet justice, adat, and Sharia.

Chechens organized several major rebellions during the early Soviet period. Stalin responded with his kind of "ultimate solution." In February 1944, all Chechens and Ingush people were deported

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to Central Asia for alleged collaboration with the Nazi invaders. The deportation was harsh, and almost a third of the population perished on the way to Kazakhstan. Conditions in Central Asia were also extremely difficult. Sokirianskaya wrote that deportation weakened the clan structure of Chechen society, but strengthened national identity and increased the power of elders. Prominent Chechen ethnographer Said-Madomed Khasiev, in an interview, noted that in exile elders made an edict regarding the strong norm of ethnic endogamy (not marrying non-Chechens), which is largely preserved now.[25] This is in line with the idea that 'invention of tradition' often happens in the periods of rapid social change (Hobsbawm and Ranger 1983.)

In 1957, Chechens were allowed to return to their native land. While they were deported, Chechnya had been resettled with workers from central Russia; as a result, Checheno-Ingush ASSR became a multi-ethnic republic. The Russian-speaking population lived in Grozny and in the northern part of Chechnya. Chechens mostly resettled in the rural areas.

Upon their return, Chechens faced the structural problem of unemployment. Many positions in the economy were occupied by the Russian-speaking settlers. Chechens were completely excluded from the industrial oil sector and the government, and were largely employed in agriculture and trade. High unemployment forced Chechen and Ingush men to leave the republic for seasonal jobs (*shabashka*) in the rest of the Soviet Union (Degluguian 2005).

Chechens were explicitly discriminated against in Chechnya after their return. Until the very end of the Soviet Union, Checheno-Ingushetia always had a Russian-speaking first secretary of the Communist Party (the most important political position). There were no Chechens in prominent positions in the KGB, and very few in police and other government institutions. Even in the regional library system, there were only three ethnic Chechens out of more than a hundred employees at the end of Soviet rule in 1990. The Chechen language was prohibited in public spaces and was not taught

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[25] Interview with Said-Magomed Khasiyev (# 47). August 2015, Grozny.

in schools and universities. Moreover, children in schools were explicitly prohibited to talk in Chechen. Many of my interviewees who grew up in the Soviet Union recalled how their teachers or a random passenger on a tram in Grozny cursed them for speaking Chechen in public. The common phrase was: "Speak in normal language, not your barbarian one!"

Nevertheless, despite social exclusion and discrimination, Chechens started to slowly integrate into the Soviet system. At the same time, as Sokirianskaia (2009) wrote, "Customary and Islamic law penetrated Soviet law-enforcement and the judicial systems. Cases of blood feud were oftentimes closed with the consent of both sides. Marriages were registered according to the sharia norms. After divorce children typically stayed with the father, contrary to the Soviet Family Code and in compliance with *sharia*." My interviews provide ample empirical evidence for this assertion. For example, the uncle of one of the interviewees was killed in his native village in the late Soviet period. He argued with a drunk neighbor and the neighbor stubbed him in the back. There was a trial, but apparently the murderer had influential relatives, so the court acquitted him. In response, the victim's brother shot the murderer right on the steps of the court. The police that were present decided not to arrest the brother and asked village elders to resolve the case. The elders agreed that the brother did nothing wrong, and the state did not intervene. This case happened in the early 1980s, at the zenith of Soviet rule. [26]

When Soviet rule weakened during perestroika, customary norms became even more prominent. One of my interviewees, who had worked in the prosecutor's office in the 1980s, said that de-Stalinization and glasnost created a demand for justice in Chechen society. Many Chechens and Ingush appealed to the prosecutor's office to release materials on repression during Stalin's time. People were seeking those who wrote the denunciations and wanted revenge. A wave of blood feuds flowed throughout Chechnya. Relatives were killing relatives, because those who denounced their

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[26] Interview # 17, January 2015, Grozny.

neighbors often tried to marry into their families expecting that one day they might have to account for their deeds. However, that did not stop the avengers. My informant recalled: "Six men came to the house of my neighbor. They asked if he had prayed, which meant, was he ready to die. My neighbor asked: 'Who are you and what did I do? I don't even know you.' These men replied that my neighbor's uncle had denounced their grandfather and the grandfather was executed. They wanted to avenge him. My neighbor tried to explain that he did not even know his uncle – this uncle perished during the deportation. But the men were adamant and shot my neighbor nevertheless."[27]

Thus, even during Soviet times when the state had very high coercive capacity, legal pluralism persisted in Checheno-Ingushetia. When the state weakened and subsequently collapsed, its role became even more prominent, as one would expect.

Chechen National Revolution and the Revival of Traditionalism and Religion

Perestroika and glasnost, as implemented by Mikhail Gorbachev in the second half of the 1980s, brought nationalist and religious revival to Chechnya. A significant part of the national intelligentsia that emerged in Chechnya in the late Soviet period organized into proto-political movements and clubs with a nationalist agenda. In 1990, supporters of Chechen independence from Russia organized the all-Chechen Congress, which elected Dzhokhar Dudayev, the only Chechen who held the rank of general in the Soviet military forces, as its leader. In September 1991, amid mass demonstrations in support of Chechen independence, Dudayev's supporters ousted the communist leadership and took power in the republic. In a short period of time, Dudayev was elected as the President of Chechnya and declared its independence from Russia. President Dudayev came up with a new name for his new state: the Chechen Republic of Ichkeria (ChRI).[28]

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[27] Interview # 10, January 2015, Urus-Martan.
[28] According to Derluguian (2005), Dudayev took the name "Ichkeria" from the writings of the famous Russian poet of the 19th century, Mikhail Lermontov.

The Chechen nationalist movement and its first steps towards state-building were organized in the European tradition of nationalism. In March 1992, the newly elected Chechen Parliament adopted the Constitution of ChRI. In an interview with Ekaterina Sokirianskaia, Khussain Akhmadov, the chair of the Chechen Parliament in 1992-93, stated, "There was no mention of traditional institutions and very little emphasis on religion in that first Constitution. All MPs had the Constitutions of the United States and of European countries on our desks. We produced many decent laws. We were oriented towards a European democratic model." Similarly, one of my interviewees, the former Prosecutor General of ChRI, told me, "When we were writing the Constitution we had copies of the Constitutions of Lithuania and Georgia in front of us."[29]

While the executive and legislative branches of the ChRI were radically transformed, the judiciary remained organized much the same way as it had been during the Soviet period. Many Russian cadres who worked in courts and law enforcement agencies left Chechnya after the declaration of independence, but former Soviet judges, prosecutors, and police officers who were of Chechen nationality largely kept their positions. Most of these cadres were skeptical about the idea of independence and few supported Dudayev. This is not surprising, given that these people were indoctrinated by the Soviet state and also remained connected to the Russian federal judicial and law enforcement agencies. I spoke with six respondents who served in both the Soviet and Ichkeria legal systems, and they all universally acknowledged there was hostility towards the idea of independence, and towards Dudayev personally, in the ranks of the law and order cadres.

The legal system and the law enforcement agencies in independent Chechnya faced a strong challenge as a result of Dudayev's decision to release all prisoners from the Soviet prisons. Coupled with the dramatic proliferation of weapons taken from Soviet military bases by crowds of Chechens during the revolution of 1991, the release of criminals led to skyrocketing crime. Release of criminals

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[29] Interview # 58, February 2016, Grozny.

and the uncontrolled spread of arms further increased the judicial and law enforcement community's hostility towards Dudayev's rule. However, the confrontation between the President and the legislative branch of the government was even harsher than the one with the law and order community.

In 1992, Chechnya witnessed open conflict between Dudayev and the Parliament over ministerial appointments and control over institutions. In response, Dudayev dissolved the Parliament. In order to counterbalance the Parliament, President Dudayev decided to promote neotraditional institutions, for example, the all-Chechnya Council of Elders, which adopted the historic name of Mekh-Khel (Sokirianskaia 2009, 178).

Neotraditionalism also rose from below. Many teips (clans) organized congresses of their members. Some of these congresses gathered thousands of people. Revival of the salience of teip membership was very spontaneous. Many Chechens who lived in cities and belonged to the intelligentsia did not even to which clan they belonged.[30] But during the Ichkeria period this became an important issue. One large clan went so far as to create heraldic symbols that they put on their cars.

Simultaneously with the rise of nationalism and neotraditionalism, Chechnya also witnessed a religious revival. During the Soviet period, the religion was effectively banned. In 1930s, many Chechen Islamic scholars and imams were repressed. Not a single mosque was open in Chechnya during the Soviet period (Derluguian 2005). The prohibition on religion in Chechnya was especially harsh. In contrast, there were hundreds of open mosques in neighboring Dagestan. Islam in Chechnya was preserved primarily by Sufi orders, adherents of the mystical folk version of Islam. One of the principles of Sufi Islam is its secretive nature, which allowed the *murids* (followers) to hide their practices from the Soviet authorities. Sufis transmitted religious knowledge and performed rituals. Religiosity was especially high in the mountainous areas of Chechnya. Chechen state officials and many among the Chechen intelligentsia and proletariat adopted the communist ideology and became

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[30] Interview # 6, August 2014. Grozny.

atheists. The majority of Chechens who lived in the rural areas preserved some religiosity, but their religious knowledge was very low. Mostly, religious rituals were practiced at funerals.

Liberalization of religious life during perestroika, and especially after the declaration of independence, changed the picture dramatically. Mosques opened in every town and almost every village in Chechnya. Thousands of Chechen pilgrims went to hajj in Mecca. Some Chechen students went to study Islam in Egypt, Syria, Yemen, and other Arab states. At the same time, the role of religion in politics was quite small. President Dudayev swore an oath on the Koran upon assuming his position. He also concluded his speeches at numerous congresses and rallies by chanting "Allahu Akbar!" Another public sign of religious expression that became one of the symbols of the independent Chechnya were Sufi *zikrs*, collective rituals of the remembrance of Allah and the Prophet Muhammad that resemble dances in circles. These were performed by Dudayev's supporters in the squares of Chechen cities and villages during rallies in support of Dudayev. However, Dudayev himself remained a secular Soviet man. Most importantly for this study, the re-emergence of religion, tradition, and customs had only a limited impact on dispute resolution practices and the maintenance of law and order. For instance, several of my respondents who worked as police during the early Ichkeria period remembered that the police became more lenient in cases of bride kidnappings and blood revenge. In these types of conflicts, the police often asked elders and mullahs to help to arrange a reconciliation between feuding families relying on adat and Sharia norms. But outside of these special cases, Soviet laws were applied. The eruption of armed conflict with Russia in 1994 changed the situation dramatically.

Alternative Legal Orders During the Russo-Chechen Wars

In response to the Russian invasion that aimed to crash Chechen independence and "reestablish the Russian constitutional order" in the region, Chechens rallied around Dudayev and

mobilized en masse to fight the invaders. Some Chechen units were mobilized and organized along family and clan lines, others along the lines of Sufi brotherhoods. However, these were not the most common type of mobilization. For instance, Mairbek Vatchagaev, the Chechen historian and political scientist who was at some point also an official in the ChRI government, explained the motivation of the fighters by stating that "people were motivated by patriotism. Everyone fought - rich and poor, villagers and PhD candidates." [31]

Some scholars erroneously attributed this mobilization against the Russians to the customary norm of blood revenge (Souleimanov and Aliyev 2015). The authors defined blood revenge as "revenge against the perpetrator of an offense, a member of a group associated with the offender through blood kinship, or a broader group associated with the offender but not necessarily related to him by through blood kinship" (p. 159). I argue that this definition conflates blood revenge, a mechanism of collective responsibility based on customary law, with revenge in a more general sense.

Revenge in a general sense is a powerful motivator of violent mobilization. As Souleimanov and Aliyev showed, Chechens mobilized to fight in response to Russian violence against their families. This claim is supported by other scholars; for instance, Tishkov (2004 p. 155) wrote: "No propaganda was as likely to turn an ordinary Chechen into a *boyevik* as the destruction of his home or the loss of his family." Scholars have shown similar dynamics in other contexts (Wood 2003). But revenge in a general sense is qualitatively different from blood revenge. Following classic anthropological literature and relying on materials from my interviews, I argue that blood revenge is driven by deterrence logic, and not by grievances, as Souleimanov and Aliyev suggested.

Many influential anthropological works show that in stateless clan-based societies, the custom of blood feuds serves as a tool for maintaining social order (Chagnon 1988, Evans-Pritchard 1940,

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[31] Interview with Mairbek Vachagaev, May 2016, Paris.

Gluckman 1995). When one member of a clan kills someone or engages in another serious transgression like rape, he and his clan will be targeted in retaliation. If a clan does not retaliate for the murder or humiliation of its member, it loses its credibility in interclan relations. It will be considered weak, and thus vulnerable to other possible transgressions.

Because deterrence of this type requires shared expectations of retaliation, it can operate only among members of communities that share those expectations – and know that others share them as well. Consequently, in the Chechen context, blood revenge can only be applied to *Nokhchi* - Chechen-speaking people (which in addition to Chechens also includes Ingush people) and ethnic groups with established relationships with Chechens. This includes groups in the neighboring region of Dagestan, and across the border in the country of Georgia. However, blood feud cannot be applied to Russians. Russians are simply outside the relevant community.

Souleimanov and Aliyev claimed that over the course of the Russo-Chechen wars (1994-1996 and 1999-2003) Chechens extended blood revenge to Russians. In March 2016, after reading Souleimanov and Aliyev's article, I set out to examine this proposition during interview field work in Chechnya. I specifically asked all my respondents, including five senior leaders of Chechnya's secessionist movement in the 1990s, if blood revenge had been applied to Russians during the war. Without exception, they all stated that blood revenge cannot be applied to Russians. I provide some telling quotes from these interviews. "Blood revenge is between Chechens. How can you declare blood revenge against a Russian? They won't understand it."[32] "People avenged their relatives, but that was not blood revenge. Russians are not even Muslims!"[33] "It is a misunderstanding that Chechens applied

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[32] Interview with Vakha Murtuzaliev, the former minister of justice of the Chechen Republic of Ichkeria, Grozny, March 2016.

[33] Interview with Sultan-hajji Mirzoev, the former head of the Supreme Sharia Court of the Chechen Republic of Ichkeria, Djalka, March 2016.

blood revenge to Russian soldiers. Some avenged their relatives, like in the Budanov case,[34] but that was not blood revenge. Blood revenge is strictly regulated."[35] "Blood revenge is a mechanism of protection of individual and family rights in our society. It has nothing to do with emotions."[36]

These quotes highlight the crucial role of community ("between Chechens," "not even Muslims"), the role of common knowledge ("they won't understand it"), and norms of customary law ("blood revenge is strictly regulated"). Thus, my interviews provide an explanation of why the previous scholarship "has not examined cases of blood revenge against foreigners" (Souleimanov and Aliyev p. 163). Blood revenge cannot be applied to foreigners, because deterrence logic does not work in interactions with them.

Even though attributing mobilization to fight against the Russians to the custom of blood revenge is wrong, the custom of blood revenge did play a major role in maintaining social order in post-Soviet Chechnya in general and during the conflict in particular. As I mentioned above, independent Chechnya witnessed a radical decrease in law enforcement agencies' coercive capacity, the liberation of criminals, and proliferation of arms. These factors together made violent crimes, including murder, robbery, and kidnapping, very common in Chechnya. According to my interviewees, during that time the threat of blood revenge served as the main insurance against violent crimes.[37] In other words, when state capacity weakened, the deterrence logic of blood revenge became especially prominent. Russian-speaking minorities (Russians, Ukrainians, Armenians, and Jews), who in that period constituted a large share of Chechnya's population, were not protected by the institution of blood revenge. As a result, they overwhelmingly became the targets of violent crimes.[38] Thus, the

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[34] Colonel Yuri Budanov was found guilty in rape and murder of 17-year-old Chechen girl Elza Kungaeva. In 2011, soon after he was released from Russian prison, Budanov was was shot dead in Moscow.
[35] Interview with "Murat," a high-level official in the government of the Chechen Republic of Ichkeria, Grozny, March 2016.
[36] Interview with Abdulla Bugaev, deputy head of the interim government of the Chechen Republic in 1995-96, Grozny, March 2016.
[37] Interview with "Vakha", Grozny, March 2016;
[38] Interwith with "Lyuda", Armenian, Grozny, August 2015.

institution of blood revenge can explain discriminatory violence against non-Chechen minorities in post-Soviet Chechnya.

Second, the blood revenge institution had a significant effect on the dynamics of the conflict. The first stage of the conflict, which started in 1992, was an inter-Chechen power struggle. On one side were supporters of President Dzhokhar Dudayev, and on the other was the military wing of the opposition to Dudayev, which was backed by Moscow. Clashes between militias ended with several people being killed. At the culmination of the confrontation in 1994, the main opposition newspaper, *Revival*, warned that the relatives of those killed might choose to engage in blood revenge, which could lead to full-scale civil war.[39]

Avoidance of large-scale inter-Chechen conflict was also an imperative of Aslan Maskhadov, who was elected the President of the Chechen Republic of Ichkeria in 1997 after the end of the First War. Despite Maskhadov's overwhelming victory in free and fair elections, his power was constantly challenged by other warlords and radical Islamist groups (Merlin 1999). In several cases, conflicts between Maskhadov's supporters and his rivals turned violent and put Chechnya on the verge of civil war.[40] However, in all conflict situations Maskhadov abstained from using violence. According to my interviews with people from Maskhadov's inner circle, his reasoning for not using violence was that he did not want to fight against former brothers–in-arms.[41] But my respondents acknowledged that the threat of spiraling violence as a result of blood feuds between families of political rivals was also an important consideration. Thus, the custom of blood revenge can be considered one of the factors that prevented consolidation of the independent Chechen state, because it hindered the ability of the Chechen government to use legitimate force to establish law and order.

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[39] Vozrozhdenie. "Samosud Nepriemlem (Mob Law is Unacceptable)" N 39, January 1994.
[40] The most violent episode in this conflict was a fight between Islamists and Maskhadov's loyalists in Gudermes in June 1998, when several dozen people were killed.
[41] Interview with "Adlan" France, June 2016.

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The war also brought Sharia back into Chechen public life. During the Soviet period and the early post-Soviet years of Ichkeria, Sharia norms were applied in the private domain, mostly related to marriage and funerals. The sufferings of the war dramatically increased religiosity among the population. As one of my interviewees said, "I was a secular person before 1994. But it is hard to remain an atheist under the bombs that fall on your head. Religion helped me a lot to go through this hell."[42]

Imams and alims became engaged in arbitration during the war. One senior cleric of that period told me the following: "Despite the fact that the society became more cohesive during the war, there were many internal conflicts. Theft, bride kidnappings, kidnappings for ransom, property disputes – we had everything. Many people came to me for resolution." He went on to describe the following case:

> Three rebels came to their native village from the mountains where they were fighting. And they saw a young guy with a young woman in a new Lada car doing some romance. The rebel guys got very angry – threw the other guy from the car saying – while we are fighting, you are having fun here. They took that young man's car. But the young man had a powerful clan behind him. The clan people came to the relatives of the rebels and demanded they buy a new car and give a huge amount of cash as compensation for the offense. The two sides came to me. I spoke with the rebel guys – they agreed to return the car, but refused to pay the compensation. But the leader of the offended clan, who was an imam and also a high-status criminal (вор в законе) at the same time said – "We have the power, let them pay the full price!" When the rebels heard this thing, they just went back to the mountains and did not return anything. These clan people kept coming back to me and asked for additional arbitration, but I told them to get out of my house. [43]

Among other things, this episode shows that during the war, when state institutions of law and order basically did not function, many people started to rely on religious arbitration to resolve their disputes. But the official introduction of Sharia in Chechnya was brought not by demand from below, but rather imposed from above.

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[42] Interview # 41, August 2015, Grozny.
[43] Interview with Sultan-hajji Mirzoyev, the head of the Supreme Sharia Court of Ichkeria and Mufti of Chechnya, February 2016, Djalka.

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The Competing Systems of Law and Order in Interwar Chechnya

After the Khasavurt Peace Agreement of 1996 between Russia and ChRI, which ended the First War, the interim President of ChRI, Zelimkhan Yandarbiyev, unexpectedly announced the establishment of Sharia as the law of the independent Chechen state. Most people with whom I discussed Yandarbiyev's decision considered it to be a political maneuver. Yandarbiyev took part in the presidential race, but it was clear that he was going to lose to the more popular rebel leader, Aslan Maskhadov.

Maskhadov won election as President of the ChRI in 1997, but he had to comply with the imposition of some elements of Sharia law: he could not roll back the decree about Sharia because it was considered sacred.

Implementation of Sharia was not an easy thing. First, Chechnya lacked specialists in Islamic law who could serve as qadis, or Islamic judges. Second, many Sharia norms were unknown to the population. Third, it was unclear what to do with the remaining Soviet courts, prosecutors, and police. The result of these dilemmas was the formation of two parallel judicial systems: Soviet secular law and Sharia law.

The criminal situation in Chechnya deteriorated in the interwar period and became even worse than it was prior to the conflict. The republic was left in ruins. There were no jobs in the industrial sector and agriculture. Many among Chechnya's administrative, academic, and art elites left the region. The black market bloomed: people were selling weapons, drugs, and smuggled crude oil. Drug abuse and alcoholism spread among people who went through the enormous stress of war.

The veterans of "the national resistance movement," as the war was officially called, became a mass of armed unemployed men who felt entitled to privileges for their sacrifices (Merlin 1999). Field commanders did not disarm and were not incorporated into the national army. Many of them

became warlords who established control over large territories within Chechnya. At some points, the central government of Aslan Maskhadov controlled only Grozny and several loyal districts.

Chechnya became a lawless territory. Infamous kidnappings for ransom proliferated across Chechnya and became its most successful business. Murders, robberies, and other violent crimes also became endemic. Chechnya's main daily newspaper, *Grozny's Worker*, consistently published crime reports on its front page.

Under these conditions, many Chechens demanded strict implementation of Sharia as the only possible solution to the lawlessness and rampant crime. Sharia courts were established in all districts of Chechnya. The disputants could appeal the decision of the Sharia district court to the Supreme Sharia Court of the Chechen Republic of Ichkeria. To enforce the decisions of these courts, the government established the Ministry of Sharia National Security (MShGB).

Sultan-hajji Mirzoyev, the former head of the Supreme Court of ChRI in 1999, described the work of Sharia courts in the following way: "Even though in principle, the source of law for us was the Koran, actually we judged according to Soviet laws. All Sharia courts had a secular judge, who worked as the qadi's deputy, and several prosecutors who carried out all paperwork for the cases. This was necessary. How were we, imams, supposed to know the court procedures? We had to learn it by doing. The prosecutor's office helped us a lot."[44] Vakha Murtuzalieyev, the former Military Prosecutor General of ChRI, seconded Mirzoyev's narrative: "In the 1990s we had a mixed system: Soviet law, adat and Sharia. But the Soviet system was dominant: it was dominant even in the work of Sharia courts."[45]

The Sharia courts were supposed to implement the new civil and criminal codes that were adopted in 1996. The chaotic process of adoption of these codes led to profound confusion and

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[44] Interview with Sultan-hajji Mirzoyev, February 2016, Djalka.
[45] Interview with Vakha Murtuzalieyev, February 2016, Grozny.

mistakes. Most importantly, as Bobrovnikov (2002) highlighted, the civil and criminal codes of ChRI were copied from Sudanese originals. However, Sudan lives according to the Maliki School of Islamic jurisprudence (*mazhab*), while in Chechnya, the population adheres to the Shafii *mazhab*. In addition, the translated codes did not adjust Sudanese realities to the Chechen social context. As a result, many fines were reported in camels. For instance, for a murder of a man, the murderer's family was supposed to provide the compensation of 100 camels. There are no camels in Chechnya. This and other discrepancies between the codes and Chechen social reality led to numerous jokes.

Many Sharia provisions were unknown to the Chechen population and alien to their value system, which was based on the norms of adat. For example, Rosa, who was a young state official in the Ichkeria government, told me her reminiscence of getting to know Sharia law:

> One day they [the government] published the new Criminal Code in the main government newspaper. We all heard about it and we were very curious. I got the newspaper and read the entire thing. It was a pure Kamasutra! There were the provisions regarding rape. In our culture, it is shameful to discuss all those dirty things. In Chechen adat, if a man even touches a woman's arm, this is a gross offense to her entire family. And rape is something unthinkable. And in that newspaper they were discussing what is rape: to what percentage a penis has to go inside a woman. Chechens would never discuss these details. I felt dirty. I realized that I didn't need this Sharia.[46]

Another respondent, Ahmet, a man in his 50s, remembered that "the Sharia proponents started to use public flogging for some offenses, like drinking alcohol and something else. In our adat, such thing is extremely shameful – a man cannot beat another man like cattle. In response, the relatives of those who were punished this way attempted to revenge the offenses against their relatives' honor. This could have spiraled into mass violence very fast."[47]

Public executions became closely associated with Sharia. In 1997, the Sharia court sentenced to death a couple of lovers, a man and a woman, who had killed the woman's husband. They were shot in public by a squad on a square in Grozny. This caused an outcry from many within Chechnya,

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[46] Interview # 42, August 2015, Grozny.
[47] Interview # 31, January 2015, Grozny.

as well as from the Russian and Western media, who reported on "the barbaric practices of the Chechen Islamic radicals."

Many of my respondents expressed strong negative opinions about the functioning of Sharia courts in the interwar period. One man recounted: "These Sharia courts and Sharia patrols were bandits, nothing else. They were very powerful in my village, Urus-Martan. These bearded men were stopping cars and if they found that a man and a woman who were in the car weren't related, they demanded bribes. The price for this thing was $100."[48] The corruption of Sharia courts and patrols was highlighted by other respondents as well. For instance, Asya, a woman in her 50s, told me a story of gross abuse by the men who served in the Sharia guard. This man killed her Russian neighbor to get her apartment. Other neighbors told this story to police. He was arrested, but then several jeeps with armed members of the Sharia patrol came to the police post and freed him. This case highlights the contested and often confrontational relations between secular state institutions that remained from the Soviet Union and the newly established Sharia institutions. For almost two years these institutions functioned in parallel.[49]

One of my high-level respondents, who was the head of the ChRI Ministry of Interior, which was in charge of law enforcement, told me that he and his colleagues, the Soviet police officers, did not consider Sharia courts and patrols as legitimate institutions: "These things were unconstitutional. Also, they were mostly neophytes who did not know much religion and knew nothing about law and police work."[50]

Perhaps, the best description of the parallel functioning of the secular and Sharia legal orders and their competition is given in German Sadaulayev's novel *Shali Raid*. Even though it is fiction, it is based on multiple real stories from interwar Chechnya. Tamerlan, the novel's main character, serves

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[48] Interview # 27, January 2015, Urus-Martan.
[49] Interview # 36, August 2015, Grozny
[50] Interview # 59, February 2016, Grozny

in the state police office in his native village of Shali. Their office has to work in parallel and compete with the local Sharia guard office. Tamerlan says:

> Those Sharia courts were a real pain in the ass. They formed their own parallel structures. They didn't need us to enforce their rulings – they relied on Islamist rebels, Wahhabi units, advised by their commanders from Saudi Arabia. These guys did not subordinate to President Maskhadov as they were supposed to. Their normative base was Sharia. A system of Muslim law based on Koran, hadith, and commentaries of Islamic scholars, mostly from medieval ages. The older, the more authoritative. These norms were created by Arab nomads, desert tribes, camel riders. God damn it! I wasn't able to get on board with the idea that these archaic norms were to be applied here at the end of the 20th century.

Many of my respondents who served in courts or law enforcement agencies during the Ichkeria period shared the sentiments of Sadulayev's fictional character.

In 1999, President of ChRI Aslan Maskhadov, who by that time had adopted the Islamic name Khalid, announced an introduction of full Sharia rule in Chechnya. All non-Sharia institutions ceased to exist according to this decree. This decision was a result of a political struggle between Makhadov and his opponents who had adopted an Islamist agenda. I analyze this process in detail in Chapter 8.

Sadylayev's characters discuss the 1999 Sharia decree in the following way:

Listen, Tamerlan. The decree of the President of ChRI number 39, from February 3, 1999: On the Introduction of the Full Sharia Rule on the territory of ChRI. The full, you understand? Now we will have the full Sharia. The full fucking hell!

Many judges, prosecutors and police officers who worked in the Soviet times and during the pro-Russian administrations imposed during the war (1995-1996) were ousted in 1999, which further weakened the judicial system of the independent Chechen state. For example, one former prosecutor told me that "The Sharia court ordered me a death sentence for collaboration with the occupying government. So I had to leave Chechnya."[51] Another former judicial official told me that he was

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[51] Interview # 10, January 2015, Urus-Martan.

arrested: "Their so-called Sharia arrested me and put me in prison. But I had a strong clan behind me, so they had to release me."[52]

At the same time, some of my other respondents expressed strong support for the ChRI Sharia courts. For example, one man, who was a businessman during the Ichkeria period, told me that "Ichkeria Sharia courts maintained order. They were strict, even harsh, but they were just. And people listened to them. It was a hard time, but these courts served the nation and God well."[53] Most of my respondents were afraid to openly discuss their perception of Sharia courts during the Ichkeria period, as the topic is very sensitive. This made it even more surprising to find praise for the Ichkeria Sharia courts from Ramzan Kadyrov. In one of his interviews, Kadyrov said: "During Ichkeria times we had harsh laws, Sharia courts judged in a very strict manner. But that was necessary. The price for heroin in Chechnya was two times lower than in the neighboring regions!"

To sum up, the experience with the alternative legal orders that functioned in the de facto independent state of Ichkeria left conflicting impressions on those who lived through that time. These experiences, as well as perceptions of the earlier historic stages of legal pluralism in Chechnya, largely determine attitudes towards the alternative legal orders that function in postwar Chechnya. The next chapter is devoted to the exploration of the state of legal pluralism in contemporary Chechnya.

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[52] Interview # 65, December 2016, Gudermes.
[53] Interview # 11, January 2015, Urus-Martan.

Chapter 5

Legal Pluralism in Contemporary Chechnya

In this chapter, I describe the functioning of Russian state law, Sharia and adat in postwar Chechnya. I pay special attention to the formal and informal legal institutions and authorities in charge of the three alternative legal orders. I also describe the most common disputes over which the alternative legal orders clash. Relying on my original survey data, I analyze popular preferences for the alternative legal systems, legal knowledge across different forums, and actual dispute resolution practices. I also present an analysis of the sociodemographic predictors of legal attitudes and behavior.

After the rebels were defeated in 2000, the Kremlin abolished Sharia courts and reintroduced Russian law in Chechnya. For several years, Chechnya operated under de facto military rule, characterized by severe human rights violations. Gradually, the federal center transferred power to local warlord Ramzan Kadyrov, who became President of Chechnya in 2007. Kadyrov's regime is a very repressive dictatorship, one characterized by extreme lawlessness. Many experts and locals in my interviews said that there is only one law in Chechnya: "what Ramzan said." The grim state of the rule of law in Chechnya is undoubtedly true. However, Kadyrov cannot possibly control everyday dispute resolution, even though he often directly intervenes in particular cases. Therefore, alternative legal orders in Chechnya are not just a façade. In the following sections, I describe the functioning of state law in Chechnya and then analyze the performance of nonstate legal orders.

Russian State Law in Chechnya

De jure, Russian state law is the law of the land in postwar Chechnya. The functioning of state law is systematically recorded. In this section, I combine analysis of court records; my observations of

legal practices; and interviews with state officials, lawyers, plaintiffs, and NGO workers; to describe the functioning of the state legal system in Chechnya.

The re-establishment of the state judicial system was one of the priorities of the Russian government once its army gained control of the territory in early 2000. The Russian federal judicial system officially started to function in Chechnya in 2001 amid an ongoing active insurgency. From 2001 to 2017, the re-established federal courts in Chechnya heard more than 200,000 cases; approximately 25,000 were criminal cases, and approximately 175,000 were civil cases.[54]

The Russian state judiciary is organized into several levels. The Supreme Court of the Chechen Republic is in charge of major crimes, mostly those related to insurgency and terrorism. The Arbitration Tribunal of the Chechen Republic is in charge of adjudicating economic disputes. The second level of the federal judiciary is the *rayon* (district) courts. There are 15 district courts in Chechnya, which operate in all municipal districts and cities of Chechnya; they deal with civil, criminal, and administrative cases. Finally, the lowest level of the state system is magistrates' courts or justice of the peace courts. There are 66 magistrates' court districts in Chechnya. These courts were established in 2010. Justices of the peace deal with family disputes, property and labor disputes, and petty crimes. The overwhelming majority of judges are male. For instance, among 66 magistrates' courts judges, only 10 are female.

Law enforcement in Chechnya is carried out by the prosecutor's office and police. Russian security agencies, such as the FSB, also have a heavy presence in the republic. In Russian political discourse, those in charge of law enforcement are collectively called *siloviki*. According to some estimates, Chechnya has more *siloviki* per capita than any other Russian region.[55]

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[54] Calculated based on the data from Rospravosudie website. https://rospravosudie.com/region-chechenskaya-respublika-s/ and Saidumov (2014: 326).
[55] https://www.novayagazeta.ru/articles/2011/07/24/44520-strana-spetsnaz

In the immediate aftermath of the war in the early 2000s, the majority of judicial and law enforcement cadres in Chechnya were ethnic Russians appointed from other regions of Russia. However, by the time of my research in 2015-2017, the vast majority of positions within the state legal system were occupied by local cadres, ethnic Chechens. For example, in 2017, only 2 of 15 members of the Council of Judges of the Chechen Republic were non-Chechen ethnic Russians. Some of the local cadres went through Soviet educational programs and served before the 1990s; however, the majority are relatively young people. Appointing young cadres is one of the key features of Ramzan Kadyrov's government. Kadyrov himself became president immediately after turning 30. Throughout his tenure, he has preferred appointing young men to government positions. In the highly gerontocratic Chechen society this policy makes a lot of sense for a young leader.

The authorities in charge of the state legal system in Chechnya belong to the federal agencies; therefore, in principle, Kadyrov has no power over the appointments of judges and prosecutors. However, he manages to heavily, if informally, influence the appointments of judges and law-enforcement officers in "his republic."

The state judicial system has been actively used by Kadyrov's government as a means of repression, as have a wide variety of extrajudicial repressive tools. The vast majority of high profile cases in the Supreme Court of the Chechen Republic were brought against former insurgents. Given that Kadyrov's forces were also mostly former insurgents, the prosecution of former insurgents was highly selective. In addition, Kadyrov used the state legal system to intimidate civil society activists, human rights organizations, and independent journalists. In a series of cases that were widely covered in Russian and Western media, state courts in Chechnya convicted civil society activist Ruslan Kutayev, journalist Jalaudi Geriyev, and Oub Titiev, who was the head of the Chechen branch of Memorial, a human rights center. All these cases were fabricated and involved gross violations of procedural rules.

Open conflicts between Kadyrov and legal authorities have been extremely rare. In one prominent case, Federal Judge Abubakarov recused himself from the case of a man charged with murdering police officers during the insurgency. The accused had been tortured, and the judge wanted to investigate the torture. However, the deputy minister of interior, a close associate of Kadyrov, called Judge Abubakarov and demanded that he "avoid complications and make the judgment that he was supposed to make." The judge reported the call and recused himself. This was widely interpreted as a rebellion of this judge against Kadyrov. But the judge managed to remain in his position despite this pressure.

In another case of confrontation, Kadyrov publicly criticized particular court decisions and demanded the resignation of the judges who made them along with the chief justice of the Chechen Supreme Court. However, Chief Justice Murdalov did not resign. One of Kadyrov's closest associates, a former rebel commander nicknamed Lord, who was the speaker of the Chechen Parliament, went to the judge's office with his armed men and beat up the judge. The fact that the speaker of the Parliament personally beat up the head of the Supreme Court was widely acknowledged as an indication of the grim condition of Russian state justice in Chechnya.

In addition to being used for political repression, the state judicial system in Chechnya is extremely corrupt. I spoke with many low-level clerks in the judicial system of the Chechen Republic who acknowledged that the system is based on corruption: resolution of almost every criminal and civil case has a price. Lawyers whom I interviewed largely confirmed this assertion. According to one of my respondents, "A lawyer in our republic is a broker. He takes money from the side he represents and bargains with the prosecutor and the judge. The side that pays more, wins."[56]

My personal observation of court practices confirmed the prevalence of corruption. In several cases that I observed in federal district courts, participants told me afterwards that they had to pay the

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[56] Interview # 37, August 2015, Grozny.

judge or prosecutor to get a more lenient decision. For example, the relatives of the defendant in the murder case described earlier were expected to pay two million rubles (approximately $30,000) to reclassify the case into one of excessive self-defense.

Despite the fact that Kadyrov's government uses the state judiciary as a tool of repression against political opponents and despite the fact that the system is profoundly corrupt, in the vast majority of cases, the system still follows the rules of procedure and the legal statutes. Judges and state enforcement cadres are formally working in federal agencies, so they are incentivized to follow the rules because of oversight by the federal center. Thus, one can conclude that there is a dual state legal system in Chechnya: one that is used as a mechanism of repression and another that serves, if imperfectly, the judicial function. Fraenkel (1969) originally introduced this concept of the *dual state* to analyze the functioning of law in Nazi Germany. He showed that even under dictatorships, most aspects of the courts operate in a fairly normal and routine manner. In other words, despots are rarely interested in particular divorces or car accidents, and therefore the court system in general operates according to the rules. Hendley (2006, 2017) applied the concept of a dual legal system to Putin's Russia. She wrote, "The legal system, as it has evolved over the past decade, is best conceptualized as a dual system under which mundane cases are handled in accordance with the prevailing law, but cases that attract the attention of those in power can be manipulated to serve their interests. To put it more simply, justice is possible and even probable, but it is not assured. This lack of predictability is unfortunate, but it does not make Russia unique." (2006: p. 351) In Chechnya, the sphere of law in which the government intervenes is perhaps larger than in Nazi Germany or Russia as a whole, but mundane cases that are adjudicated in accordance with the letter of the law remain prevalent.

In order to systematically explore the functioning of the state judiciary in Chechnya, I gathered an original dataset of all civil and criminal cases heard in the magistrates' courts, the lowest level of the court system in Russia. As mentioned above, the magistrates' courts were established in Chechnya

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in 2010. There are 66 such courts in the republic. Utilizing web scraping, I collected data on all criminal and civil cases adjudicated in magistrates' courts in Chechnya from 2010 to 2016. I identify the legal personality of the plaintiffs in the cases according to whether the plaintiff is a government agency (state) or a natural person. This allows me to analyze determinants of top-down penetration of state law (cases initiated by the state) and bottom-up demand for state law (cases initiated by a natural person). I also identify the gender of the natural person plaintiffs. These variables are aggregated at the district level and normalized per capita. The descriptive statistics of these data are presented in Table 1.

The descriptive statistics show that 3,317 criminal cases and 106,263 civil cases were heard in magistrates' courts in Chechnya from 2010 to 2016. Among criminal cases, the most common ones were related to theft (17%), fights (16%), and threat of murder (7%). Among civil cases, the most common ones were labor disputes (32%) and cases related to taxes (27%) and tariffs (8%). Family disputes constituted approximately 7% of civil cases, and property disputes constituted approximately 1%. In the overwhelming majority of civil cases in Chechnya, state agencies served as plaintiffs; a natural person was a plaintiff in less than 10% of cases. Among natural person plaintiffs in civil cases, the majority were women (57%).

The use of state law is highly uneven across court districts. On average, there were 5 cases per capita per district over the observed period of time, but the range goes from 0.15 cases to 17 cases. In order to understand what drives this variation, I classified court districts as urban or rural, mountainous or lowland, and also calculated the share of the Russian population in each prior to the war based on the 1989 census. The latter variable was used to analyze the influence of cultural contact with Russians, who are more predisposed to use state courts. As Table 2 shows, there is no difference in the number of court cases per capita between urban or rural and mountainous or lowland districts, but the share of Russian population in 1989 is a strong predictor of more cases per capita. In the

subsequent analysis, I utilize the variation in the use of state courts to explore how the legacies of conflict affected the spread of the Russian state across Chechnya.

Nonstate Legal Orders in Contemporary Chechnya

Despite the fact that only state law officially functions in Chechnya, customary law and Sharia remain powerful legal orders. These orders persist primarily because of the legal culture of the Chechen people, who value resolving disputes according to custom and religion. In addition, Kadyrov's government has been actively promoting the semiformal institutions of adat and Sharia. The government introduced the councils of elders (adat) and qadi courts (Sharia) across Chechnya. The status of these institutions is ambiguous. They are not recognized as judicial institutions; even so, elders and qadis have formal positions within the state bureaucracy. For instance, qadis are appointed as deputies to municipal leaders.

Who is in charge of the alternative legal orders in Chechnya? Elders are supposed to carry out customary law. Every Chechen extended family has an elder who is in charge of all important family decisions, such as marriage, divorce, and especially blood revenge. Chechen clans – *teips* – also usually have an elder, but some clans are very large, up to a hundred thousand people, and therefore clan elders often have purely symbolic authority.

How do people become elders? An elder is not necessarily the oldest male member of the family, even though it is important to be old. Elder is a position of respect, therefore historically elders were successful warriors or knowledgeable people, or just righteous people – those who enjoyed the respect of their family and community. According to Ahmet, an academic historian, these idealistic versions of the origins of elders became largely irrelevant during the Soviet period. He claimed that the Soviet authorities realized the power of elders and started to promote their own candidates as

village elders. Often these elders were former party apparatchiks, heads of kolhoz, or police officers.[57] However, reputation still plays a crucial role for an elder. For example, in the eastern part of Chechnya, many remember an elder with an unusual last name - Weissert. He was a Volga German who was deported with his people to Central Asia during the Second World War. There he fell in love with a Chechen woman who had also been deported. Willy Weissert converted to Islam, adopted an Islmaic name Ahmed, and married this woman. After Chechens were allowed to come back to the Caucasus, he went with them. He was a good worker and spent a lot of time and effort learning Chechen language and customs and the Islamic religion. Chechens respected him a lot for his efforts and knowledge, and soon he became involved in dispute resolution according to adat across all of Chechnya. Now his son plays the same role.

In the Kadyrov's postwar Chechnya, the position of elder was semiformalized. The government established councils of elders at the regional, district, and village levels. Loyalty to the government is the main prerequisite for getting this position. Elder positions are unpaid, but often combined with sinecures. For example, the head of the Council of Elders of the Chechen Republic, Said-Abdulla Akhamadov, also serves as a head of the hunting agency of the republic. He is an energetic man in his 60s who wears a splendid sheep hat. He claims to be a *qureishit,* a descendant of the Prophet Muhammad, which gives him additional legitimacy. Said-Abdulla told me that the regional council of elders deals primarily with blood feud cases.[58] After the war there were more than 400 feuding families, and upon Kadyrov's order council members engaged in the reconciliation process. Council members are also involved in moral education – lecturing the youth about the repercussions of alcohol and drug abuse, as well as of adopting radical versions of Islam (Salafism) and opposition to Kadyrov's rule. Councils of elders at the district and community levels serve largely the same

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[57] Interview # 46, August 2015, Grozny.
[58] Interview with Said-Abdulla, January 2015, Grozny.

functions. Thus, it is evident that the regional authorities created a state-like hierarchy for the customary organizations.

During one of my fieldtrips, I was allowed to participate in a meeting of the council of elders in one of the lowland districts of Chechnya. Usually their discussions are held in Chechen, but for me the elders made an exception and spoke in Russian. Altogether nine elders participated in the gathering. They represented their village councils. The meeting was held in a mosque. All council members wore sheep hats and had long beards. Before the start of the meeting, elders performed *movlid*, Islamic singing that honors the Prophet Muhammad. These details clearly show the interconnectedness of religious and customary authority in Chechnya.

I asked the council members to tell me what were they doing before becoming elders to try to see any patterns in their life trajectories. Their responses indicated no particular pattern: one elder was the son of the aforementioned Weissert, the others were a driver, a kolkhoz worker, a forester, a welder, a railway worker, a factory worker, a former police officer, and a former imam. All of them praised Kadyrov and emphasized that there is perfect harmony between state law, adat and Sharia.

State-sponsored elders have considerable symbolic resources, but people prefer to rely on their family elders for dispute resolution. Sometimes they also refer to knowledgeable people. For instance, many people apparently used to come for dispute resolution to the famous Chechen ethnographer Ahmad Suleimanov, who knew adat very well. But as one of my interviewees put it, "In adat everyone is a judge."[59] All Chechens have their own ideas about what adat is. Often the people who make the principal decisions within families and clans are powerful state officials or rich businessmen. Therefore, the authority of elders is often symbolic and used to justify the decisions of powerful members of families and communities. In other words, there are both official and unofficial adat resolution systems.

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[59] Interview # 25, January 2015, Grozny

The official Islamic justice system in Kadyrov's Chechnya is also centralized. The supreme religious authority is the Mufti, who heads the Muftiat, an organization that regulates and directs all religious affairs. The Muftiat appoints *qadis*, Islamic judges, to each district. Qadis are officially the deputies to the head of each district municipality. The Muftiat also appoints all imams to mosques across Chechnya. If disputants opt for religious arbitration, they first go to an imam. If that resolution does not work they go to a qadi, and if that does not work they can appeal to the Mufti.

Imams and qadis are usually young men. Most of them have received some Islamic education. Some were educated in the Arab countries, mostly Egypt, Syria, and Yemen, while others received their education in the Islamic universities in Grozny, the village of Kurchaloy, or in some other Russian Muslim region.

One qadi described to me the process of how qadis and imams are selected: "The Muftiat asks a candidate questions regarding the war in Syria and regarding Sufi orders to see who is loyal and who could be a troublemaker."[60] Obviously, only loyal people get appointed as imams and qadis. Sometimes appointed imams are young, quite inexperienced, and not very knowledgeable. In one village, most of my interviewees said that the imam had no authority in the village. In places like that, people often rely on nonstate Sharia resolution. They ask knowledgeable people for adjudication even though those people lack any formal religious positions. Many Chechens went to study abroad at Islamic universities in the 1990s, but in contemporary Chechnya many of them are seen as disloyal and therefore cannot get a formal religious position. Nevertheless, they have good religious education. I met with two people who spent 4 and 17 years respectively at Al-Azhar, the most prominent Islamic education center, which is situated in Cairo. They both told me that many of their relatives and acquaintances prefer to go to them rather than to a poorly educated imam.

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[60] Interview # 24, January 2015, rural Chechnya

However, in other places, qadis and imams are knowledgeable, respected, and sometimes arguably more powerful than bureaucrats in secular positions. For instance, in one of the mountainous districts of Chechnya, the qadi combines his religious position with being head of the council of elders. This qadi has been an imam in his village for more than 20 years and knows everyone in the village. He is Chechen, but his distant ancestor was an Arab, which increases his religious credibility. Another powerful qadi in a lowland district explained his prominence by his connection to Kadyrov's inner circle. This qadi told me that before he turned to religion he was "a simple Soviet hooligan." He served in the Soviet military, and when he demobilized got religious education. According to this man, he is involved in hundreds of disputes every year.

Most of my interviewees highlighted that there is perfect harmony in the functioning of the state and nonstate legal orders. However, during my semistructured interviews, I uncovered a set of common disputes where the alternative legal orders directly and explicitly clash.

The Most Common Disputes with Laws in Conflict

Arguably the most common type of disputes in which alternative legal systems are in direct conflict is child custody. In divorce cases, according to adat, children must stay with their father. According to Sharia, however, children should stay with their mother until they are seven years old and after that decide for themselves with whom to stay. Russian law, on the other hand, gives preference to the mother in the vast majority of cases. So, the forum one chooses largely determines the outcome one gets. As a result, child custody cases are often bitterly contested.

The increase in the level of aggression after the conflict caused domestic violence to spread in Chechnya. Reasons given for wife-beating include disobedience, using the phone or social networks, or even poor cooking. This issue is considered very sensitive: many of my interviewees claim that "there is no such issue in Chechnya." In adat, wife-beating is considered to be very shameful for a

husband and can be retaliated against by the wife's relatives. In Sharia, the husband can beat his wife, but there are regulations concerning when and how he can do it. In Russian law, domestic violence can be punished by prison sentences if the injuries are severe. In general, domestic violence is rarely brought to third-party adjudication.

While domestic violence is often left without any third-party involvement, disputes that arise from the custom of bride kidnapping necessarily require the involvement of authorities and referral to one of the alternative legal orders for reconciliation. Bride kidnapping is widespread throughout the Caucasus and Central Asia. According to a human rights report published in 2010, as many as one in four marriages in Chechnya began with the woman being kidnapped and forced to wed against her will. Sometimes, bride kidnapping is consensual, mostly when the bride's parents do not approve of the marriage; but in many cases kidnappings are not consensual. In the latter case, men kidnap women as a matter of pride after being rejected or out of jealousy that another man likes her. According to one of my respondents, "customary" Chechen bride kidnapping has many symbolic and ritual elements.[61] If any of them are violated, adat allows relatives of the victim to kill the abductor or another person in his clan, or to try to publicly shame the abductor by capturing him and releasing him in the middle of the village without his pants. Bride abductions in Chechnya became endemic during the conflict, especially after the end of the Second War in the early 2000s. The custom of bride kidnapping is embedded in local culture and widely accepted as legitimate. Even the victims of abduction recognize the legitimacy of the custom, reasoning that "our ancestors lived this way." However, in 2010 Ramzan Kadyrov prohibited bride kidnappings. He referred to Russian law and Sharia, which has an explicit requirement that marriage needs legal consent from both parties. In addition, Kadyrov increased the compensation that was paid to the bride's family under adat to one million rubles (about $30,000 at that time), which was a lot for the majority of Chechen families. All three systems of law

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[61] Interview # 11, January 2015, Urus-Martan.

provide some form of punishment for bride kidnappings. While kidnappings have become very rare, the custom is occasionally practiced.

Kadyrov's government effectively prohibited the custom of bride kidnapping, but it semiofficially supports "honor killings." Honor plays a central role in Chechen culture. If a woman somehow "puts shame" on her family, her male relatives can kill her. According to adat, "the right to kill" belongs to the father and brothers; a husband cannot kill his wife even if he witnesses her infidelity, because she does not belong to his clan. According to Sharia, both a man and a woman can be punished for infidelity by death, but the requirements for evidence of guilt are very strict: one needs four eyewitnesses in order to accuse someone of infidelity.

Kadyrov's government has been actively promoting polygamy in postwar Chechnya. Perceived gender imbalance as a result of war made the Chechen government concerned about the "reproduction potential of the nation" and about "public morals." In response, the government issued an informal decree according to which all government employees had to take second wives. High-level bureaucrats and businessmen were strongly encouraged to have multiple additional wives. Before the enactment of this unofficial governmental policy, polygamy among Chechens was rare. In fact, Chechen adat does not allow polygamy except in case of a wife's infertility. Russian law does not recognize polygamy.

Another area of contested disputes is inheritance. In adat, women do not have any inheritance rights. In this regard, Sharia is more beneficial to women. There is a special "science of shares" in Sharia allowing women to inherit property, although their shares are smaller than men's. For example, a widow inherits 1/4 of her late husband's if they did not have children and 1/8 of it if they did. Daughters also inherit their father's property, but their shares are half the size of the sons'. Russian law assumes gender equality in inheritance rights.

Among disputes unrelated to gender the most common ones are conflicts over property, car accidents, debt, and murder. The roots of property disputes in Chechnya often come from the absence of documents or conflicting documents over apartments in Grozny and land plots in villages. Adat proposes an equal split of the property if it is impossible to establish whom it belongs to. According to Sharia, such disputes are solved by taking an oath on the Koran. Russian law assumes resolution of such disputes will be based on verification of the relevant documents.

Car accidents are also resolved through multiple different forums. In addition to road police and courts, imams and elders also adjudicate such disputes. Particularly contested are accidents that involve cattle. Chechen qadis even issued a *fatwa* specifying that if an accident happens during the daytime, the car owner is responsible; if it happens at night, the cattle owner is responsible.

In disputes regarding debt, the major point of distinction is that Sharia prohibits interest. Chechen adat allows interest, but this norm is not well-known.

Finally, the most difficult disputes to resolve are caused by murder. According to the Chechen custom of blood revenge, murder must be avenged by the murder of the perpetrator, or of one of their male relatives if the murderer he escapes. Adat does not differentiate between intentional and unintentional murder: blood must be avenged in every case. If a clan does not retaliate for the murder or humiliation of a member, it loses its credibility in interclan relations. It becomes considered weak and is thus subject to other possible transgressions. Blood revenge is also allowed in Sharia, but responsibility in Sharia is individual, so relatives of the murderer cannot be targeted in retaliation. Most importantly, even though Sharia allows revenge, it prefers reconciliation over revenge. To facilitate reconciliation, the murderer's clan must pay monetary compensation to the victim's family. Russian law considers blood revenge and other customs such as bride kidnappings as rudiments of the past and does not recognize them. In contemporary Chechnya, murders are usually prosecuted by the

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formal legal system. But if two families do not reach reconciliation, the clan of the victim will kill the murderer when he is released from prison.

Narratives About Law: Identities and Interests

As expected by the theory, my interviews suggest that identity plays an important role in the choice of which legal forum to bring a dispute to. For instance, Musa, an elder from one of the villages, emphasized that adat is "the essence of the Chechen nation." [62] My interviews suggest that adat supporters are numerous among the Chechen intelligentsia. The camp of Sharia proponents is even bigger. Sharia has a very strong appeal in Chechnya, especially among the youth. One of my respondents, Ibrahim, a businessman in his 30s, put it the following way: "First and foremost we are Muslims, and therefore we must live according to Sharia."[63] At the same time, many Chechens reject Russian state law on ideological grounds. Isa, a businessman from the town of Urus-Martan, stated: "Those who go to Russian court are outcasts. And they are a tiny minority. Because everyone knows that if a person goes to a Russian court, he does not want justice, he just wants to win. Such people have very low respect." [64]

My respondents acknowledge that despite the presence of identity-driven choices, there is pervasive forum-shopping: people choose a dispute resolution system based on the outcome they expect to obtain. Israil, a judge, described the process in the following way: "Often people try several things: first they will go to an imam. If they don't like his decision, they might say, we don't like this imam – let's go to another imam. If another imam also won't give them what they want, they appeal to the court."[65]

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[62] Interview # 7; an elder, rural location, August 2014.
[63] Interview # 11; a businessman, Grozny, January 2015.
[64] Interview # 13, a businessman, Urus-Martan, January 2015.
[65] Interview # 10, a judge, rural location, January 2015.

Enforcement in adat and Sharia is based on social pressure. Families and communities in Chechnya push individuals to rely on customary and religious institutions of dispute resolution and ostracize individuals who bring their disputes to police and courts. For example, several religious leaders mentioned that if a disputant does not comply with the results of religious arbitration, an imam can announce that community will not show up at the disputant's family wedding or funeral, which is associated with a loss of social status in Chechnya.

Overall, there is informal coordination between the three legal systems: high-cost economic cases and criminal cases are mostly resolved through state law, while family disputes are mostly left for Sharia and adat. Also, there is an informal hierarchy of orders: people usually start dispute resolution through adat; if that does not work, they go to a religious forum; and if that does not work, they go to the state authorities. Furthermore, adat, Sharia as practiced in Chechnya, and even state law are interconnected and profoundly influence each other.[66] However, this informal coordination and hierarchy is quite weak, and in many situations, alternative legal orders contradict each other and lead to drastically different dispute resolution outcomes (See Table 3 for examples).

Importantly, the dominant interpretations of adat and Sharia impose disadvantages on women. For example, according to adat, children must stay with their father in case of divorce; in addition, divorcees and widows do not inherit any of their former husband's property. Sharia norms are used to justify polygamy and restrictions on female mobility. In contrast, Russian state law treats men and women equally. On the other hand, the state legal system is corrupt, slow, and complicated. Moreover, the local cadres in charge of it often implement norms from custom and religion in their practice.

As a result, almost all of my interviews suggested that the most severe conflicts among laws in Chechnya are related to gender issues. The most common disputes are related to divorce and child

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[66] For instance, many of my respondents, even authorities who are in charge of dispute resolution, sometimes confused adat and Sharia norms. Moreover, most of my respondents claim that there is a perfect harmony between adat and Sharia – even though there are clear contradictions.

custody, domestic violence, inheritance, and polygamy. Local practices of honor killings and bride kidnappings also inevitably involve conflicts between alternative normative orders. According to my interviews with qadis in three Chechen districts, family disputes constitute up to 80 percent of all the cases they adjudicate. The Mufti of Chechnya (the government-appointed supreme religious authority) even said that it is "easier for him to reconcile blood enemies in feud than to reach a solution in a child custody case."[67]

Preferences for the Alternative Legal Orders

Interviews and observations of dispute resolution practices give a good sense of how legal pluralism functions. However, legal pluralism is an elusive phenomenon. Because de jure only state law functions in Chechnya, there are no systematic data on Sharia and adat arbitration. All my attempts to get records of arbitration according to adat or Sharia failed. One of my interviewees explained to me that in Russia there is a criminal charge for "usurpation of judiciary role," and therefore nonstate justice authorities do not record arbitration. I found systematic records of Sharia arbitrations only in one Dagestani village. My hosts in the village asked me not to take any pictures of the records, which were kept in Arabic.

Because of this elusive nature, it is a real challenge to capture systematic variation in legal pluralism in order to analyze it in causal terms: what are its determinants and its effects? Therefore, I organized a survey of preferences for the alternative orders.

To systematically explore the demand for state law vis-à-vis alternative legal orders based on religion and custom, I conducted an original face-to-face survey of Chechnya's population. To measure preferences for alternative legal forums, I relied on a vignettes approach. I designed 10

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[67] Quoted in interview 28, academic, Grozny, January 2015.

vignettes based on my qualitative research, involving the most common disputes in contemporary Chechnya as highlighted above: (1) child custody, (2) domestic violence, (3) bride kidnapping, (4) honor killing, (5) polygamy, (6) inheritance, (7) property, (8) car accident, (9) debt, and (10) murder. Each vignette is a composite of multiple actual cases.[68] Each dispute is modeled to provide respondents with a conflict between the legal systems: all three alternative legal systems would be expected to lead to divergent outcomes. The questions that follow the vignettes asked respondents to choose the best forum for dispute resolution between state law, Sharia and adat. The vignettes and substantive resolutions are presented in Table 3.[69]

Responses to the vignettes are presented in Figures 2. The figure clearly shows that there is a wide variation in preferences for alternative legal orders in Chechnya. The figure shows that people prefer Sharia in the majority of hypothetical disputes, especially in family matters. Demand for state law is particularly high for cases of property dispute over an apartment, a car accident, and murder. Adat is the most common choice with bride kidnapping, which is not surprising given that it is a practice that is often associated with the customary norm. I aggregate responses across all 10 vignettes into indices of preferences for state law, Sharia, and adat by calculating the number of times respondents selected each forum or chose the "don't know" option. I normalize these variables so they take values from 0 to 1. Descriptive statistics show that the likelihood of choosing state law in a dispute is approximately 33%, Sharia is 36%, and adat is 21% (with the rest "don't know"). I use these

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[68] Before conducting the survey, I discussed each vignette with lawyers, alims (Islamic scholars) and leading Chechen ethnographers to ensure their validity in capturing social conflicts in Chechnya.

[69] After hearing each vignette, respondents have to choose between the alternative legal orders. All vignettes and questions are the same: the respondents were asked how they think the dispute should be resolved. However, respondents were randomly assigned to one of three groups that varied in types of answer sets to questions that follow vignettes. Respondents in the first group were asked to choose between legal systems in the abstract: state law, Sharia, and adat. The second group was asked to choose between legal orders linked with substantive solutions. And the third group was asked to choose between authorities in charge of dispute resolution: police and courts, imam and qadi, and elders. Answer sets are structurally equivalent, meaning, for example, that choice of state law over Sharia and adat, is structurally similar to the choice of police and courts over imam and elders. Therefore, for the purposes of the analysis in this paper, I aggregate the responses across types of questionnaire. The effects of this manipulation are analyzed in a separate paper.

indices as the dependent variables in my analysis (see Figure 3 for the aggregated results). Descriptive statistics show that 59% of respondents chose one forum in more than 5 disputes out of 10 and thus exhibited a more ideological response style.

In addition to vignettes, I also asked the general direct question "What system of law should be predominantly used in Chechnya?" Russian state law was chosen by 39% of respondents, 36% chose Sharia, 13% chose adat, and 12% said that they did not know. Preferences for the legal system in general are correlated with aggregated responses to vignettes, but the correlations are not very high: .45 for state law, .43 for Sharia, and .40 for adat.

The survey also measured actual experience with using institutions across all three alternative legal orders. Descriptive statistics show that 15% of my sample reported going to the police or courts to solve a disputes at least once during the last three years, 19% appealed for adjudication to an imam or qadi, and another 19% asked elders to solve their dispute. Measures of the reported use of a legal order are highly correlated with support for them in hypothetical disputes. This finding is in line with the idea that 'veterans of the judicial process' are more likely to have positive attitudes towards ths legal system (Gallagher and Wang 2011; Hendley 2017).

To measure legal knowledge across three alternative forums, I asked a set of questions about legal knowledge across forums. For the knowledge of Russian law, I asked what is the legal age of marriage in Russian Federation? The correct answer is 18, and it was a relatively easy question: 82% of respondents answered correctly. For knowledge of Sharia, I asked to what part of her husband's property is a widow entitled if the couple do not have children? The correct answer is 1/4. This was a relatively difficult question; only 22% answered correctly. In addition, I asked to which *mazhab* (school of law) does Chechnya belong; 50% correctly responded that Chechnya belongs to the Shafii *mazhab*. For knowledge of adat, I asked whether a Chechen woman is able to initiate divorce according to adat. The correct answer is yes, and in fact this norm is a particular Chechen institution -- no other

ethnic group in the Caucasus has this institution. However, knowledge of it was rather low (44%), and might actually reflect respondents' attitudes towards gender equality rather than actual knowledge of the norm.

What Explains the Differences in Legal Preferences?

What explains the variation in preferences for alternative legal orders? First, I systematically explore the effect of the issue domain. In order to do that, I reshaped data into a vignette-by-respondent format. For this test, my unit of analysis was a response to a vignette (10) by an individual (1,213), which gave me 12,130 data points. I classified vignettes as either belonging to the family law domain (child custody, domestic violence, bride kidnapping, honor killing, polygamy, and inheritance) or not (car accident, property, debt, and murder). I estimated a set of multinomial logistic models to predict choices among alternative legal orders with this dummy variable for legal domain (family vs. nonfamily). The results presented in Table 6 show that the likelihood of choosing state law in the family domain is approximately 20 percentage points lower than in disputes outside of it. In contrast, the likelihood of choosing both Sharia and adat were substantially larger in the family domain. This finding confirms the logic of the normative choice approach and is alos in line with the well-known relational distance hypothesis (Black 1976, Hendley 2017) that the higher is the distance between the disputants, the higher is the likelihood that they bring their dispute to court.

Second, I explored the role of individual characteristics as predictors of legal preferences. These characteristics were also recorded by the survey. Descriptive statistics show that 52% of my sample were women. Since state law formally assumes gender equality, while nonstate legal orders are often far less favorable to women, I expect that in gendered disputes women will be more likely to rely on state law, and men on Sharia and adat.

The average age of my sample is 35 years old. To test whether age affects legal preferences, I created a categorical variable that distinguished "youth" (18 to 30 years old), who comprised approximately 42%of the sample; "middle-aged people" (30 to 50 years old), who also comprised around 42%; and "older people" (50-82), who comprised 15%. Because customary law gives a lot of power to elders, it is plausible to expect that older people will be more likely to rely on adat, while younger people will be more likely to rely on Sharia and state law.

In the sample, 46% lived in urban areas. I expect that urban dwellers should be more inclined to rely on state law because of its accessibility and because social pressure to rely on custom and Sharia will be less effective.

Indicators of education and income showed considerable variation.[70] I expect that richer and more educated individuals will be more likely to rely on state law, because wealth and education provide the resources and knowledge that are necessary to access state law.

To analyze the effect of connections and access to formal state institutions, I included a variable on being employed in government, police, or the military as indicators of official status within the formal state system. Approximately 19% of the sample were government officials. One may expect that government officials will be more likely to rely on state law.

The survey also records clan (*teip*) membership. Belonging to a large clan is likely to increase reliance on customary law because large clans have a natural advantage under the system of collective responsibility. The sample includes members of more than 100 clans, and approximately a third of the respondents belonged to one of the 12 largest clans. Customary law based on the principle of collective responsibility is likely to benefit members of large clans due to their size advantage. Thus I expect that members of large clans will be more likely to rely on customary law.

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[70] These numbers correspond well to the sociodemographic characteristics of the survey sample collected for the project "Studying Public Opinion in the Chechen Republic," conducted in 2003 (Khaikin and Cherenkova 2003), which remains the only published survey carried out in Chechnya in the postwar period.

Finally, to test the argument that ethnic and religious identities drive demand for Sharia and adat, I include measures of identity salience. To measure the relative strength of ethnic and religious identity, I ask whether the respondent would allow his or her daughter to marry a non-Chechen Muslim, for instance, an Ingush or Dagestani.[71] More than 70% of my respondents would not allow an inter-ethnic marriage of a female relative, which highlights a very high level of ethnocentrism among Chechens. To measure religiosity, the survey asks about frequency of reading the Koran.[72]

There are some missing data regarding personal characteristics, especially income, religiosity, and victimization during the war. I use multiple imputation[73] to fill these missing values and report the results of the empirical analysis with and without these imputed data.

Multivariate analysis shows that individual attributes do have significant predictive power (see Table 7). First, in line with my theoretical model, the analysis shows that women were much more likely to choose state law than men (the predicted probability of choosing state law among women is approximately 8 percentage points higher than among men); see Figure 4. Moreover, as Figure 6 shows, women were more likely to choose state law than men in all 10 disputes, both in gendered disputes and in conflicts unrelated to gender such as car accidents or murder. This finding is in line with Hendley's (2017) finding that women in Russia are more likely to embrace law-abiding attritudes than men.

Second, I found that older people tended to support adat: in comparison with middle-aged respondents, they were more likely to choose customary law by approximately 6 percentage points. In turn, younger people were more likely to choose Sharia.

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[71] There is a powerful norm in adat that Chechen women cannot marry non-Chechen men even if they are Muslim - such marriages should be avoided at all costs. In contrast, in Islam, all ethnic divisions within the community of believers are seen as sinful and interethnic marriages are welcomed. Therefore, I measure response to this question as an indicator of Chechen ethnocentrism.

[72] This indicator is considered to be the most reliable measure of religiosity in the Islamic context (Jamal and Tessler 2008).

[73] I employ mi package in R (Gelman et al. 2015).

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Another confirmed expectation is that members of large clans were more likely to rely on customary law (by approximately 3 percentage points) and less likely to rely on Sharia, where responsibility is individual and they do not have the advantage of numbers. Importantly for the theory, I find that ethnocentrism is a very strong predictor of support for adat. However, religiosity did not perform well as a predictor of demand for Sharia. Most surprisingly, analysis shows that in contrast to theoretical expectations and common sense, state officials were not more likely to rely on the state legal systems they are supposed to represent, but instead preferred customary law. Income, employment status, and urban/rural residence did not have significant predictive power.

Overall, both qualitative and quantitative analysis show the prevalence of legal pluralism in contemporary Chechnya and a wide variation in preferences for the alternative legal orders. In the next chapter I will explore how the war affected these legal choices.

Chapter 6

The Legacies of Conflict and Demand for Law

In this chapter, I explore how exposure to conflict affects choices between alternative legal orders. Following my reasoning in the theory section, I conceptualize exposure to conflict as victimization perpetrated by the state. I organize the analysis at three levels. First, I explore the effects of individual victimization as recorded in the survey. Second, I study the effects of community victimization, recorded through coding of war atrocities and reports on human rights abuses, as well as interviews with experts who had first-hand experience in the Chechen wars. Finally, I analyze the macro-level effects of conflict by comparing Chechnya with the neighboring region of Ingushetia, which has similar constellations of legal orders, but did not experience the conflict.

I analyze the effects of conflict on legal attitudes recorded in the survey and on legal behavior based on data from the magistrates' courts. In my analysis, I distinguish the effects of the First and the Second Chechen Wars and trace the differential impact of the two conflicts through case studies of three communities. I rely on materials from my interviews to uncover the mechanisms that link wartime victimization and legal choices. Before turning to the analysis, I briefly describe the Chechen wars.

The Chechen Conflict

The history of the Chechen wars (1994-1996 and 1999-2009) is extensively documented (Lieven 1999; Dunlop 1998; Gall and De Waal 1997; Politkovskaya et al. 2007; Tishkov 2004), therefore I will only briefly outline the dimensions relevant to my analysis: wartime civilian victimization and the postwar political development in Chechnya that divided Chechen society into war winners and losers.

The First Chechen War (1994-1996) started as a result of the confrontation between the leadership of the self-proclaimed independent Chechen Republic of Ichkeria, personified in Chechen President Dzhokhar Dudayev, and the authorities of the Russian Federation, personified in Russian President Boris Yeltsin. The Russian government declared an emergency situation in Chechnya and started a full-scale military invasion into the secessionist region in December 1994. The Chechen population rallied around Dudayev's leadership and responded with mass mobilization to fight the invaders. The Russian army had a significant advantage in manpower, weapons, and military equipment, but the Chechen fighters were much more motivated and knew the terrain, both natural and social, better. The war ended with a peace agreement between the Russian state and Chechen rebels after the de facto military victory of the rebels, who had successfully employed guerrilla warfare strategies (Dunlop, 1998; Gall and De Waal, 1997).

During the interwar period, 1996-1999, Chechnya was a de facto independent state. Its government was formed after free and fair elections won by Aslan Maskhadov, one of the most prominent leaders of the rebels and a political moderate. The Chechen government was sabotaged, however, by other prominent field commanders who attempted to gain power by other means after losing the election. In 1999, Shamil Basayev, the most notorious Chechen field commander and Maskhadov's main challenger, invaded the neighboring Russian region of Dagestan, supposedly in order to establish an Islamic state there. In response, Russia, now led by Vladimir Putin, launched a second military campaign against Chechnya.

The active combat phase of the Second War (1999-2000) ended in the rebels' military defeat and the reintegration of Chechnya into the Russian state. It was followed by a long-lasting insurgency (2000-2009) and brutal counterinsurgency campaign (Le Huérou 2014, Politkovskaya, 2009). The Second War, and the counterinsurgency that followed, were characterized by especially severe victimization of civilians. Estimates vary dramatically, but even the conservative ones range from

25,000 to 50,000 dead or missing (Memorial 2006). More than 200,000 became refugees and IDPs (Nichols 2000). For years, people were living in camps on the border with neighboring Ingushetia and Dagestan. Ultimately, thousands of Chechens became refugees in Europe. In 2003, the United Nations called Grozny the most destroyed city on Earth. Many other towns and villages were also completely destroyed. As Lyall (2009) and many other observers and researchers documented, violence against civilians was often indiscriminate.

It must be emphasized that the Russian military was not the only actor that committed acts of civilian victimization. During the course of the Second War, a large share of the rebels switched sides and joined the Kremlin in its counterinsurgency campaign against former "brothers in arms," which caused endless intra-Chechen feuds. The rebels also targeted civilians whom they suspected to have collaborated with the Russians.

However, even though the Russian army often employed indiscriminate violence, most of the violence followed the strategic logic of confrontation between the Russian army and Chechen rebels. What explains variation in exposure to conflict across Chechnya? The principal goal of the army in both wars was to establish control over Grozny, Chechnya's capital and the main city; the heaviest battles, therefore, were over the city. Rebels utilized mountainous terrain, and as a result a lot of fighting happened in the mountainous areas in southern Chechnya and on the roads that lead to them. Thus geography and strategic interaction between the two fighting sides largely determined the exposure of different communities to violence. There were also some haphazard factors: for example, a community was much more likely to be targeted by the Russian army if a famous rebel commander was from there.[74]

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[74] For example, Russian army severely victimized the village of Dyshne-Vedeno, a native village of the famous warlord Shamil Basayev.

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Another crucial factor in community victimization during the Second War was related to the personality of the generals in charge of the two major Russian armies that carried out military interventions in Chechnya. The invasion of Chechnya from the west (the Ingushetian border) was carried out by General Vladimir Shamanov, who was known for his brutality against civilians. On the path of his army to Grozny during the Second War, many villages were heavily bombed and almost completely destroyed. In contrast, the invasion from the east (the Dagestani border) was carried out by General Gennadiy Troshev. Troshev grew up in the North Caucasus and knew the local culture and social norms. Instead of fighting, he negotiated the surrender of all communities that were along his route to Grozny. As a result, communities in eastern Chechnya were significantly less affected by violence. I exploit this difference in the two armies' treatment of civilians as a source of variation in the community level-victimization.

After the active phase of the Second War was over in the early 2000s, the Kremlin outsourced local governance and the counterinsurgency campaign to its local loyalists, headed by the Kadyrov family, who had defected from the rebels and joined pro-Kremlin forces during the course of the war. Kadyrov incorporated many former rebels (known as *kadyrovtsy*) in the government, especially in its military division. The eastern region of Chechnya became the stronghold of the pro-Kremlin Chechen government, while the more-victimized western region is largely considered less loyal to the government. Almost all key government officials in postwar Chechnya are from one of the four eastern regions.[75] This division was highlighted in all my interviews related to the war and its legacies. For example, a former combatant said that "people from the east just did not fight. It was all us [the westerners]."[76] Elders from several eastern villages confirmed that their villages and the town of Gudermes were only marginally affected by violence, and proudly acknowledged that "we [eastern

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[75] The districts of Kurchaloy, Gudermes, Shali and Nozhay-Yurt. The Kadyrov family is from the eastern village of Khosi-Yurt.
[76] Interview # 110, June 2016, Paris.

Chechnya] are indeed the base of Kadyrov's regime."[77] In contrast, my respondents in the western areas acknowledge that locals are not very fond of the government and that this relationship is reciprocal.[78]

The conflict in Chechnya left other important legacies. For instance, a whole generation of Chechen youth was not able to receive education. The society became much more religious. Violence and political confrontations led to numerous feuds and decreased overall trust in society. However, in this chapter I focus primarily on exposure to violence as the central legacy of conflict.

Individual Victimization and Legal Preferences

As the first step of my analysis, I explore the effect of an individual's history of victimization on preferences for alternative legal orders recorded through my survey. This approach is prevalent in recent scholarship on the effects of exposure to violence (see Bauer 2016 for a review).

To measure individual victimization during the conflict, the survey recorded indicators of a family member being killed, being wounded, the family being displaced during the conflict for a prolonged period of time, and property being damaged or destroyed. Descriptive statistics presented in Table 4 shows that there is a considerable variation in individual victimization in my sample. Approximately 50% of my sample reported a family member being killed, and the same reported a family member being wounded; 53% of the sample reported some form of property damage. About one third of the sample reported being displaced for more than a year.

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[77] Interview # 65, December 2016, Gudermes.
[78] For example, according to my interviews, when Ahmat-hajji Kadyrov was killed, residents of several villages in the west of Chechnya organized celebratory feasts. "We boiled meat on the big bonfires and danced. Kadyrov the son found out about it and said that our village will have to account for this." According to another interview, in one of the western villages people for many years, up to 2012, kept burning down the huge banner picturing Ahmat-hajji Kadyrov almost every week. And every week the government posted a new one.

Analysis at the individual level aims to test an observable implication from the alienation hypothesis: individuals victimized during the conflict should be less inclined to rely on state law. To test this hypothesis, I run OLS regression analysis with preferences for the alternative legal systems as the main dependent variables. I include relevant sociodemographic characteristics as control variables. The results are presented in Table 11. The analysis shows that among indicators of victimization, only the experience of prolonged displacement is a statistically significant predictor of legal attitudes. Displacement is strongly related to more demand for Sharia and less support for either state law or adat. In contrast, indicators of family members being killed, family members being wounded, and of property damage have no predictive power.

I complement the analysis of legal attitudes with analysis of the actual reported legal experience. The results presented in Table 12 suggest that victimization is also not related to legal behavior. The only distinguishable tendency (although not statistically significant) is that people who experienced displacement are more likely to seek resolution from traditional and religious authorities.

Overall, individual-level indicators of victimization do not predict legal attitudes and behavior well. Among all measures of exposure to conflict, only the experience of prolonged displacement has a statistically significant effect: it increases preferences for Sharia at the expense of both Russian state law and customary law. My interviews with people who spent a long time in the refugee camps, and with members of NGOs who worked with Chechen refugees, suggest that this effect might be driven by the fact that displacement disrupted traditional social networks because families were intermixed in the camps. The state was not present in the camps. In contrast, all camps had a small mosque and many people brought their disputes to their camp's imam. Therefore, the finding on the role of displacement might reflect not its psychological effect, but rather an induced social habit.

Why do other indicators of victimization fail to predict rejection of state law and an increase in support for customary law and Sharia, as expected by the alienation hypothesis? First, the indicators

of victimization lack information about the identity of the perpetrator of violence. Specifying this information within the survey is very sensitive in contemporary Chechnya. Even though the vast majority of civilian victimization during the Chechen conflict was perpetrated by the Russian army, other actors in the conflict also inflicted violence. As highlighted above, the rebels victimized civilians whom they suspected of collaboration with the Russians or the Russian-imposed administration. Also, since 2003, during the counterinsurgency, most violence was perpetrated by Kadyrov's forces, not directly by the Russian army.

Relatedly, the survey does not contain information about whether the respondents blame Russia for their victimization even when they were victimized by the Russian army. This question also would have been very sensitive. During my fieldwork, on many occasions I encountered people who spoke about their personal or family history of victimization by the Russian army, then blamed some external actors for what happened. For example, one young man told me: "There was little fighting here, but the army was present. One day they came to our house, took my brother and me away. Then on officer let me free – I was just 13. But they shot my older brother in front of us [the family]. I don't know why – he was not a *boyevik*, he had never fought. I really hate America and the Jews for inflaming the war here."[79] I interpret this and similar sentiments as a coping strategy that victimized individuals adopt to justify the fact that they have to live in the state that perpetrated horrific violence against them and their loved ones. Their coping strategy is to divest the blame from Russia to some other factors; conspiracy theories therefore proliferated in postwar Chechnya.

Finally, the responses to the questions regarding family victimization might suffer from biases: even without identifying the side responsible for violence, questions about the war are sensitive in Kadyrov's Chechnya, where all mentions of war are strictly regulated. As a result, as I mentioned above, 20% of the sample avoided responding to the battery of questions on victimization. Therefore,

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[79] Interview # 18, January 2015, Grozny.

in the subsequent analysis, in addition to the individual-level indicators of victimization, I rely on community (meso) and society (macro) indicators of victimization.

Community Victimization and Legal Preferences

In this section, I explore the effects of victimization at the community level. I follow the logic from Rozenas et al. (2017), which says that victimization at the community level is not just an aggregation of victimization at the individual level. As a result of killings and induced displacement, community victimization affects not only individuals but also relations between them (social structure and networks).

To identify victimized communities, I rely on manual coding of the reports of violent events during the insurgency and counterinsurgency that followed the Second War (2000 - 2006) that were compiled by Memorial, an NGO. These data were used in Lyall (2009) and Toft and Zhukov (2015), the most prominent quantitative studies of the Chechen wars. Both of these studies transformed the original data in the count into measures of violent episodes aggregated at the district level. In contrast, I use the data to create a binary categorical variable that identifies communities that were exposed to large-scale indiscriminate violence. I code a community as victimized if it experienced at least one event of indiscriminate or collective targeting of the civilian population. The most common types of civilian victimization were indiscriminate bombings and sweep operations. For example, the village of Samashki was victimized in April 1995, when the village was blockaded by the Russian army. More than 100 civilians were killed during the sweep operation in Samashki. Another example of indiscriminate community victimization is the village of Elistanzhi, which was bombed at the very beginning of the Second War in October 1999; more than 100 civilians were killed or wounded. Overall, coding of the reports left me with a list of 29 victimized communities.

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I triangulated the original coding on wartime violence with interviews with 18 key informants, a subsample of my semistructured interviews. Key informants on wartime violence included two senior members of the Ichkeria (rebel) government; two former rebel commanders; three prominent members of the pro-Russian opposition to the Ichkeria government, who were part of the interim pro-Russian government during the First War (1995-1996); two present-day government officials; five local members of different NGOs, who helped displaced Chechens in Ingushetia and victimized families in Chechnya throughout the Second War and counterinsurgency campaign; two local academics; two prominent elders from different rural regions of Chechnya; and one local journalist, who extensively covered both wars. Most of these interviews were conducted in Chechnya. Interviews with the former rebel commanders were conducted in Paris, France. One of the interviews with a former Ichkeria government official was conducted in Moscow. These interviewees represented different political sides during the war, different regions, and different wartime roles. All interviewees were asked to name the 10 most victimized communities during both the First and the Second Chechen Wars. Based on their responses, I created a list with the names of communities. The list included 26 communities, 23 of which were also included in the list based on coding of the Memorial reports. Thus, two different data generating processes largely converged in identifying communities that had been exposed to large-scale indiscriminate violence.

In addition, I discussed the final list of the victimized communities with 4 of the 18 original interviewees. They unanimously approved the list as a comprehensive registry of victimized communities in Chechnya. Thus, I argue that my indicator of community victimization is reliable. Because of its categorical nature, this indicator does not capture the intensity of violence, but it serves as good proxy for capturing qualitative differences in wartime collective violence in Chechnya.

Based on my original measure of community victimization, I identified 16 communities in my survey sample that were collectively indiscriminately targeted and 23 communities that were not.

Among the victimized communities, 5 were targeted during the First Chechen War and 12 during the Second Chechen War. Grozny was victimized both times, especially area such as the district of Aldy. Because of the drastically different nature of warfare, intensity of civilian victimization, and political contexts between the two Chechen wars, in addition to the general indicator of community victimization, I create two distinct variables for victimization during the First and the Second Chechen Wars. I also differentiate the type of victimization. In nine communities, victimization took the form of indiscriminate bombing, and in seven communities victimization took the form of large-scale sweep operations that resulted in mass killings of civilians. The spatial distribution of the data is shown in Figure 7.

I also introduce a set of relevant controls measured at the community level. To adjust for remoteness, I include the distance by road from Grozny, the capital of Chechnya. I also include a measure for altitude, because legal practices might differ between the mountainous part of Chechnya and the lowland part. The mountainous part is widely considered to be the center of Chechen traditionalism and adat. To control for the possibility that informal dispute resolution is stronger in smaller communities, I measure community size. Fourth, because legal practices might be influenced by cultural contact, I add a measure of the share of the non-Chechen (Russian) population in each location according to the 1989 census. Russians lived primarily in the cities and in northern Chechnya, near the Terek River, which borders the Stavropol region of Russia proper. As a result of prolonged contact with Russians, Terek Chechens are considered to be more Russified. Finally, because there is a spatial clustering of victimized communities, I use district-level fixed effects. Thus, I compare the effects of victimization only within the same districts, rather than compare communities from different parts of Chechnya.

At the first stage of the analysis, I regress the main dependent variables of my analysis, aggregated preferences for the alternative legal orders, on the indicator of community victimization as

well as individual and community covariates. Because the data have a nested structure and are organized at the individual and community levels, I cluster standard errors by community.

The results of the analysis, presented in Table 14, show that exposure to conflict decreases preferences for customary law. At the same time, I find no statistically significant effects of exposure to conflict on preferences for Russian law and Sharia. Other community-level characteristics have no predictive power.

Second, I conduct an analysis that aims to distinguish the effects of the First and the Second Wars. I use two separate indicators of community victimization during the two conflicts. The results presented in Table 17 show that the two wars have different effects on preferences for alternative legal orders. Victimization during the First War is associated with a 13% decrease in the likelihood of choosing Russian state law and an 8% increase in the likelihood of choosing Sharia. In contrast, victimization during the Second War is associated with an 8% increase in the likelihood of choosing state law (significant at $p < .10$), and a 7% decrease in support for customary law. Thus, the effects of the two wars go in opposite directions. In a following section, I use case studies to explore the nature of this differential effect of community victimization across the two conflicts.

Third, I conduct an analysis that aims to analyze the effects of different types of community victimization. In order to do that, I use indicators of indiscriminate killings as a result of bombings and indiscriminate killings as a result of sweep operations. I find that the negative effect of victimization on preferences for customary law is driven by sweep operations. The statistically indistinguishable effects of victimization on preferences for state law and Sharia are common for both types of violence (see Table 18).

The results I have presented so far rely on attitudinal measures of support for alternative legal orders. But how do these preferences for alternative orders translate into actual legal behavior? Does

exposure to conflict affect the use of courts? In the next section, I supplement analysis of the survey data with analysis of behavioral data from the magistrates' courts.

Community Victimization and Legal Behavior: Evidence from the Courts

In order to test whether the patterns established through the analysis of the survey responses correspond to behavioral patterns, I analyze the data from magistrates' courts that was introduced in the previous chapter. The data includes more than 100,000 legal cases. I aggregate the data on the number of civil and criminal cases brought to the magistrates' courts at the district level and normalize it per capita. This gives me variables on the number of civil and criminal cases per capita, which I use as the main indicators of the prevalence of the use of state courts in Chechnya. To measure exposure to conflict, I rely on the same indicators of community-level victimization used in the previous subsection. I identify 16 districts as severely victimized and 28 districts as less victimized. In addition, I create a count measure of district-level victimization by using the data from Toft and Zhukov's (2015) quantitative dataset of violent incidents in the North Caucasus.

After the aggregation, the data have 44 observations. Grozny, the capital of Chechnya, and other towns such as Gudermes, Argun, Urus-Martan, and Shali, have multiple court districts. Because the data on violence are not disaggregated within towns, I merge data for these towns across court districts. Control variables include the prewar presence of Russian population, mountainous terrain, and urban/rural status.

First, I run OLS regression analysis with the number of civil cases per capita as the dependent variable. The community-level indicator of victimization and relevant community-level controls are used as predictors. The results, presented in Table 19, show that communities that were exposed to violence average 2.4 more civil cases per capita. Given that the mean value of the dependent variable is approximately 5.1 disputes, the difference in the number of court cases between victimized and

nonvictimized communities is very large. Specification of the model with the alternative measure of victimization based on Toft and Zhukov's dataset provides similar results (see Table 20).

Second, I analyze the association of community victimization with the number of criminal cases per capita using the same specifications. Specification of the model with the binary indicator of victimization fails to show any statistically significant relationship; in contrast, specification with the count indicator of victimization shows a positive and statistically significant association.

Disaggregating exposure to violence between the First and the Second Chechen Wars, I find that both conflicts are associated with an increase in the number of civil cases; however, the coefficient associated with the First War is not statistically significant. Separate indicators for the First and the Second Wars are not statistically related to the number of criminal cases.

The analysis has obvious limitations. First, the number of observations when data are aggregated at the district level is low. Second, the analysis is open to criticism based on the endogeneity problem. One way to partially address this problem would be to include data on prewar state penetration across Chechnya. However, such data do not exist. The state archive of Chechnya completely burned down during the First Chechen War in 1995. Furthermore, magistrates' courts did not exist in Chechnya prior to 2010, therefore prewar data on state penetration would likely be aggregated differently. My interviews suggest that physical state penetration across Checheno-Ingushetia during the Soviet period was rather even, therefore measures of the numbers of state officials per district, which are often employed as a proxy for state capacity, would probably show no variation even if they existed. Another problem is that variables on war legacies are aggregated at the court district level, which is not the most socially meaningful unit. As a result, in some districts communities or villages that were severely victimized are grouped with others that did not suffer as much. The spatial concentration of violence helps to partially mitigate this concern. Finally, and most

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importantly, analysis of variation in state law penetration does not reveal anything about the use of the alternative legal orders across Chechnya.

The results of the analysis of court cases data converged with the survey patterns in showing an association between victimization during the Second Chechen War and increase in the prevalence of state law within Chechnya. In the next section, I rely on qualitative comparative case studies to explore the mechanisms that link exposure to conflict with postconflict legal attitudes and behavior.

Community Victimization and Legal Pluralism: Case-Studies

In order to better understand the nature of the relationship between victimization and preferences for the alternative legal orders, I conduct controlled comparisons between three Chechen communities. These comparisons aim to explore the drivers of the divergent effects of exposure to violence between the First and the Second Chechen Wars and also to contrast these effects with a control case where large-scale civilian victimization was absent. This analysis is based on the cases of Samashki, victimized during the First War; Starye Atagi, victimized during the Second War; and Kurchaloy, which avoided large-scale victimization. In each of these villages, I conducted interviews with state officials, customary and religious leaders, and representatives of local intelligentsia such as history teachers and librarians.

I chose these communities for the comparative case studies analysis because they were often named by my interviewees as examples of different histories of violence. All three communities are large and well-known. They are situated in different parts of Chechnya and differ along many dimensions, but because the histories of violence (or the relative absence of violence in the case of Kurchaloy) were so pronounced in each of these villages, I treat them as good candidates for a case study analysis that aims to clarify the paths that link violence and legal pluralism.

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Samashki

Samashki is a large village of approximately 12,000 people, situated in the western part of Chechnya. The village was exposed to collective indiscriminate violence in April 1995 during the First Chechen War. The village hosted a large group of rebels when it was blockaded by the Russian army. The elders of the village pressured the rebels to leave in order to save the village, and most of them left. However, a small group of local fighters remained in the village and fought the Russian police when they entered the village. Russian forces experienced up to 16 casualties. In response, the Russian forces shelled the village and then organized a sweep operation. The militarized police forces blockaded the village and searched for rebels and weapons in all households. This operation was accompanied by indiscriminate killings of civilians and burnings of houses. According to human rights group reports, sometimes Russian police officers threw grenades in the basements of houses where villagers were hiding. The narrative of the events in Samashki and estimates of casualties among civilians are heavily contested. According to Memorial, at least 114 civilians were killed; according to a count by the village elders, presented in an Amnesty International report, more than 300 civilians perished as a result of the sweep. The massacre in Samashki became an internationally recognized case of atrocities by the Russian army against Chechen civilians.

In Chechnya, Samashki became a symbol of victimhood and national suffering. The famous Chechen rebel-singer Timur Mutsurayev wrote the song "Samashki" about the massacre. The lyrics had the following passage: "Let our hearts cry, but we won't forget, Samashki, Samashki, we will revenge for everything." According to one of my respondents, the villagers commemorate their killed relatives and neighbors every April by organizing religious ceremonies and village gatherings. After the war ended in 1996 and the Chechen rebels restored their authority, Samashki was celebrated as a symbol of the national resistance.

During the interwar period, the villagers restored their houses and rebuilt schools and mosques. According to one of my interviewees, the villagers rebuilt everything by themselves and the community became very cohesive as a result of the collective trauma and the collective efforts to rebuild the village. According to another respondent, there was a proliferation of religious schools in the village during the interwar period: "Foreign teachers from Tajikistan and Uzbekistan came to Samashki. Radical Islam quickly spread in the village."[80] Another respondent said, "We have hatred towards the feds (the Russian army) deep in our genes now."[81]

Samashki was also victimized during the Second Chechen War when the village was attacked by helicopters; many houses were destroyed. Many among Samashki's youth joined the insurgency. But the victimization of the village during the First War was much more pronounced.

After the Second War was over, the Russians and the local pro-Russian Chechen administration had a very hard time establishing their authority in Samashki. When pro-Moscow president of Chechnya Ahmat Kadyrov was killed in a terrorist attack in Grozny in 2003, villagers in Samashki organized a celebratory feast. Ahmat's son Ramzan Kadyrov, who essentially inherited the Chechen presidency, found out about that and became very hostile towards the village. Unlike many other places in Chechnya, Samashki did not receive any government aid and reconstruction, so they organized reconstruction and public goods provision (water, gas, etc.) by themselves.

One of the elements of authoritarian control in postwar Chechnya are the ubiquitous portraits of Ahmat Kadyrov, Ramzan Kadyrov, and Vladimir Putin. The villagers of Samashki used to burn down these portraits almost every week as a sign of disobedience. The government repressed the villagers in response, but the tacit resistance continued for years, up until 2008. As a result, the village has a reputation of being in opposition to Ramzan Kadyrov and Russian rule.

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[80] Interview # 58, rural Chechnya, December 2016.
[81] Interview # 51, rural Chechnya, February 2016.

The village shows strong signs of social cohesion and adherence to Islamic governance. For example, Sokirianskaia (2009), quotes one of the Samashki elders: "Now we have an imam, everybody listens to him… Many of the community problems are solved after Friday prayers in mosques." The results of my research echo this sentiment. Samashki has one of the lowest likelihoods of choosing state law among all settlements included in the study. In Samashki this likelihood is 20%, while the average for Chechnya is 32%. My interviewees highlighted that the majority of disputes are solved through an imam. The elders are also highly respected, especially within their families. In line with this sentiment, I find that the likelihood of choosing adat in Samashki (26%) is also significantly higher than in Chechnya as a whole (20%). The villagers have a strong common identity based on this history of victimization. The population is antagonistic to Russian rule and avoids dealing with Russian state justice. In sum, as a result of indiscriminate large-scale victimization, the villagers developed strong religious and ethnic identities based on the common history of trauma and rejected the state that they blamed for the victimization. This is a common feature of the communities victimized during the First Chechen War.

Starye Atagi

The case of Starye Atagi highlights the effects of victimization during the Second Chechen War. Starye (Old in Russian) Atagi is a big village (approximate population is 11,000) with a distinguished history. All my respondents from the village emphasized that the literary Chechen language originated from their village. Another common theme was that Starye Atagi is the home of many members of the Chechen intelligentsia. As one of my respondents explained, when the Russians colonized Chechnya in the mid-19th century, they built a fortress near their village. Subsequently, the fortress administration opened a school for the children from neighboring Atagi. As a result, the village children became educated in the Russian language and were able to advance in colonial administration,

business, and science. One of the villagers became a general in the Russian army and another was elected to the Russian State Duma (Parliament) in the early 20th century. High levels of education distinguished the village during the Soviet period as well. The village was also quite well-off. As one interviewee noted, "Our village was rich in the Soviet period. We had a successful common farm, poultry factory, sawmill, some other smaller industries. We were very famous because of the scholars and artists."[82] A famous Soviet-era Chechen dancer, Mahmud Esenbayev, was from Atagi.

The Chechen National Revolution of 1991 polarized the village. "We had all shades of opposition here," a man in his 50, a businessman from the village, told me. "Some were for Dudayev, others against him."[83] One of the most prominent leaders of the Chechen national independence movement, Zelimkhan Yandarbiyev, arguably also one of the best Chechen poets, was a native of Starye Atagi. When the war started, many among Atagi's youth mobilized to fight. The village experienced several attacks by the Russian army during the First War. Houses in some parts of the village were destroyed by artillery shelling. Yet the villagers did not experience victimization similar to the Samashki massacre. Because the village was relatively safe, Chechens from Grozny and some other victimized villages found refuge in Starye Atagi during the First War.

After Dzhokhar Dudayev, the first president of the independent Chechen State of Ichkeria, was killed in 1996, Zelimhan Yandarbiyev, the vice-president, became the interim head of the Chechen state. Yandarbiyev tried to rally his co-villagers from Atagi to support his candidacy in the 1997 presidential election, but even with their support he lost to prominent field commander Aslan Maskhadov. Nevertheless, Yandarbiyev remained an influential person in Chechnya and organized a religious-based Salafi movement around himself. This movement was supported by donors from Saudi Arabia and Qatar. Yandarbiyev and his supporters also brought the new religious movement to his

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[82] Interview # 69, Starye Atagi, December 2016.
[83] Interview # 70, Starye Atagi, December 2016.

native village, Atagi. This led to an internal split within the village. As one of my respondents told me, "Dudayev's rule and the First War divided us by *teips* (clans). But a much deeper divide happened when the Wahhabis came to our village. We, the supporters of the traditional Islam that our ancestors practiced for ages, did not accept their stupid rules. They were very arrogant and they had money. But they were a minority."[84] Some of my respondents explicitly blamed Yandarbiyev for the splits within the village: "Yandarbiyev in the Soviet time was a tramp. Maybe he was a good poet, but he was constantly moneyless and loved to drink. And during Ichkeria he suddenly became an Islamist. He spoiled the youth in the village."[85] Other villagers treated Yandarbiyev as a hero. One man showed me Yandarbiyev's modest house in the village and told me that "Yandarbiyev, our President, was a true *k'onakh!* (noble hero)".[86]

During the Second War, Starye Atagi experienced large-scale indiscriminate victimization in the course of the counterinsurgency. The victimization of Atagi can be attributed to two factors. First, the village is situated on a strategic road from Grozny to the mountainous areas; therefore, territorial control over the village was an important goal for both the Russian army and the rebels. Second, the village was victimized because it was home to Zelimkhan Yandarbiyev. As I mentioned before, the Russian military forces often took the origins of famous field commanders as a cue of village disloyalty and used indiscriminate violence against such settlements.

During the Second Chechen War, Starye Atagi went through 37 "sweep" operations, more than any other settlement in Chechnya. These operations were accompanied by robberies, beatings, indiscriminate killings, and kidnappings that usually ended with torture and death. An abandoned poultry factory was used as a "filtration camp," an illegal prison where the security forces tortured detained civilians. On many occasions, all male residents of the village were detained.

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[84] Interview # 69, Starye Atagi, December 2016.
[85] Interview # 72, Starye Atagi, December 2016.
[86] Interview # 73, Starye Aragi, December 2016.

For example, according to the Memorial report, the Russian army conducted a "search for rebels and weapons" operation in the village in January 2000. In one of the houses, the soldiers found a newspaper with the face of separatist President Maskhadov. The soldiers arrested the owner of the house, 34-year-old Khasmagomed Elzhurkaeyev, a man with a disability. This man's female relatives tried to prevent his detention and started arguing with the soldiers. In response, the soldiers shot at the women. One of them died and other six women were seriously wounded.

During another sweep operation in 2002, the soldiers detained a group of young local men. As Memorial reports, on February 13, the soldiers threw the corpses of these six young men, with multiple bullet and knife wounds, over the fence of the poultry factory.

Anna Politkovskaya, who extensively covered civilian abuse during the Second Chechen War, recorded the following account of one of the sweep operations in Starye Atagi: "The armed men, up to 20, broke into our house. They wanted to take my son to the poultry factory. I gave them $100 and they left him alone."[87] This was a typical picture of the sweep operation, as civilians had two options: pay, or go to the filtration camp with slim chances of returning home.

Despite the constant sweep operations, the Wahhabi-leaning rebels managed to control the village for years. By day, the village was under the control of the Russian administration; at night, it was controlled by the Wahhabi patrols. The civilians suffered from this shifting territorial control.

As a result of this prolonged victimization, Starye Atagi became a polarized community. Even though all people from Atagi with whom I spoke embraced their identity as members of the "intelligentsia village," many of them acknowledged that the village is divided, especially across religious lines. Isa, a man in his 30s, told me, "We are Sunnis. We don't like these dancing Sufis – they are loyal to the government and dance for money."[88] The Salafi-leaning part of the village community

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[87] http://politkovskaya.novayagazeta.ru/pub/2002/2002-18.shtml
[88] Interview # 73, Starye Aragi, December 2016

are strong proponents of Sharia law. In turn, many Sufi-leaning villagers despise the Salafi adherents. They also blame the Islamists for the sufferings of the village community: "These bearded men are to be blamed for what happened with us."[89] As a result, a large share of the village population is skeptical of Sharia law, which is associated with the rule of the Islamists.

During my interviews in Atagi, many respondents complained that the war destroyed adat and that many young men do not respect the authority of elders enough. Another respondent said that constant sweeps left almost no elders in the village: "So many of our elders were killed. I don't know how we forgive Russians for that." In addition, several of my interviewees in Atagi highlighted that many families left the village altogether as a consequence of the repeated exposure to violence. This factor also plausibly contributed to the disruption of prewar networks in the village.

When I asked about the use of alternative legal orders, I was told that all three systems of law are extensively used. As one elder explained: "Disputes within families are solved by adat, disputes between clans are adjudicated by our imam. But many people also go to courts." In line with this quote, my data shows that the likelihood of choosing state law in Starye Atagi is 37%, which is significantly higher than the Chechen average (32%). Support for Russian law is even higher in other communities that were heavily victimized during the Second War: Alkhan-Kala, Mesker-Yurt, Makhety, and Tsotsi-Yurt have almost a 50% probability of choosing state law. The case of Starye Atagi is quite representative of the communities that were victimized in the Second War.

Kurchaloy

To give a benchmark to the effects of victimization during the First and the Second Chechen Wars, I also conducted a case study of the village of Kurchaloy. Kurchaloy is a village of 25 thousand

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[89] Interview # 70, Starye Aragi, December 2016

people in the eastern part of Chechnya. The village is named after one of the largest Chechen clans. However, today multiple clans live in the village. Kurchaloy largely avoided victimization during both wars. During the Second War, the east of Chechnya originally was not victimized because of General Troshev's policy of seeking surrender. Subsequently, Kurchaloy experienced several sweep operations, but in contrast to many other places violence in Kurchaloy was targeted rather than indiscriminate. The main reason for that is that Kurchaloy was a powerbase of Kadyrov's loyalists – many of the prominent *kadyrovtsy* were from Kurchaloy. That did not save the village from victimization altogether. For instance, on June 16, 2001, 120 men from the village were detained and beaten up. Soldiers looted the houses. Several of those who were detained during the targeted arrests were subsequently tortured and killed. But in contrast to neighboring villages, and especially in contrast to places like Starye Atagi, the intensity of victimization in Kurchaloy was much lower. In fact, none of the 18 experts whom I interviewed regarding victimization in Chechnya named Kurchaloy as a victimized community. Residents of the village whom I interviewed agreed that their community suffered much less than other communities of Chechnya: "We were lucky. The village was barely affected by the war. There were no incidents of violence in the village."[90]

After the war was over, Kurchaloy enjoyed the benefits of proximity to power. The east of Chechnya was much less affected by violence than the western and southern parts of Chechnya, but a lot of state aid and subsidies went to the eastern part because of the political logic of public goods provision. Many members of the Kurchaloy community joined the newly established pro-Russian government and its security forces. Kurchaloy also remained one of the centers of Sufi Islam that were put in a privileged position by Kadyrov's government.

My research establishes that the presence of state law in Kurchaloy is quite limited. The likelihood of choosing state law in a hypothetical dispute in Kurchaloy is approximately 23% (9

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[90] Interview # 4, August 2014, Grozny.

percentage points lower than in Chechnya on average). Similarly, I found that the number of court cases per capita in the Kurhaloy district is one of the lowest in Chechnya. At the same time, the likelihood of choosing customary law in Kurchaloy (36%) is almost twice as high as in the rest of Chechnya (20%). These numbers are echoed in my interviews. One state official told me the following: "It was very hard to implement the policy of standardized high school exams in Kurchaloy. They have a weird attitude towards the law because of their special relations with the authorities. They just did not understand why weren't they allowed to cheat during the exam." Another respondent, a businessman, emphasized that many disputes are solved through clans. He told of a dispute he had with another businessman. He did not want to go to court, so he instead met with his counterpart and asked him: "Do you think I was raised on the water?" As he explained: "That idiom means: do you think I have no relatives? My whole teip, thousands of people are behind me."[91] In my interviews, the residents of Kurchaloy also emphasized that elders retained significant authority in the village. As one of my young respondents put it: "There are two types of Chechens. Real Chechens, and Chechens-light. The latter do not follow our traditions to a full extent. For example, a girl goes out after dark. Or sons do not listen to their father. In our village, everyone is a real Chechen."[92] In another interview, a female respondent said, "Almost every second marriage in the village was a result of bride kidnapping. Kidnappings increased the prestige of a woman."[93] My respondents also said that divorces in Kurchaloy are quite rare, which presents a stark contrast with other parts of Chechnya, especially the places that suffered the most from violence. Also, most respondents in Kurchaloy told me that the role of adat increased as a result of war.

Comparison between the cases illustrates the paths that linked the history of conflict and postconflict constellations of legal orders. Samashki, victimized during the First War, developed strong

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[91] Interview # 62, rural Chechnya, December 2016.
[92] Interview # 67, rural Chechnya, December 2016
[93] Interview # 66, rural Chechnya, December 2016

religious and ethnic identities during the interwar period based on their common trauma. Political conditions of the de facto independent Chechen state of Ichkeria were favorable to this collective identity formation: the separatist government made the village one of the symbols of the national liberation movement. The collective trauma made the community very cohesive and alienated it from the Russian state, which people blamed for violence. As a result, in the postwar period Samashki relies primarily on a combination of Sharia and customary law. Religious leaders and elders enjoy respect and unquestionable authority in the village.

On the other hand, Starye Atagi, victimized during the Second War, did not develop collective identity based on victimization and has a high prevalence of the use of state law. The case study suggests several potential explanations of the divergence between the effects of two wars. First, the political conditions of the counterinsurgency in the aftermath of the Second Chechen War and Kadyrov's dictatorship prevented the development of a collective identity based on collective trauma. Second, the nature of violence differed dramatically between two wars. In Samashki, victimization was largely a single event that affected the entire community. In Atagi, victimization was at a lesser scale of violence, but repeated many times and spread over time. Clearly, collective identity is easier to build around one big event. Third, victimization polarized the community of Starye Atagi and split it along the religious cleavage. Atagi also became polarized in terms of whom to blame for the atrocities: some people blame the Russians, while others blame the Islamist rebels. Finally, the violence killed and displaced many traditional community leaders. This weakened the customary dispute resolution system in the village and thus increased the relative prevalence of dispute resolution based on Russian state law.

The community of Kurchaloy, which to a large extent avoided large-scale victimization during both wars, preserved the strength of traditional leaders and clans. In addition, closeness to the new pro-Russian Chechen government of Ramzan Kadyrov allows the community to disregard the norms

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of Russian state law. As a result, Kurchaloy has a very low penetration of Russian state law, comparable to its penetration in Samashki, where people reject state law as a result of their collective trauma.

As I mentioned before, the communities included in this analysis differ along many dimensions, and the differences between them cannot be attributed solely to the legacy of violence. For example, many people in Chechnya with whom I spoke expressed a prejudice that people from Kurchaloy are "uncultural," and that is what explains the absence of state law there. However, I met at least two people from Kurchaloy who can be considered prominent examples of the Chechen intelligentsia and they debunked this stereotype. Overall, the effect of violence was so deep that I think that it overshadowed the pre-existing differences between the communities.

To summarize, the analysis based on case studies shows that several channels connect victimization with the use of alternative legal orders: (1) collective identity formation, (2) community cohesion versus community fragmentation, and (3) disruption of traditional hierarchies.

Individual and community variations in exposure to violence within Chechnya are important and have sizeable effects on legal preferences and behavior; however, as I stated in the research design section, the war in Chechnya affected the entire society. Therefore, in the next section I supplement the analysis of the variation within Chechnya with a comparative analysis of legal preferences in Chechnya and Ingushetia. This aims to estimate the structural impact of war on legal pluralism in Chechnya.

Macro-Level Analysis: Comparing Chechnya and Ingushetia

As outlined before, I use the Republic of Ingushetia as a counterfactual for analyzing the impact of the Chechen conflict on legal pluralism at the macro level. In order to do so, I conducted an original face-to-face survey of a subset of Ingushetia's population (N=400), similar to the one I conducted in Chechnya.

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The sampling was random and proportional to the most populous settlements in Ingushetia. Descriptive statistics of the survey sample are presented in Table 21. The statistics show that the Ingush sample is comparable to the Chechen one. Descriptive statistics show that 49% of the sample are women, the average age is 37 years old, 25% live in urban areas, and 16% belong to one of the four largest clans (*teips*). Most importantly, descriptive statistics show that Ingushetia, like Chechnya, has pervasive legal pluralism: 12% reported experience with dispute resolution through the courts or police, 16% though religious authorities, and 15% through elders.

It is important to reiterate that despite the fact that Ingushetia did not suffer from a large-scale military conflict with Russia, it did have a history of violent conflict. In 1992, the Ingush suffered from ethnic cleansings by neighboring Ossetians as a result of a prolonged territorial dispute. In the survey, I account for the legacies of the Ossetian-Ingush conflict of 1992. In my sample, 17% reported that their family was severely affected by the conflict and another 14% were somewhat affected. I also record a variable identifying the former residents of Prigorodny rayon who had to flee that conflict (18% of the sample) and the former residents of Grozny who had fled to Ingushetia because of the Chechen wars (10%). These two groups not only experienced conflict and displacement, but also, according to my interviews, were culturally different because they had migrated to predominantly rural Ingushetia from urban areas.

The main outcome variables are measured with the same set of vignettes as in Chechnya. Responses to the vignettes are presented in Figure 9, which shows that in Ingushetia there is a wide variation in preferences for the alternative legal orders, similar to the one observed in Chechnya.

Comparison of means between the two samples is presented in Figure 10. The comparison shows that demand for state law in Ingushetia is significantly higher than in Chechnya: the likelihood of choosing state law in Ingushetia was 42%, versus 35% in Chechnya (t-test $p = .001$), and support is higher in Chechnya for both Sharia (31% and 36%) and adat (15% and 21%). At the same time,

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comparing actual self-reported behavior shows that more Chechens have resolved their disputes though state and customary forums than Ingush have (12% versus 16% for state law, t-test $p = .05$; 15% versus 19% for customary forum, t-test $p = .12$).

In addition to the comparison of means, I also run a set of regression models with predictors of preferences for alternative legal orders for the Ingush sample. The results are presented in Table 22. As in Chechnya, I find that people who were displaced by either the Ossetian-Ingush conflict or the Chechen war are significantly less likely to choose Russian state law. This finding can be interpreted as support for the alienation model.

The main finding from the comparison between Chechnya and Ingushetia, that support for state law in Ingushetia is significantly higher than in Chechnya, can also be considered as support for the alienation hypothesis at the macro level. However, across three levels of analysis, individual, community and societal, support for the alienation hypothesis is inconclusive at best.

My observations in the field in Ingushetia suggest that the region is much more "normal" than Chechnya: state officials are proponents of Russian law and the state legal system is much more clearly separated from adat and Sharia, which function as autonomous informal orders.

At the same time, the Ingush population appears to be more traditional. According to my interviews and analysis by experts on the North Caucasus, families and *teips* (clans) in Ingushetia are much more politically and socially powerful than they are in Chechnya (Kazenin and Starodubrovskaya 2016). One small but telling detail that characterizes the strength of traditionalism in Ingushetia is that during the interviews and conversations with family patriarchs, younger family members, usually the sons, were silently standing in the corner and came closer only to bring tea or food. This is a traditional sign of respect to the father and his guest, which I encountered in Chechnya only in the most "traditionalist" families.

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One possible conclusion from the macro-level comparison between the two regions is that Russian law is more prevalent in Ingushetia because the population was not alienated from it during the war and because Ingushetia preserved the state law infrastructure, most importantly judicial and law enforcement personnel. In Chechnya, on the other hand, the legal infrastructure was almost completely destroyed. At the same time, the war in Chechnya destroyed traditional social hierarchies, while in Ingushetia they remained much stronger. In the next chapter, I will analyze the impact of war on gender hierarchies and thus test the second major hypothesis of my study, addressing female empowerment and legal mobilization.

Chapter 7

War, Gender, and Legal Mobilization

The previous chapter established the profound impact of the armed conflict on legal pluralism in Chechnya. The analysis provided only partial and incoherent support for the alienation hypothesis. In fact, in contrast to the alienation hypothesis, I found that exposure to conflict, in particular community victimization during the Second Chechen War, increased popular demand for state law. This increase in demand was found in both attitudinal and behavioral measures. As the qualitative analysis suggests, increase in support for state law in the victimized communities can be attributed to the disruption of traditional social hierarchies. In this chapter, I focus on the impact of conflict on legal pluralism through the disruption of gender hierarchies. As I showed before, gender is one of the most powerful predictors of legal attitudes and behavior in contemporary Chechnya and in other societies with legal pluralism. There is also much at stake: while state law treats men and women equally, customary and religious legal orders are explicitly discriminatory against women. In addition, the disruption of gender hierarchies is one of the most prevalent social legacies of conflict. This chapter is devoted to testing the female empowerment hypothesis, which speculates about the positive effect of the war-induced disruption of gender hierarchies on women's use of state courts. Before I turn to the systematic test of this hypothesis, I first outline gender relations in Chechnya, particularly the treatment of men and women under the alternative legal orders, and also describe women's experiences during the conflict. After this descriptive evidence, I present the results of an analysis of gender differences on the effects of conflict on legal attitudes and behavior. As in the previous chapter, I then scrutinize the mechanisms that link conflict, gender, and legal outcomes with qualitative data.

Gender Relations in Prewar Chechnya

Chechnya is a conservative patriarchal society. Despite that, many scholars emphasize that historically Chechen women enjoyed much more freedom than other people of the North Caucasus.[94] Most importantly, Chechen women had a right to choose their future husbands themselves. They also had a right to initiate divorce from their husbands.

Women were free from blood revenge; in turn, killing of a woman was punished by killing two men from the clan of the murderer. Another famous provision of customary law is that women were able to stop a fight by throwing their headscarf between two conflicting sides. Vasily Leontovich, a 19th century scholar who attempted to systematize customary laws of different peoples of the North Caucasus, highlighted that Chechen men were not allowed to kill or beat their wives. This was in sharp contrast to other ethnic groups in the Caucasus. This was true even if a man found out about his wife's infidelity. In case of infidelity, a husband was supposed to bring his wife back to her paternal home. If the husband killed his wife for whatever reason, her relatives were supposed to revenge her death with the blood feud. Chechen women were not supposed to hide in their houses and did not cover their faces in the presence of men. There were also many behavioral provisions that were supposed to show respect for women: for instance, a man who was passing a woman on his horse had to dismount.

At the same time, Chechen customary law, like many customary institutions in other societies of agnatic kinship, had many discriminatory provisions against women. Women remain part of their parents' clan even after marriage, therefore they have no property rights and no rights to their children beyond their marriage. As a result, for example, according to adat children must stay with their father in case of divorce, and divorcees and widows do not inherit any of their former husband's property.

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[94] Interview with the Chechen ethnographer Said-Magomed Khasiyev. Grozny, August 2015.

Another discriminatory Chechen custom is the custom of bride kidnapping. Kidnappings often happened because of the high bride price (*kalym*) or because the woman's family was against the marriage. Some kidnappings are consensual, but quite often they are not. Women who are kidnapped feel tremendous pressure to agree to marriage, because kidnapping can harm their reputation and the reputation of their family. Bride kidnappings have been often treated as gross offenses against family honor and have led to numerous blood feuds.

The social status of Chechen women rises dramatically over their lifetime. Most household duties are performed by the young wives of the sons of the household head. In turn, the wife of the household head supervises the work and social behavior of all other females in the house. A woman's social status increases when she gives birth to a son. The more sons, the better. Later in her life, the sons will take care of their mother and assure that she is in charge of the younger females in her household. The power of mothers-in-law in Chechen society is tremendous. This power often leads to abuse of young women by their mothers-in-law (Szczepanikova 2015).

Gender relations in Chechnya were profoundly shaped by the imposition of Sharia law in the 19th century during the anticolonial war of the mountain peoples of Chechnya and Dagestan against Russian colonial conquest. Imam Shamil, the leader of the anti-Russian movement and head of a theocratic state that included large parts of Chechnya and Dagestan, actively implemented Sharia law in the territory under his control. As I mentioned above, prior to that Chechens rarely used Sharia law to regulate their daily life. Under Shamil, Chechen women were obliged to cover their faces. Shamil also banned traditional Chechen dating practices and actively encouraged polygamy, which had been absent in Chechnya. In fact, Chechen customary law prohibits polygamy,[95] except in exceptional cases,

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[95] Interview with Said-Magomed Khasiyev. Grozny, August 2015. At the same time, even though the ethnographers and "traditionalists" whom I interviewed agreed on this point, many "Islamists" disagreed. For example, Sultan-hajji Mirzoyev, the former head of the Supreme Sharia Court of Ichkeria and the former Mufti of Chechnya, told me that "These ethnographers are saying nonsense. They are nerds who can't satisfy one wife, therefore they spread fairy tales that adat does not allow polygamy."

for instance, a woman's infertility. Imposition of Sharia also deprived women of their customary right to initiate divorce, which is much harder for women to obtain under Sharia. The most dramatic effect of the anticolonization struggle and its aftermath was the death of a large share of the male population. In response, polygamy became much more common in Chechnya, mostly among rich Chechens who were employed by the Shamil Imamate or subsequently the Russian Imperial Administration. The majority of Chechens remained poor and preserved monogamous marriages due to the lack of material resources.

Upon the consolidation of Soviet rule in Chechnya, the government tried to impose gender equality and "liberate" Chechen women in accordance with socialist principles. The government introduced universal mass education and employed many Chechen women outside of their households, in collective farms and other economic sectors. The government actively combated such "rudiments of the past" as bride kidnappings, bride prices, and polygamy. Polygamy was almost entirely abolished. The government banned wearing headscarves.

However, forced deportation of Chechens and Ingush to Central Asia in 1944 and the subsequent marginalization of Chechens upon their return to the North Caucasus undermined the effects of Soviet egalitarian policies. Soviet authorities were barely present within Chechen society. The majority of Chechens were not allowed to live in Grozny, which remained largely a Russian city. Rural areas of Chechnya largely preserved the traditional division of gender roles. Very few Chechen women worked in the industrial sector. According to Derluguian (2005, p. 245), in the mid 1980s "close to 60 percent of adult [Chechen] women had no formal employment at all." The majority of employed women worked in collective farms, sales, and services.

Many Chechen girls were not getting higher education. The gender gap in education in the Checheno-Ingush Soviet Republic was significantly higher among Chechens than among Russians, and also higher than among the Ingush (Grebenshikov, 1967 p. 146 as cited in Sokirianskaia 2009).

One of my female respondents remembered that in her village, maybe two or three girls would stay in high school after the ninth grade, while the others got married and stayed home.[96] Chechen women married much earlier than their Russian neighbors, sometimes as early as 15 or 16.

There were of course, exceptions. Some Chechen women became party cadres, engineers, and professors. But these exceptions do not disprove the general pattern. The Soviet egalitarian agenda in gender relations did not succeed in Chechnya. Overall, Chechen culture remained highly conservative and patriarchal. Women's primary roles were as mother and housewife.

The Chechen culture has always been largely a culture of honor. Women's honor has always been protected especially diligently and women's behavior has always been strictly regulated. For example, during the Soviet period, Chechen women were not allowed by their families to wear pants or to ride bicycles, because these behaviors were considered "shameful."[97] Girls had to be home by dusk. Chechen women were not allowed to date or marry non-Chechens. However, archival data shows that there had been some interethnic marriages during the Soviet period.[98] Chechen women were strictly prohibited from drinking alcohol and smoking, habits that were quite widespread among Chechen men during the Soviet period. Families policed the behavior of women, but the norms of "decent behavior" were highly internalized and almost all my interviewees accepted them as legitimate. The conservative gender norms that persisted despite decades of Soviet rule were, however, profoundly challenged by the active wars and the postwar continuing insurgency.

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[96] Interview # 44, August 2015, Grozny.
[97] Interview with multiple female respondents # 44, 53, 54.
[98] Interview with Lida Kurbanova, August 2015, Grozny.

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Chechen Women at War

A notable feature of the Chechen conflict was its gendered nature. As Sjoberg (2014) pointed out, "it is possible to tell the story of the Chechen wars without talking and thinking about gender," but such analysis would be incomplete because it would omit "the gendered dynamics of war and conflict, gendered wartime political economies or gendered post-war reconstruction efforts."

During the First Chechen War, women were crucial in sustaining the insurgency: they provided food, shelter, and intelligence to the rebels.[99] Some women participated in military actions by serving as snipers (Murphy 2010). During the Second War, insurgents also used female suicide bombers, known as "black widows," for terrorist attacks (Pape et al. 2010).

Women also played an important role in the mobilization to fight in both wars. Some mothers prohibited their sons from taking up arms, while others actively encouraged their sons to fight (Derluguian 2005, Evangelista 2011). I interviewed two former Chechen rebels who resettled in Europe after the war who independently told me similar stories about the roles of their mothers in their mobilization to fight: "I came to Chechnya from Moscow in the very beginning of the war to evacuate my family. But my mother said that she won't leave. Moreover, she told me 'And you won't leave either – you will have to stay and defend our land.' I was not able to refuse this call even though I wasn't even a supporter of the independence idea."[100]

The vast majority of Chechen women during both conflicts were civilians, who tried to sustain the basic livelihood of their families. Several of my female respondents emphasized that during the war, while men were fighting in the mountains or hiding in the basements and bomb shelters of the destroyed Grozny, women earned a living by trading basic goods and food in local markets. Women also sold provisions to Russian soldiers. Szczepanikova (2015) presents the narrative of one of her

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[99] Parkinson (2013) analyzes similar processes in other contexts.
[100] Interview # 110, Paris. June 2016.

interviewees, a woman she called Zarema, who described how her older sister supported their family through her trading with the Russian soldiers. Zarema said "There were many contract soldiers (naiomniki). And they bought lots of vodka and food. And, well, people were selling; most people traded with the Russians. There was no other way. People did not want to sell to Russians, to enemies, what they wanted to eat and drink, but they had no other way out."

Most importantly, women became the principal interlocutors between families and communities and military actors. For Chechen men, any contact with the Russian army presented a very high risk of being arrested, tortured, and killed. Thus, it was the women who crossed military checkpoints and went to the Russians to sell goods or bargain for ransom for their kidnapped relatives. A number of women described the war-induced gender role reversal in Chechnya to Czech journalist and human rights activist Petra Prochazkova. For example, Elza Duguyevova said: "Most of the husbands sit at home. I'm so frightened to let mine out in the streets on his own. When he has no choice but to go, I prefer to accompany him. I protect him, not him me" (Prochazkova p. 25, as quoted in Evangelista, 2011 p. 194). Another woman, Kalimat, stated, "The war has changed the relationship between man and woman, mostly because we, the weaker sex, are more worried about our partners than they are about us" (Prochazkova p. 46, as quoted in Evangelista, 2011 p. 194).

Chechen women were also actively involved in collective political action: they organized mass protests and pickets against the Russian army's and its local allies' indiscriminate killings, kidnappings, and torture. Finally, as a result of the wars, women outnumbered men in Chechnya. During the decade-long conflict, many men were killed and injured. Because the violence was often indiscriminate, women were killed in large numbers too, but there is a gender discrepancy among the war's victims.

At the same time, the war also revived neotraditionalism in Chechen society and gave rise to the militarized forms of masculinity. During the interwar period, the secessionist government of the Chechen Republic of Ichkeria legalized polygamy and introduced strict dress codes based on

references to Sharia. All women who worked in government organizations had to wear a headscarf. However, these initiatives faced strong resistance from women. For example, one of my respondents, gave me the following account of this resistance: "I was a young woman. These bearded guys introduced the new rules – all women had to wear a headscarf and long skirts. As an act of disobedience to this idiotic requirement, I never wore a headscarf and had a pretty short skirt by Chechen standards."[101]

One of the most telling descriptions of the role of women in war-torn Chechen society can be found in German Sadulayev's novel *Shali Raid*.

> Sharia gloriously went through the Chechen land! Now they [the government] prohibited Russian TV channels as they violated Sharia. The only things that they still transmitted were the news programs … and the Argentinean soap opera *Muneca Brava* (*Wild Doll*). Chechen women loved this soap opera. Tired, exhausted, they had the weight of their households and the entire Chechen economy on their shoulders. *Muneca Brava* was women's only available drug, their window to the world of dreams and fairy tales. To ban *Muneca Brava* meant to provoke a women's riot, a riot more brutal than the war we already had. No one had the guts to do that. Everyone was afraid of women: the government, the former fighters, the Sharia proponents. Women were the major obstacle on Sharia's glorious march through Chechnya. They refused to wear Arab hijab. They said: - Don't intervene into our women's clothes! Take care of yourselves first – of your corruption, alcoholism, theft. Our clothes are the last thing you should care about.

The war, of course, had a substantial negative effect on Chechen women. Most importantly, aggression became the norm in society and women often suffered from it in the form of domestic violence. Szczepanikova (2015) reports that "human rights groups have documented many cases in which fighters as well as civilian men who were subjected to torture in the hands of Russian soldiers turned violent against their wives and children."

Psychological stress led to a high rate of divorces, uncommon in Chechnya previously. Despite these negative effects, the cumulative effect of wartime experiences with earning money, living without men, and engaging in collective action increased women's opportunities to pursue their rights. For

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[101] Interview # 42, Grozny, August 2015.

example, Elza Dungueyvova told Prochazkova during the Second Chechen war that "We [women] are a lot harder than we used to be. And our menfolk, on the contrary, are much softer." Another woman, Liza Ibragimova, also quoted in Prochazkova, concluded that during the war Chechen women "discovered that we can manage without men" (as quoted in Evangelista, 2011 p. 195). In what follows I analyze whether the wartime disruption of gender hierarchies influenced legal choices in postwar Chechnya.

Gender and Legal Preferences: Individual-level Analysis

In the first stage of analysis, I compare men's and women's preferences for the alternative legal orders. Figure 4 shows that women are more likely than men to choose state law and less likely to choose Sharia and customary law. The results of multivariate analysis, presented in Table 7, shows that after controlling for other individual-level factors, women are 8 percentage points more likely to choose state law then men. Standardization of the coefficients shows that gender is the single most powerful predictor of support for state law in Chechnya.

One might assume that the difference in preferences for alternative legal orders between men and women is driven by gendered disputes such as divorce or bride kidnappings. To further investigate the role of gender, I look at gender differences in responses across two legal domains: gendered and nongendered. I classify six disputes (child custody, domestic violence, bride kidnapping, honor killing, polygamy, and inheritance) as gendered and four as nongendered (property dispute, car accident, debt, and murder). The results plotted in Figure 5 show that even though overall support for state law is significantly higher in nongendered disputes, the gender gap in attitudes is present in both legal domains. The gaps are of approximately similar magnitude. In other words, women are more likely than men to choose Russian law in both gendered disputes and in disputes unrelated to gender, such

as a car accident or murder. In fact, analysis by vignette shows that a gender gap in support for state law is present in all 10 disputes.

Women are also 8 percentage points more likely in a general question to choose Russian state law to be the law of the land in Chechnya. In terms of self-reported behavior of the use of alternative legal orders, women are less likely to report experience with dispute adjudication through imams and elders, but do not differ from men in their experience with adjudicating disputes through state legal authorities. In terms of legal knowledge, I find that women are 5 percentage points more likely to know the principles of Russian state law on the legal age of marriage, and 3 percentage points less likely to know the Sharia norm about the share of inheritance that a widow is supposed to get after her husband's death. Finally, I find that women are 10 percentage points more likely to respond that adat allows Chechen women to initiate divorce. However, here I suspect that this difference reflects preferences rather than knowledge.

To explore factors of support for state law among women, I divide the sample by gender and analyze predictors of support for state law in the female subsample. Along with the basic sociodemographic predictors and indicators of identity salience that were used in the main model, I include indicators of marital status and having male children. I emphasized the importance of these factors in the discussion of gender relations in Chechnya. Statistical analysis provides support for the narratives on gender relations that were present in my interviews: older women, married women, and women who have male children are less likely to support state law. There are many missing values in responses to the question about the number of children, and the relationship between the "son/sons" variable with the choices of state law does not reach conventional levels of statistical significance, but a tendency that the presence of sons decreases support for state law is found. This evidence can be interpreted as an additional support to the instrumental logic of support for state law: when women are protected by their status within family (through marriage, age, or having male children), they do

not need state law to protect their rights. At the same time, I found that rational motivations are not the only ones at play: ethnocentrism among women decreases support for state law as well. Thus, we can conclude that both instrumental and normative motivations are behind women's legal choices.

The analysis above established large gender differences in legal preferences. This evidence supports the premise of the female empowerment hypothesis, that men and women have divergent legal preferences. In the next stages of the analysis, I directly test the central part of the hypothesis by exploring whether the gender gaps in legal preferences can be attributed to wartime experiences of victimization.

First, I explore the gendered effects of victimization at the individual level. As in the previous chapter, I use four indicators recorded through my survey research: property damage, being wounded, having a family member killed, and being displaced for a long period of time. I interact these four indicators of victimization with gender to test the war-induced female empowerment hypothesis at the micro level. The results presented in Table 24 show that there is some heterogeneity in the effect of victimization by respondent gender. In particular, women who had relatives killed are more likely to support Sharia. However, women who reported being wounded are less likely to support Sharia and show a tendency (not statistically significant at conventional levels) towards higher support for state law. Other interaction terms between victimization and gender remain statistically insignificant. Thus, we can conclude that the gendered effects of victimization at the individual level are either not pronounced or are inconsistent across the type of victimization.

Gendered Effects of Conflict: Community Level of Analysis

The main specification of my analysis estimates the gendered impact of victimization at the community level. There are theoretical and methodological reasons behind this analytical focus. First, my theory argues that victimization at the community level affects social structure and networks. The

potential change in gender relations manifests itself at this level, rather than at the level of individual preferences. Second, as I discussed in the previous chapter, victimization measured at the community level is a more reliable indicator than self-reported individual-level measures of victimization because it does not suffer from the problem of untruthful responses to sensitive questions and problems related to conflict-caused attrition and migration. As a result, the comparison between victimized and nonvictimized communities is methodologically more sound than the comparison between victimized and nonvictimized individuals.

My analysis examines the effect of the interaction between victimization at the community level and gender on choices between alternative legal orders. Community victimization is a binary variable that identifies communities that were exposed to large-scale indiscriminate violence. The model includes a set of individual-level predictors, community-level predictors such as community size, distance from Grozny, share of the prewar population that was Russian-speaking, and elevation. Finally, because there is a spatial clustering of victimized communities, I use district-level fixed effects.

I ran OLS regression models with standard errors clustered at the community level. Table 25 provides support for the female empowerment hypothesis by showing the positive effect of interacting variables on community victimization when including an indicator for female gender. The effect is statistically significant and substantially large: the gap in demand for state law between men and women is almost twice as large in victimized communities as in nonvictimized ones. Importantly, the gender gap is also present and quite sizable in less-victimized communities.

These results are consistent with the female empowerment hypothesis; however, since the outcome of interest is essentially the gap between male and female preferences, there is a possible alternative explanation that the gap is caused not by women's increased support for state law, but rather by men's alienation from it in the victimized communities. To adjudicate between these two competing explanations, I report predicted probabilities of choosing state law for men and women in

victimized versus nonvictimized communities. For men in nonvictimized communities the probability of choosing state law is 29%. For men in victimized communities, this probability is exactly the same, 29%. For women in nonvictimized communities, the probability of choosing state law is 35%; in nonvictimized communities, the gender gap is approximately 6 percentage points. Finally, among women in victimized communities, the probability of choosing state law is 41%; in victimized communities the gender gap is 12 percentage points, or more than 40%. This analysis shows that the gender gap is driven by changes in female support for law in the victimized communities, not by male alienation from it.

Disaggregating the gendered effects of victimization between two wars (Table 26) shows that the gender gap in preferences for state law is driven by victimization during the Second War. The interaction effect between gender and victimization during the First War is not distinguishable from zero. In turn, disaggregation of the effect by the type of victimization (bombing versus sweep operations) yields almost exactly identical results (see table 27). Thus, we may conclude that both types of victimization led to female support for state law.

My theory claims a causal relationship between exposure to conflict and disruption of gender hierarchies and women's reliance on state law. However, it is difficult to establish causality with observational data, due to the possibility of omitted variable bias, the omission of a variable that explains both community victimization during the war and the gender gap in legal choices.

To address potential endogeneity problems, I use the instrumental variable approach. I instrument victimization at the community level with the distance from the path taken by General Shamanov's army. As I outlined in the descriptive section on the conflict, Shamanov, who invaded Chechnya from the west, victimized civilians extensively.

For the instrumental variable analysis, I restrict the sample to the area within 40km of Shamanov's path and use the distance from the path to the communities as an instrument. However,

the path of the army may in itself be related to factors that can determine the prevalence of choices of legal systems. For instance, because the army took the biggest road – the Rostov-Baku highway – communities closer to it might be more economically integrated and therefore rely more on state law. Therefore, I use a placebo test where I use distance to the path of General Troshev's army (which largely abstained from civilian victimization) in the eastern part of my sample. Troshev's army took the same Rostov-Baku highway, but from the east. Because the main outcome of interest in my research is the interaction term between community victimization and gender, I provide instruments for both the exposure to conflict and the interaction term, which effectively means that I have two first-stage equations.

The first stage results for the instrument for victimization and the interaction term are presented in Table 28. The results suggest that the distance from Shamanov's path is a strong instrument for victimization. The instrument for the interaction term is also strong.

The second stage results presented in Table 30 confirm the pattern established by OLS regression: the instrument for the interaction term has a positive relationship with the choice of state law (significant at $p < .10$). The reduced form analysis presented in Table 29 shows that the distance from Shamanov's army path in itself is negatively related to the choice of state law.

The instrument for interaction predicts a 9 percentage point greater likelihood of choosing state law, while OLS regression predicts a 10 percentage point increase. Therefore, the effect sizes are of a very similar magnitude. The Wu-Hausman test fails to reject the null, which means that the OLS and IV estimates are similar, and endogeneity may not have been a problem.

Furthermore, the placebo test using distance to General Troshev's path in the eastern part of Chechnya shows no significant results (see Tables 31-33). The instrument for victimization has an opposite sign in the first stage, and the results of the second stage analysis show that instrumented community victimization has no predictive power for the choice of state law.

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Gendered Effects of Conflict: Court Cases Data

Next, I explore the correspondence of my survey results with behavioral data on civil cases heard in the magistrates' courts. This analysis explores whether attitudes translate into behavior, in particular, whether women in more victimized communities are indeed more likely to utilize state courts.

First, I identify the gender of the natural person plaintiffs in order to test my hypotheses of women's use of state law. In order to do that I take advantage of the structure of last names in Russian. A last name that ends with the letter "a" signals that a plaintiff is female. For example, Magomedov is male and Magomedova is female. This rule is universal and allows me to identify female plaintiffs with high certainty.

Descriptive statistics show that women are the majority of plaintiffs (57%) in the magistrates' courts in Chechnya. This statistic corroborates the finding from my survey research that women in general are much more likely than men to support state law. The main focus of my analysis is to explore whether the prevalence of female plaintiffs is associated with community exposure to conflict. In order to do that, I calculate the share of female plaintiffs at the court district level. This indicator serves as the dependent variable in the analysis. To measure exposure to conflict, I rely on the same indicators of community-level victimization used in the previous analyses at the community level. I identify 16 districts as severely victimized and 28 districts as less victimized.

Control variables include the prewar presence of Russian population, mountainous terrain, and urban/rural status. In addition, to rule out the mechanical link between the sex ratio change as a result of war and female legal behavior, I calculate the share of women in the court district population. I run OLS regression analysis with the dependent variable as the share of female plaintiffs and community-level indicators of victimization used as predictors, along with relevant community-level controls. The results are presented in Table 34.

In line with the female empowerment hypothesis, the analysis shows that, all else equal, the share of female plaintiffs is 15 percentage points higher in more victimized communities. The demographic sex ratio does not have predictive power, which can be interpreted as evidence against a simple demographic explanation of the results. An alternative specification of the model with a count measure of exposure to violence also shows a positive relationship with the share of female plaintiffs, but the relationship is not statistically significant.

To test the robustness of the results, I also conducted an analysis organized at the court case level, rather than the district level (see Table 36). I took a subsample of court cases with a natural person plaintiff. Overall the data contain 9,359 cases, 44% of which are related to the family law domain. I then predicted gender of the plaintiff with a multilevel model that included a district-level indicator of victimization, district-level covariates, and characteristics of the case (year and law domain). The results are largely consistent with the results at the court district level: the likelihood that a plaintiff is female is 8 percentage points higher in victimized districts than in nonvictimized ones. The results with the count measure of exposure to violence show a similar positive tendency in relation to the share of female plaintiffs, but this relationship does not reach conventional levels of statistical significance.

The overall conclusion is that analysis of the behavioral data confirms the positive relationship between community-level victimization and women's subsequent utilization of state law.

Gendered Effects of Conflict: Comparing Chechnya and Ingushetia

Finally, I analyze the effect of conflict on gender relations at the macro societal level by comparing gender differences in preferences for the alternative legal orders between Chechnya and Ingushetia. Here again I rely on the attitudinal data from the representative surveys in Chechnya and

Ingushetia. As elsewhere in my analysis, I treat the differences between two regions as the manifestation of the structural impact of the conflict.

Previously, I have shown that support for state law is significantly higher in Ingushetia than in Chechnya, while Chechens are more likely to choose Sharia and customary law. In this section, I compare gender differences between the two republics. I plot the gender differences in Chechnya and Ingushetia in Figure 11. That figure shows that in comparison to Chechnya, where the gender gap in legal preferences is stark, there is no gender difference in legal preferences in Ingushetia. Furthermore, Figure 12, which plots gender differences for the Ingushetia sample across all 10 disputes, shows that gender differences are absent in responses for all 10 disputes. In the case of bride kidnapping, women in Ingushetia are even less likely than men to choose state law. This provides a striking contrast with Chechnya, where the gap is present in all disputes.

The Figure 11 also shows that while Chechen women are only slightly less likely than Ingush women to choose Russian state law, Chechen men are dramatically less likely than Ingush men to choose state law. This finding shows that at the macro level, the gender gap in legal preferences is largely driven by men. Thus, this result suggests that female empowerment logic should be critically revisited and an explanation of the disruption of gender hierarchies and postwar female legal mobilization should incorporate men into the analysis. In the subsequent section, I analyze the factors behind female legal mobilization through state law though a combination of quantitative and qualitative analyses.

The Mechanisms

Why does exposure to conflict lead to differential demand for state law among women and men? From a theoretical perspective, there are several potential channels that could link exposure to conflict with female legal empowerment: change in values, increase in available material resources,

changes in social structure, and institutional changes. I scrutinize the plausibility of these mechanisms, relying on data from my field observations, interviews, and the survey.

The first potential mechanism is a values shift. The rationale behind this mechanism is that, as a result of experiencing agency during the war, women might become more aware of their rights and acquire more egalitarian "feminist" views. In my interviews, this interpretation did not receive substantial support. In fact, most of my interviewees, even those whose views I would classify as feminist, said that most women in Chechnya are deeply entrenched in the patriarchal culture. Female experts - academics and NGO members - repeatedly referred to low legal knowledge and awareness of their rights among Chechen women. Because of the limited access to female interviewees who were not experts or part of my circle of acquaintances, the absence of evidence in support of the values mechanism should not be taken as evidence of its absence. To test the premise of the mechanism in a more systematic fashion, I study egalitarian attitudes beyond the legal domain.

To measure attitudes towards gender equality, I rely on a set of survey questions. The first question asks whether secondary education is equally important for boys and girls; 70% responded positively, which I interpret as an expression of pro-equality values. Second, I asked whether unmarried women could travel outside of Chechnya without the company of a male relative, *mahram;* 31% responded positively. Third, I asked whether men should have a priority in employment when there was a shortage of jobs; 40% responded negatively, which is in this case is a manifestation of pro-equality values. I aggregated the responses to these three questions into an index of gender equality that takes values from 0 to 1. The mean value of the index is .47. Difference in means analysis shows a large difference in views towards gender equality between men and women. Women on average scored .52 and men .42; the difference in means is 10 percentage points.

To test the plausibility of the mechanism, I ran the same models I used to predict legal preferences to predict values of the index of gender equality (see Table 37). As before, I focus on the

interaction between community victimization and gender. I find that there is a positive association between exposure to conflict and the pro-equality index, but it disappears after covariate adjustment. Moreover, the interaction term between community exposure and gender is not statistically significant in any model. Thus, statistical analysis also fails to support the value shift hypothesis at the community level of analysis.

The second mechanism, emphasizing the increase in resources available to women, found strong support in my interviews. Both women and men with whom I spoke acknowledged a profound transformation in Chechen labor market roles as a result of war. Several respondents, both female and male, referred to "a husband who lies on a sofa all day and does nothing and his wife who works on several jobs and also fulfills all housewife duties"[102] as a common family type in postwar Chechnya. During the war and the early postconflict period, men were excluded from the labor market because of security concerns. As I highlighted in the description of conflict, any contact with the Russian army presented a threat to Chechen men, who were indiscriminately treated as enemy combatants. As a result, many men hid in the mountains, left Chechnya, or stayed at home. I personally met two men who said that they did not leave their houses for years in the early 2000s. Mothers and wives prohibited their sons and husbands from leaving home as a security measure. In addition, the industrial sector of the Chechen economy was completely destroyed. Prior to the war, the Chechen economy was heavily industrialized and had large oil refineries and other chemical plants and factories. During the war, all these factories were destroyed and their former workers (mostly men) were left without comparable employment opportunities.

There is also an important cultural element: a Chechen man would not take many jobs. For example, it is considered "shameful" for a Chechen man to work as a waiter or in most other service

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[102] Interviews # 3, an academic, Grozny, August 2014; Interview # 21, an NGO worker, Grozny, January 2015; Interview # 28, an academic, Grozny, January 2015.

positions. Service jobs used to be considered "shameful" for Chechen women as well, but attitudes changed during the war, when trade and service jobs, occupied by women, became the sole source of income for Chechen families. After the war, women also started to work in the re-established health sector, schools, and low-level government positions. For men, in turn, there were only two major job trajectories available: police and taxi driver. Police work remained very risky due to insurgent attacks on Chechens who worked in the Russian police. Despite the risks, police work provided substantial and regular income and as a result postwar Chechnya has the highest number of policemen per capita among all Russian regions. It seems that the region also has the highest number of taxi drivers per capita. Women, in addition to jobs in bureaucracy, markets, schools, and hospitals, started to open small-scale businesses such as restaurants, beauty salons, and pharmacies.

Given that the majority of men remained unemployed or employed part-time in seasonal work, women's advances in the labor market changed bargaining power within families. Women received access to material resources. These resources are incredibly important for allowing women to access state law. Navigating state law is costly due to formal fees and compensation to the lawyers, and especially due to the informal payments – bribes that are necessary to make the system work in your favor. Thus, the fact that conflict dramatically increased women's share of the workforce is a very important facilitator of female legal mobilization through state law.

At the same time, women's advances in the labor market also caused frustration and backlash, sometimes violent, from their husbands. Throughout my interviews with women, I encountered many stories about how men negatively reacted to the economic successes of their wives. For instance, Aishat, who currently works for an NGO, told me that during the war she secured a position as an interpreter at a foreign NGO. Her salary was about $100 per month, which was very good money in war-torn Chechnya. Her husband was unemployed, like most men in Chechnya. He became very envious and insecure about the fact that his wife was the breadwinner in their family. The husband

started to beat Aishat and demanded that she must quit her job, because "I can't allow my wife to travel in a car with some foreign men. This puts shame on our family." Aishat left her husband, and their conflict over child custody ended up in state court. Similarly, Malika, who lived for four years in a refugee camp in Ingushetia, told me that most women who lived in the camp with her worked in the markets of Ingushetia, or even opened small businesses like cafes or hair salons. Men, in contrast, mostly stayed in the camp being unemployed. According to Malika, these conditions led to many family disputes, domestic violence, and ultimately divorces, some of which subsequently led to disputes in courts. Thus, my qualitative research gives overwhelming support to the prominence of the labor market change mechanism.

I also test the labor market change mechanism with quantitative data. I run the same regression model that I used for predicting legal choices to predict unemployment. In line with my expectations, I find that the interaction between community exposure to violence and female gender is negatively associated with unemployment (see Table 38). In other words, victimized communities in Chechnya witness more unemployed men and more working women.

The third mechanism is community fragmentation and the related diminished authority of elders and clans. The logic here is that legal choices are to a large extent determined by social pressure from families and communities, which strongly prefer dispute resolution through custom and religion and ostracize those who go to state courts. Women are especially vulnerable to social pressure not to use state courts. In the previous chapter, I emphasized the importance of community fragmentation in the relationship between victimization during the Second Chechen War and penetration of state law within Chechnya. Here I explore whether this factor contributed to female legal mobilization through state law in particular.

My analysis provides support for this mechanism: the qualitative data indicates that the effect of the disruption of gender hierarchies is multiplied by the more general process of community

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disintegration, most notably disruption of generational hierarchies. Clans and family elders became substantially less powerful in victimized communities as a result of the killings of community leaders, mass migration, and intracommunal feuds. One of my respondents from a severely victimized village in Chechnya said, "There are no real elders left in our village. There are state-appointed 'elders,' but they don't have the respect of the community."[103] In another interview, Leila, a woman in her 40s from a victimized community in the western part of Chechnya, told me that when she had a dispute with her husband over child custody, her husband sent his relatives to the elder of her clan: "Then they came to the elder of my clan and asked him to force me to withdraw the claim from court. But the elder told them: I have no power over that woman. They responded – in that case, you have to kill her if you are a real man. Our elder responded - Are you insane? Do you want me to go to jail because of your stupid child custody dispute? No way."[104] This interview suggests that in victimized communities elders do not have absolute power over their female relatives and cannot effectively prohibit them from using state courts.

In contrast, traditional institutions in less-victimized communities remained more powerful and thus better able to preclude women from relying on state law. To test the community disintegration mechanism quantitatively, I include in my main specification an interaction term between community victimization and a categorical variable that distinguishes three age groups: "youth" (19-29), "middle-age" (30-49), and "older" (50+). The coefficients of the interaction terms show generational gaps in legal attitudes. The analysis presented in Table 39 shows that the victimized communities indeed have a larger generational gap in demand for state law: the youth in these communities are much less likely to choose state law. The presence of this generational gap can be interpreted as evidence of community disintegration.

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[103] Interviews # 54, rural area, December 2016

[104] Interviews # 44, rural area, December 2016

Finally, I test the institutional channel behind war-induced female empowerment. In the aftermath of some conflicts, governments, often with the encouragement and assistance of the Western powers, introduced quotas for women or legislation that aimed to protect women's rights (Berry 2018, Garcia Ponce 2017). One of the most notable cases of such institutional change is Rwanda, where in the postconflict period more than half of parliamentary seats are occupied by women. In Chechnya, no such government-sponsored institutional changes occurred. This is not surprising, given that the West had no say in postwar political developments in Chechnya.

Another element of profound change in the institutional structure in Chechnya was a direct product of the conflict. During the conflict, especially during the Second War, Chechnya witnessed a proliferation of NGOs. Russian human rights groups such as Memorial and Citizen's Assistance, along with many foreign-based organizations such as Red Cross, Human Rights Watch, and International Rescue Committee, opened offices in the North Caucasus and worked in Chechnya. They documented war crimes and human rights violations, supported Chechens detained by law enforcement agencies, provided food and medical help to the population, and helped Chechen refugees in Ingushetia. Many of these organizations remained in Chechnya for more than a decade. Many local Chechens received unique experience by working at these organizations. Murphy (2010, 249-255) documents that women had strong representation among human rights activists in Chechnya. They were assisting the victims of violence and documenting the atrocities committed against civilians.

In 2012 the Russian government introduced "The Foreign Agents Law," which effectively prohibited any NGO that received foreign money and worked on politics-related projects to operate in Russia. This law had disastrous consequences for civil society in Russia in general, and in Chechnya in particular. Many organizations had to close down. Others decided to change the focus of their work. The topics of human rights protection or torture were considered "politics-related." In contrast, issues related to female empowerment were not (at least, not always). As a result, many organizations that

started as broad-based human rights organizations changed their orientation and refocused on gender issues. In addition to pressure from the Russian government, another factor in such reorientation was the position of foreign donors that actively supported the agenda of female empowerment. By the time of my field research there were 16 NGOs operating in Chechnya that were focused on women's rights and female empowerment. The existence of this vibrant and professional NGO community amid the repressive dictatorship is striking. The NGOs in Chechnya provide psychological help to women, programs on education, and training in different fields for young females. Most relevantly for legal mobilization, these organizations provide legal education, legal aid, and legal representation for women free of charge. Given that navigating state law is quite complicated, access to legal representation plays a tremendously important role for transforming women's grievances into the actual legal cases. For example, Malika Abubakarova, who directs Women's Rights, an NGO, told me that their organization receives thousands of applications for legal aid each year. The organization has four lawyers who represented women in hundreds of court hearings in 2016.

In the densely-connected Chechen society, access to NGO help is often facilitated by kin and other social networks. A good example of the role of NGOs is the case of Mariam. She was married to a police officer and they had five children. Her husband was killed during a special operation against the insurgents. As a widow of a police officer, Mariam received large monetary compensation and a pension for her and her children. However, relatives of her late husband, referring to adat, took the children away from her and attempted to formally deny her parental rights through the state courts. By doing so, the relatives also seized the monetary compensation and pensions. Mariam appealed to Malika, who was her distant relative. With the help of Malika's lawyering, Mariam reclaimed her parental rights, custody of her children, and her pension. Thus, NGO assistance should be recognized as an indispensable factor that facilitated female legal mobilization in Chechnya. This factor operates at the macro level, and the contrast with Ingushetia, which does not have such a vibrant NGO

community, highlights the importance of this factor. I do not have any data to test the role of access to NGOs quantitatively, but the qualitative evidence ultimately supports this mechanism.

The combination of quantitative and qualitative evidence points out three plausible mechanisms that link community victimization and female legal mobilization: (1) increase in material resources due to advances in labor market, (2) fragmentation of communities and diminished role of clans and elders that are less able to pressure women to abstain from using state law, and (3) institutional environment where NGOs provide legal aid and representation to women. These three complimentary factors operate at three different levels: individual, community, and society.

The Backlash

My study shows that war in Chechnya empowered women to pursue their interests through state law. At the same time, my qualitative research shows that war-induced female empowerment in Chechnya was met by a strong backlash from the Chechen government. The most notorious manifestations of the neotraditionalist policies of the Chechen government are the semiformal introduction of polygamy, restrictions on women's dress, and encouragement of "honor killings" (Lokshina 2014).

Records of state court hearings provide additional evidence. For example, in spring 2015, Chechnya witnessed a rare court hearing on a case of honor killing. The court heard the case of Sultan Daurbekov, who killed his 38-year-old daughter Zarema Daurbekova.[105] Sultan killed his daughter because "she put shame on his family" (he had heard rumors that she "misbehaved"). Sultan did not deny that he killed Zarema, so in theory the case should have been very easy. But the records of the process show the complexity and high-stakes politics of legal pluralism in gender-related matters. Ilyas

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[105] Records of the court hearings were published by the human rights organization, Memorial. http://www.memo.ru/d/232430.html

Timishev, Sultan's lawyer, emphasized in court that his client had done nothing criminal, because Zarema lived an amoral life. "Daurbekov did not kill his daughter. It is better to say that he helped her stop shaming herself, her father, and her relatives." Timishev emphasized that the case was "complicated" because it involved concerns of custom and religion. He urged a need to find "a just balance between law and context." In support of his claims, Timishev cited testimony that Zarema had refused to wear a headscarf, and when her father pointed out that this was Kadyrov's demand she replied, "Let Kadyrov wear it!" Timishev further claimed that "She even drank beer, which violates not only our traditions, but also the norms of Islam!" The prosecutor pointed out that Zarema's private life had nothing to do with the criminal case. But the defense attorney disagreed: "In Chechen society there is no such thing as private life." During the hearings one of the witnesses claimed that "The Head [Ramzan Kadyrov] has said that we must cleanse the republic of this uncleanness." The prosecutor stated that "as a Chechen, he understands them," but that he was speaking as a representative of the state. In the end, Sultan Daurbekov was found guilty of murdering his daughter and was sentenced to seven years in prison.

This case shows that despite the strong influence of customary and religious norms on the functioning of state law in Chechnya and active official attempts to sabotage state law in gender-related cases, the state legal system still has some autonomy and can be utilized to defend women's rights. In the next chapter I place government backlash against female legal mobilization into a more general discussion of government policies towards the alternative legal orders. In other words, I turn from the exploration of the demand for law its supply.

Chapter 8

Why Does the Chechen Government Promote Custom and Sharia?

This chapter addresses government policies towards state and nonstate legal orders. In particular, it explores when and why governments that are in charge of state law promote nonstate legal orders that seemingly undermine their monopoly on rule-making and enforcement. I focus on the logic of promotion of customary law and Sharia in Kadyrov's postwar Chechnya. First, I outline the general benefits and costs of promoting customary law and Sharia for the ruler. Second, I analyze how the conflict affected these costs and benefits. I gain analytical leverage to test my argument through cross-temporal comparison of Kadyrov's postwar Chechnya (2007-2017) with the de facto independent Chechen Republic of Ichkeria (1991-1999), as well as cross-regional comparison of Chechnya with neighboring Ingushetia and Dagestan.

Authoritarian Pluralism?

The Chechen regional government headed by Ramzan Kadyrov is excessively repressive and attempts to regulate all spheres of life in Chechen society. The government has established a strict monopoly on political power; however, at the same time, it has been actively promoting legal pluralism. As I mentioned earlier, Kadyrov introduced qadi courts (a Sharia institution) and councils of elders (an adat institution) all across Chechnya when he consolidated his power in 2007. These institutions are semiformal. Officially they do not have any judicial power; however, for instance, qadis hold official positions as the deputies of district heads. The government also provides sinecure positions to the elders who are represented in the councils of elders.

Kadyrov himself has publicly acknowledged his ultimate support for Sharia and adat on many occasions. French journalist Pierre Avril reported that Kadyrov told him: "In my opinion, Sharia law

www.manaraa.com

is above the laws of the Russian Federation."[106] In the spirit of Sharia implementation, Kadyrov effectively banned alcohol sales in Chechnya, introduced "modest" dress codes for women in all public spaces, and encouraged polygamy.

The government has been actively promoting polygamy as a response to the perceived imbalance between men and women as a result of war, because more men were killed. This imbalance made the Chechen government concerned about the "reproduction potential of the nation" and about "public morals."[107] The government's solution was the informal, but active, encouragement of polygamy. Many respondents confirmed that the government issued an informal decree according to which all government employees had to take second wives. High-level bureaucrats and businessmen were strongly encouraged to have multiple additional wives. As a result, the practice of polygamy became widespread in a short period of time.

Kadyrov's government has been regularly referring to the adat norm of collective responsibility in its practices. During the counterinsurgency phase, the government persecuted the relatives of rebels in order to force them to surrender. For example, in 2004, Chechen security forces arrested 40 relatives of the prominent field commander Magomed Khambiyev—including women and old people—and held them hostage to force Khambiyev to abandon fighting.

Subsequently, when the large-scale insurgency was crushed, the government used collective punishment against the relatives of the critics of the regime and those who joined radical Islamist groups in Syria and Iraq. For example, in 2016, Chechen state television reported on the gathering of the *chinkhoi* teip that publicly denounced Ahmed Zakayev, the leader of the Ichkeria government in exile, who lives in London. The report stated: "Collective responsibility is one of the traditional

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[106] Pierre Avril, "Tchétchénie: les deux faces du régime Kadyrov", Le Figaro, 27 May 2010
[107] Interview # 15. January 2015, Grozny.

institutions of self-regulation in Chechen society. By denouncing the relative, members of his family and his clan confirm that from this moment they can't be responsible for his actions."[108]

In a similar vein, the government has been punishing the relatives of the young men and women who went to fight in Syria and Iraq or who participate in the sporadic insurgent attacks in Chechnya. For example, since 2008 the government of Chechnya has extensively used the practice of burning down the houses of the family members of alleged insurgents.[109] The day after the insurgent attack on Grozny in 2017, which I witnessed in the field, the government arrested more than 100 relatives of the insurgents. They all were immediately fired from their jobs. The government also stopped giving pensions and welfare payments to these people. After another violent insurgent attack in December 2016, the government organized congresses of the elders of several settlements, which decided to expel the relatives of the insurgents who fought in Syria from Chechnya.[110] The government of Chechnya also announced blood revenge against the families of the insurgents who killed police officers in that December 2016 attack, even though the insurgents were killed in the fight as well.

In 2017, the government of Chechnya conducted "moral passportization," an informal census of young men and women from 14 to 35 years old, who had to provide all their contact information, *teip* (clan) and *vird* (Sufi order) membership, information about their older relatives, and a reference letter from their imam and local police officer.[111] Elena Milashina, a prominent journalist from *Novaya Gazeta* who extensively covers Chechnya, interpreted this policy as an attempt to institutionalize a policy of "hostage-taking," when older relatives and the community take responsibility for the actions of the youth, who are considered to be the most disloyal to the government.

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[108] https://grozny.tv/news.php?id=10540
[109] https://memohrc.org/ru/news/chechnya-ciloviki-prodolzhayut-primenyat-princip-kollektivnoy-otvetstvennosti-v-otnoshenii
[110] http://www.kavkaz-uzel.eu/articles/294735/
[111] https://www.novayagazeta.ru/articles/2016/02/26/67580-ottsy-za-synovey

As I pointed out in the previous chapter, the government often uses references to customary law and Sharia in their attempts to regulate women's behavior and appearance. One infamous case is depicted in Joshua Jaffe's report on Chechnya in *The New Yorker*. Jaffe claimed that "the republic is now governed by diktats inspired by Sharia jurisprudence and Kadyrov's personal interpretation of adat, a traditional Chechen code of behavior. In 2010, after vigilantes drove around Grozny firing paintballs at uncovered women, Kadyrov said that he wanted to 'give an award' to the men."[112]

All these descriptions highlight one common feature: the government of Chechnya is heavily involved in interpreting, enforcing, and even inventing customary and religious norms. This is in fundamental conflict with the very principles of self-regulation of Chechen society, which preserved these principles despite almost two centuries of imperial and Soviet rule. Chechen customary law is the social order of the stateless society. For instance, the principle of blood revenge as the ultimate regulator of conflicts and a deterrence mechanism makes sense only in the absence of a third-party institution of law enforcement, as I explained in previous chapters. In the postconflict period it became the government that dictates what is custom and what is Sharia, and carries them out. Jaffe reported a Chechen woman's perception of this change: "When I was a young girl, my grandfather made me wear a head scarf," she said. "I was afraid of him. He explained to me, 'You are a Chechen girl, and so you will wear a head scarf.' But today we don't have such grandfathers, and instead their role is played by the Department of Spiritual and Moral Education."[113]

The government of Chechnya does not promote legal pluralism, where alternative autonomous legal orders would function in parallel, but rather aims to establish control over all three alternative legal orders and create a legal hybrid. One of my respondents, a respected alim with a degree in Islamic law from Al-Azhar, the most prestigious center of Islamic education in the world,

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[112] https://www.newyorker.com/magazine/2016/02/08/putins-dragon
[113] https://www.newyorker.com/magazine/2016/02/08/putins-dragon

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told me that the government prohibited him from adjudicating disputes according to Sharia and directed him to transfer all disputants to the imam of his village, who had received a mediocre Islamic education and was not fluent in Sharia norms.[114] This highlights that the government co-opts some elders and Islamic authorities and delegates them power to adjudicate disputes, but restricts the functioning of nonstate legal orders if the authorities in charge of them are not sanctioned by the government.

Even though the Chechen government controls the functioning of the nonstate legal orders to a certain degree, these nonstate orders still enjoy limited autonomy, which is a rare thing in Kadyrov's Chechnya. In the end, the resolution of particular disputes according to adat and Sharia are left to the discretion of the elders and qadis (see Rosen 1980 on discretion by qadis elsewhere). In addition, the Kremlin, which imposed Kadyrov, is likely to negatively perceive the prevalence of customary and religious arbitration in Chechnya because it violates the monopoly of Russian law in the region. Most notoriously, when Ksenia Sobchak, a prominent liberal journalist, asked Vladimir Putin at his 2016 press conference about the practice of collective punishment for the relatives of alleged insurgents in Chechnya, and relatedly whether Russian law functions in Chechnya at all, Putin unequivocally denounced practices that go against the Russian Constitution. These considerations reiterate the need to resolve the puzzle: Why does the government of Ramzan Kadyrov promote legal pluralism?

State Capacity and the Persistence of Adat and Sharia in Chechnya

One plausible explanation of the prevalence of nonstate legal orders in Chechnya is that the government has no capacity to suppress them. Adat and Sharia persisted in Chechnya to some extent

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[114] Interview # 13, rural Chechnya, January 2015.

despite decades of Soviet attempts to eliminate these systems of dispute resolution. However, the insights from my qualitative studies cast doubt on the state capacity explanation. I analyze the sudden abolition of the bride kidnapping custom to show that the government in fact has great power to intervene and either encourage or discourage customary and religious practices.

According to a human rights report published in 2010, as many as one in four marriages in Chechnya began with the woman being kidnapped and forced to wed against her will.[115] Sometimes bride kidnapping was consensual, mostly when the girl's parents did not approve of the marriage, but in many cases kidnappings were not consensual. In the latter cases men kidnapped brides as a matter of pride after being rejected, or because they were jealous that another man was promised the woman by her family.

Bride abductions in Chechnya became endemic during the conflict, especially after the end of the Second Chechen War. One of my female respondents told to me, "After the war there were many men with weapons. They did whatever they wanted. They saw a beautiful girl for the first time in their life on the street and then immediately abducted her in the presence of her mother and father. No one was able to stop them - they had guns."[116]

According to some estimates, about 90 percent of marriages that resulted from abductions ended in divorces. Bride kidnapping also had detrimental consequences for abducted women's psychology, health, and social status within the new families. Many girls were kidnapped when they were 13 or even younger.

The custom of bride kidnapping was embedded in the local culture and widely accepted as legitimate. Even the victims of abduction recognized the legitimacy of the custom, reasoning that "our ancestors lived this way." However, by 2015 the practice of bride kidnappings in Chechnya had

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[115] Radio Free Europe. Despite Official Measures Bride Kidnapping Endemic in Chechnya. October 21, 2010.
http://www.rferl.org/content/Despite_Official_Measures_Bride_Kidnapping_Endemic_In_Chechnya/2197575.html
[116] Interview # 41. August 2015, Grozny.

effectively been ended: "Maybe there will be one or two cases in the whole republic, but several years ago there were hundreds if not thousands such cases."[117] How did it happen that one of the most notorious Chechen customs has been abolished in such a short period of time?

According to one prominent human rights activist in Chechnya, abolition of the custom of bride kidnapping was a result of a deliberate coalition-building effort. Chechen activists managed to build a surprising coalition between Chechen Islamic clergy, European human rights activists, and Vladimir Putin. First, human rights activists tried to exploit the fact that bride kidnappings severely violate the principles of Koran. Sharia explicitly requires that legal marriage needs consent from both parties. A marriage without consent or performed under coercion is considered void and may be annulled on those grounds. Moreover, abduction of a person is also strictly prohibited in Sharia. In 2008-2009, human rights activists attended all public events organized by the Chechen Muftiat, the religious administration of the republic, and consistently asked the same question: What is the position of Sharia on bride kidnapping? My respondent remembers that even though representatives of the clergy were Chechen men who either supported bride kidnapping or did not want to speak against it, they had to publicly acknowledge that the practice was against the Koran and Sunna.

Second, human rights activists promoted the agenda of fighting bride kidnapping on the international level. In the 2000s there were many conferences devoted to the problems of human rights in Chechnya, and activists raised the issue of bride kidnapping at all of them. As a result of this international campaign, Vladimir Putin was repeatedly asked about bride kidnapping in Chechnya at his press conferences. At some point, according to my respondent, Putin was asked about it by Angela Merkel during their negotiations in Moscow. After that Putin allegedly called Ramzan Kadyrov and asked him to stop bride kidnapping by any means.[118]

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[117] Interview # 16. mid-level official in Ministry of Justice. January 2015.
[118] I was told this story independently by two human rights activists, but was not able to find a verification of it in Russian or German media.

Even though Kadyrov's militia fighters were the most common bride abductors, as they had absolute power and almost no accountability, Kadyrov obeyed and publicly denounced the practice of bride kidnapping. Islamic leaders in Chechnya followed Kadyrov and also denounced it. In addition, Kadyrov promised to prosecute kidnappers under Russian law, and at the same time introduced an informal fine against the bride kidnappers' clan: one million rubles (approximately $30,000). Chechen custom also assessed a fine, but it was almost 10 times smaller. Thus, the Chechen government combined all three sources of authority: religious reasoning, formal legal enforcement, and a customary fine practice.

These policies had an immediate effect: kidnappings basically stopped. At the time of my interviews, all respondents recognized this as a major achievement of Ramzan Kadyrov. Most officials in the government and the Muftiat also condemned the practice and praised Kadyrov for eliminating it. As one imam put it: "Thanks to Allah, thanks to Ramzan, we got rid of this stupid custom!"[119] Government officials blamed Ichkeria separatists for the spread of bride kidnappings. The general condemnation of separatist leaders and their policies allowed these Chechen men to reconcile their identity with the abolishment of the custom. Finally, as Kadyrov promised, some abductors have been prosecuted. During my fieldwork, I was told about several criminal cases in which kidnappers got long prison sentences.

This case study of the "death" of the custom of bride kidnapping shows that the government has enough coercive capacity to eradicate customary and religious norms. In the next section I explore why the government does the opposite and promotes customary law and Sharia.

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[119] Interview with a head of one of mountain districts. January 2015.

The Political Logic of Promoting Legal Pluralism

Conventional wisdom, derived from Max Weber's work, suggests that rulers should seek to monopolize social control and oppose alternative nonstate legal institutions (Weber 1917). As Sezgin (2013, p 20) puts it: "the ability to establish a monopolistic control over the legal affairs of a subject population has come to be viewed as an inseparable aspect of stateness." However, I argue that legal pluralism directly strengthens, not undermines, the authoritarian government. In the theory section, I outlined four main motivations for the strategic promotion of legal pluralism: (1) legitimacy, (2) discretion, (3) coalition-building, and (4) signaling of autonomy.

First, legal pluralism increases the government's legitimacy by associating it with traditional and religious sources of power. Kadyrov's regime is largely based on military force and repression, but even the most repressive authoritarian regimes need popular belief that the ruler's powers are legitimate. Borrowing legitimacy from alternative sources – traditional, charismatic, and rational-legal -- the ruler might combine their comparative advantages and selectively use references to them for different audiences.

Kadyrov especially emphasizes his Islamic credentials and his commitment to Sharia justice. By organizing government-sponsored qadi courts in each district of Chechnya, Kadyrov follows the logic of "religious outbidding" (Snyder 2000; Toft 2007): he presents himself as even more Islamic than his major opponents, who are Islamist rebels.[120] Islam and Sharia have almost unquestioned legitimacy in Chechnya, therefore associating his government with Sharia increases support for Kadyrov, especially among the youth. Qadi courts are not the only example of Kadyrov's strategy of constructing a Chechen-Islamic cultural hegemony: he has built mosques in every village in Chechnya, opened an Islamic University in Grozny, sponsored madrasas and a competition of *khafiz* (pupils) who

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[120] After the military defeat of separatists in 2000, Chechen rebels turned to Islamist ideology and guerilla warfare tactics.

memorize the Koran, sponsored television broadcasts about Islam, and obliged all government employees to wear "traditional Islamic dress" that was allegedly designed by Kadyrov himself. After the Charlie Hebdo attack in January 2015, Kadyrov organized a rally of one million people "in support of the Prophet Muhammad." Islamic symbols play a crucial role in the functioning of Kadyrov's government, and the presence of Islamic courts is an important part of the government-imposed cultural hegemony.

Likewise, association with Chechen customary law promotes Kadyrov's legitimacy among traditionalists. Even though Kadyrov relies on young people in his government -- most offices are occupied by people under 35[121] -- in public he always pays respect to elders and emphasizes his commitment to Chechen traditions. For instance, Kadyrov organizes congresses of his teip, *benoi*, invests in rebuilding the ancient Chechen towers in the mountains, and polices the following of Chechen customs at weddings. Most notoriously, his government banned "European wedding dresses" and also regulated "the appropriate dance moves" for wedding dances. Traditionalists applaud these initiatives because they "allow us to preserve our traditions, our culture."[122]

Second, legal pluralism strengthens authoritarian control by giving the ruler more discretionary power. If there is one legal order, everyone has to obey its regulations, including the ruler. If there are multiple parallel legal orders, the ruler can strategically cherry-pick principles across legal orders and avoid the restrictions each of them imposes. In fact, Weber emphasized discretion as the single most important feature of the extreme form of patrimonial authoritarian regime that he called *sultanism*. He wrote, "Where domination is primarily traditional, even though it is exercised by virtue of the ruler's personal autonomy, it will be called patrimonial authority, where instead it operates primarily on the basis of discretion, it will be called sultanism." (Weber, 1922, p. 1020). Kadyrov perhaps would

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[121] Kadyrov himself became President of Chechnya when he was 30.
[122] Interview # 33, rural Chechnya, January 2015.

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approve of the classification of his regime as sultanism; all his subordinates call him "Padishah," which is "tsar" or "king" in Persian.

The use of legal pluralism to increase discretionary power can be seen in Kadyrov's counterinsurgency policies. Collective punishment is one of the principles of Chechen customary law, but it is against both Russian law and Sharia. Another example is government-sponsored introduction of polygamy, which is rooted in Sharia but is against Russian law and Chechen customary law.

Third, legal pluralism is used for coalition-building. Promoting nonstate legal orders allows the ruler to incorporate religious and traditional authorities into his coalition. By formal recognition of informal nonstate forums of justice, the state establishes regulation over them. Thus, it prevents the formation of elites with a source of power independent from the ruler and turns "strong legal pluralism" into "weak legal pluralism." In my interviews, respondents revealed that the Chechen authorities extensively screen candidates for both customary and religious positions for their political loyalty. The government promotes the "right elders," most of whom are either active or retired government or security personnel. The government also questions all candidates for religious positions about their attitudes towards "Sufi Islam, Wahhabism, and Syria." Only those who endorse official Sufi Islam and denounce Wahhabis and fighters in Syria can get a position. Even after that, all religious activities are under strict surveillance. But in addition to this stick, there is also a carrot: both religious and customary authorities are on the government payroll.

Fourth, I argue that Kadyrov promotes nonstate legal orders as a means of increasing his autonomy and signaling his indispensability to the Kremlin. Kadyrov was imposed by the Kremlin and to a great extent relies on the Kremlin's monetary transfers and military aid. According to a common expression of Kadyrov's opponents, "Kadyrov's regime in Chechnya rests on Russian bayonets." At the same time, many powerful players in the Kremlin, most importantly *siloviki* from the FSB and the army, despise Kadyrov and dream about his removal. Quite often rumors appear that

Kadyrov will be removed from office. In this light, promotion of customary law and Sharia signals that the head of Chechnya is not like a governor in other Russian regions: this position requires the ability to navigate multiple legal orders. In other words, the signal implies that Moscow cannot appoint an outsider to govern Chechnya, like it did in neighboring Dagestan in 2017, because this outsider would have to deal with polygamy, blood revenge, and the complicated clan structure. Emphasizing these unique "essentialist elements" of the Chechen political landscape strengthens Kadyrov's position by signaling that no one but him is able to do the job.

This analysis shows that the government has several strong motivations for promoting legal pluralism. But what are the costs of this strategy? Some costs were shown in previous studies of legal pluralism. For instance, Kuran (2004) and Artunc (2017) showed that legal pluralism creates institutional uncertainty, such as ambiguous property rights, which is bad for economic development. Kadyrov's regime largely depends on transfers from the federal center; therefore, it does not need to care that much about investment. Thus, I focus on political costs rather than economic ones.

I argue that strategic promotion of nonstate legal orders by the government might create a "Frankenstein effect," where these orders will challenge the ruler's monopoly on political power. I stress that the decision to promote legal pluralism ultimately depends on the intensity of political competition between the government and a real or potential opposition. I develop this argument with a cross-temporal analysis of the politics of legal pluralism in the de facto independent Chechen Republic of Ichkeria (1991-1999) and a cross-regional comparison of Chechnya with the neighboring Republics of Ingushetia and Dagestan.

Cross-Temporal Comparison: Ichkeria vs. Kadyrov's Chechnya

Ramzan Kadyrov often contraposes his government to the government of de facto independent Ichkeria, highlighting his loyalty to Russia. At the same time, many observers argue that

de facto autonomy from Russia is almost as high under Kadyrov as it was during the years of Chechen independence – and that his power is higher than Ichkeria's authorities ever was.[123] A cross-temporal comparison of government policies towards customary law and Sharia between these two periods in the post-Soviet history of Chechnya will allow us to better understand the role of the political factors that shaped these policies. In both cases, the governments of Chechnya were quite autonomous in terms of their policies towards the alternative legal orders, but in both cases they had to consider other players: the Kremlin and the real or potential opposition. Therefore, the set-up is good for comparative analysis.

As I outlined in Chapter 4, the Chechen authorities who declared independence from Russia in 1991 originally pursued a secular state-building process that had little if any room for Sharia and adat. Three senior members of the early governments of Ichkeria told me that they were oriented towards European constitutional practices. Ichkeria's first president, Dzhokhar Dudayev, shared these secular and modernist views. The Ichkeria Constitution of 1992 pronounced Islam as the official religion, but at the same time pronounced the principle of the freedom of religion.

There were nevertheless activists at the Congress of the Chechen People, the organization that installed Dudayev as the president of Ichkeria, who demanded implementation of Sharia law. In several secondary sources I have encountered the following description of how Dudayev responded to these demands. According to these sources, Dudayev said:

> The Koran and Sharia are holy, and it's pointless to talk about them in vain. Everything has its time. There are a lot of Muslim countries in the world, but only a few of them live strictly according to Sharia. Besides, not every Chechen is a Muslim. We all know this well. The roots of Islam in Chechnya were greatly undermined by the Communists, and it is impossible to restore them in an hour or a year. I respect your perseverance, but I consider it premature. If today we declare Sharia law, tomorrow you will demand that I begin to cut down the heads and hands of sinners. But you are not thinking that tomorrow a rare participant of the Congress of the Chechen people will keep his head and hands. You are not ready for this now, and so am I. Let us,

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[123] Joshua Jaffe. Putin's Dragon. Is the ruler of Chechnya out of Control? The New Yorker. https://www.newyorker.com/magazine/2016/02/08/putins-dragon

therefore, establish the order based on the Koran in our souls, and the order based on the Constitution in our public life."[124]

In 1992, the newly proclaimed Chechen Republic of Ichkeria witnessed an intense conflict between President Dudayev and the Parliament over ministerial appointments and control over the institutions. The conflict went so far that Dudayev dissolved the Parliament. In order to gain additional legitimacy in this political struggle, President Dudayev decided to promote neocustomary institutions. For example, he paid symbolic support to the all-Chechnya council of elders, which adopted the historic name of Mekh-Khel. He also organized numerous meetings and consultations with village and clan elders across Chechnya (Sokirianskaia 2009, 178). However, when elders attempted to criticize the President, Dudayev response was, "I called you to serve the nation, not to split it. You are here because of me. If you serve the nation, you can stay and help me. If not, you can go home... [I] didn't ask you here to tell me what to do." (as quoted in Lieven: 1998:343, see also Sokirianskaia 2009, 180).

Thus, Ichkeria under Dudayev largely preserved the Soviet state legal system; re-emerging customary institutions had minor influence. Dudayev's rule faced strong opposition, and he did not want to disperse his presidential power to customary and religious orders. Instead he attempted to consolidate state power in his hands.

In 1996, Dudayev was assassinated by the Russian army. Vice-President Zelimkhan Yandarbiyev became the acting interim president. In summer 1996, Chechen rebels organized a major offensive operation, captured Grozny, and forced the Russian government to sign a peace agreement, the Khasavurt Accords. After the peace agreement, which ended the First War, Ichkeria scheduled a presidential election. Acting President Yandarbiyev was challenged by many other candidates, including two of the most prominent rebel commanders, Aslan Maskhadov and Shamil Basayev.

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[124] Abubakarov, Taimaz "Chechnya and Russia: Societies and states". P 193.

Facing imminent electoral defeat, Yandarbiyev announced the establishment of Sharia law in Chechnya.

Most people with whom I discussed Yandarbiyev's decision considered it to be a political maneuver. It was clear that Yandarbiyev was going to lose to the more popular rebel leader Aslan Maskhadov. Yandarbiyev appealed to his brothers-in-arms to quit the race and allow him to be the president in the spirit of unity, but these appeals had no effect. In response, Yandarbiyev announced implementation of Sharia law, which clearly undermined the power of the secular office of the president. The new president could not publicly go against this decision because of the high status of Sharia in Chechen society. The Chechen Parliament declared imposition of Sharia law as a violation of the Constitution of ChRI, which created a permanent crisis in the relationship between the executive and the legislative branches of the government.

Imposition of Sharia law was met with skepticism even among the former rebels, who by and large supported Islamist ideas. One of my respondents put it the following way: "We all knew that Sharia is sacred. But no one knew exactly what it was."[125] Another respondent, a former rebel commander, was very harsh in his assessment of the introduction of Sharia: "Yandarbiyev deliberately screwed us over with his sporadic Sharia idea. No one knew how to implement it, so the only thing he achieved was that he undermined our state."[126]

All my respondents agreed that imposition of Sharia was purely a strategic act in Yandarbiyev's struggle for power. Because of the high legitimacy of Sharia, newly elected President Aslan Maskhadov had to comply with its partial imposition. As a result, for almost three years (1996-1999) there were two parallel systems of justice in Chechnya: Soviet state law and Sharia. As I described in Chapter 4, this co-existence was uneasy.

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[125] Interview # 114. Nansi, France. June 2016.
[126] Interview # 110. Paris. June 2016. In Russian this phrase was even better: "О мертвых либо хорошо, либо ничего. Но Яндарбиев, конечно, подложил нам свинью со своим Шариатом."

The Chechen state in the interwar period had very limited material resources and administrative capacity. One of its biggest challenges became rampant crime, including kidnappings for ransom that proliferated across Chechnya.

Maskhadov's rule was constantly challenged by other prominent warlords who formed political parties and movements, published newspapers that criticized the President, organized mass protest rallies, and even engaged in violent clashes with the president's supporters. As a result, Maskhadov's rule was very limited: at some points of his presidency he controlled only Grozny and several loyal rural districts. The main points of criticisms by Maskhadov's opponents were that he was "too lenient towards Russia" and that he was "not Islamic enough." Maskhadov's legitimacy was based on the secular institution of elections, therefore in order to undermine this legitimacy the opposition actively promoted the Islamist agenda. The strict implementation of Sharia law and abolition of all secular institutions became the main opposition demands.

For almost three years, Aslan Maskhadov resisted the demands to fully implement Sharia law. However, in 1999, in an unexpected political maneuver, Maskhadov, who by that time had adopted the Islamic name Khalid, announced an introduction of full Sharia rule in Chechnya. By implementing full Sharia rule, Makhadov took the initiative away from the opposition, leaving them without their main demand. However, as Maskhadov's former advisor Mairbek Vatchagayev acknowledged, this decision also ultimately undermined Maskhadov's rule.[127] He was elected in accordance with the Constitution of the ChRI, and introduction of Sharia basically cancelled the Constitution and left Maskhadov's office without any legitimacy. In addition, the Parliament of ChRI did not agree with the decree, ruled it unconstitutional, and gave Maskhadov a vote of no confidence. In place of the ChRI Parliament, Maskhadov announced the formation of a *shura*, an Islamic council. The opposition

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[127] Interview with Mairbek Vatchagayev. Paris. June 2016.

formed an alternative shura. The internal political conflict and "Sharia outbidding" were stopped only by the start of the Second Chechen War when the Russian army invaded in 1999.

This description of politics around legal pluralism in the de facto independent Chechen Republic of Ichkeria supports the claim that the promotion of nonstate legal orders based on custom and religion was a strategic element of a political struggle, rather than the manifestation of weak state capacity or a response to the demands of the population. In fact, most of my respondents emphasized that Sharia in Ichkeria was imposed from above; the majority of the population was skeptical about the idea of living under Sharia law. Establishing and promoting nonstate legal orders was used by incumbents to increase their legitimacy by association with religion and tradition. The interwar period was an outbidding game between the opposition and Maskhadov in terms of who among them was more Islamic. At the same time, incumbents were wary of strengthening the nonstate judiciary too much. The political field in Chechnya in the 1990s was always fragmented, and incumbents were afraid that powerful legal orders based on tradition and religion might become arenas of political contestation and ultimately be hijacked by the opposition. Therefore, Dudayev's and Maskhadov's support for nonstate legal orders was always quite limited. Maskhadov implemented Sharia only as an unexpected maneuver. In contrast, Kadyrov, who was installed to rule Chechnya in 2007, quickly eliminated (literally) all viable political opponents, and established a strict political monopoly. Therefore, he did not have to worry that the alternative legal forums might be hijacked by the opposition.

One thing that unites Ichkerian policy towards legal pluralism with Kadyrov's is that in both cases promotion of adat and Sharia were used to ensure more autonomy vis-à-vis Moscow. According to one of my high-level respondents, who held a ministerial position in the Ichkeria government in the 1990s, promotion of Sharia was needed because "otherwise we lived according to the Russian laws. So it made no sense that we wanted to be independent. By emphasizing the use of Sharia, we

emphasized that we are not part of Russia anymore."[128] My analysis suggests that Kadyrov's promotion of custom and Sharia serves a somewhat similar role of signaling autonomy from the Kremlin.

Cross-Regional Comparison 1: Chechnya vs. Ingushetia

If promotion of customary law and Sharia are beneficial to the rulers, why do the leaders of other Muslim-majority regions of Russia not implement the same policies as Kadyrov in Chechnya? In this section and the next, I analyze policies towards the alternative legal orders in Ingushetia and Dagestan, two Muslim-majority regions of Russia that neighbor Chechnya.

As I outlined in previous chapters, Ingushetia presents the ideal comparative case for Chechnya. It has the same constellations of legal orders: Russian state law, Sharia, and adat. Ingush people and Chechens are basically the same ethnic group, sharing the same culture and social structure. During the Soviet period, Chechnya and Ingushetia were a united republic.

Ingushetia formally split from Chechnya in 1992. General Ruslan Aushev, a hero of the Soviet war in Afghanistan, became president of the republic. Aushev was immensely popular. In 1992 elections he received 99% of the vote; in 1998 he was re-elected with 65.5% of the vote. Aushev was a secular and quite progressive leader who did not initially support promoting adat and Sharia in Ingushetia. The president suppressed the People Congress of Ingushetia, the popular neotraditionalist movement, and closed down the Islamic center in one of the towns in Ingushetia. Aushev enjoyed wide popularity and did not tolerate alternative centers of power.

Over time, opposition to Aushev's rule emerged. One opposition leader, Idris Abadiyev, actively promoted neotraditionalism and customary institutions; the opposition umbrella organization was named the Council of Teips. The opposition stressed the need to strengthen the adat principle of

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[128] Interview # 58, February 2016. Grozny.

governance that asserts that no one should be an authoritarian leader, but rather that councils of elders should make the important decisions. However, domestic opposition was not a very strong threat to Aushev's rule. Rather, it was the federal center that was feuding with the popular president.

Aushev was a vocal critic of the Chechen wars. In 1999, Aushev's opposition to the Chechen war led to confrontation with Vladimir Putin, the new leader of Russia. The Kremlin started to support the opposition within Ingushetia. In response, Aushev issued a decree that the magistrates' courts in Ingushetia would judge in accordance with the principles of adat and Sharia, and also legalized polygamy. This was a strong signal to the Kremlin that Ingushetia deserved more autonomy and that the Kremlin should not intervene in its governance.

Upon the consolidation of Putin's power in the early 2000s, the Kremlin forced Aushev to resign. The new president of Ingushetia, Murat Zyazikov, a general of the FSB (KGB) imposed by the Kremlin, repealed Aushev's decrees about adat and Sharia and re-established the formal monopoly of Russian state law in Ingushetia. Zyazikov was a terribly unpopular president whose rule was marked by severe human rights violations and the rise of an Islamist insurgency in Ingushetia. The opposition to his rule was quite ubiquitous, and also included neocustomary organizations that named themselves the Mekh-Khel and the Council of Teips.

In 2008, Zyazikov was replaced by yet another general, Yunus-Bek Evkurov. Evkurov decided to legitimize his rule by association with the Qadiri Sufi brotherhood, the most numerous one in Ingushetia. He always highlighted that he was an observant Muslim and a Qadiri. The government provided strong support to the Muftiat, which was dominated by Qadiri followers. The Muftiat had been running an informal Sharia arbitration system, one quite similar to the one that exists in Chechnya under Kadyrov. The opposition tried to use this forum for their own goals: in 2011, the opposition sued Evkurov in Sharia court for electoral falsifications during the Russian parliamentary elections.

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One of the opposition leaders recalled, "They had to close down the Muftiat to avoid taking our appeal for Sharia justice."[129]

Throughout the 2000s, Ingushetia witnessed the rise in popularity of Salafi ideas preached by charismatic imams Issa Tsechoyev and Khamzat Chumakov. Salafism became especially widespread among the youth. The Muftiat, dominated by Sufi adherents, and the Salafi preachers had an intense confrontation throughout the entire period. The state backed the Sufis and suppressed the Salafis. However, in 2016, President Evkurov unexpectedly supported Salafis in their conflict with Sufis over the mosque in Nazran, the biggest town in Ingushetia. Evkurov appealed to the peaceful coexistence of all religious communities in Ingushetia. However, the Sufis and their leader Mufti Khamkhoyev took this as a betrayal and an offense against them, which led to an intense confrontation between the secular and religious authorities in Ingushetia. The government even attempted to legally liquidate the Muftiat, created a parallel Islamic governance structure, and used its power to sabotage Sharia arbitration by the Muftiat. This confrontation has been going on since 2016. In 2018, during another conflict over mosque property, Mufti Khamkhoyev threatened to hold a Sharia trial of Evkurov for his intervention in religious affairs.[130] Not surprisingly, Evkurov always spoke against increasing the power of religious arbitration and religious norms. For instance, in a recent interview, he spoke against polygamy, in stark contrast to Kadyrov, who always promotes the idea.[131]

The opposition to Evkurov also uses the neocustomary structures of Mekh-Khel and the Council of Teips. In an attempt to balance this opposition, Evkurov gathered his own, loyal Council of Teips. Currently Ingushetia has two parallel competing adat structures and religious authorities who feud with the secular government.

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[129] Interview with Idris Abadiyev. Nazran. August 2016.
[130] https://www.kavkazr.com/a/yevkurov-shariatski-sud/29043522.html
[131] http://www.kavkaz-uzel.eu/articles/evkurov_against_polygamy/

Analysis of the Ingushetia case shows that nonstate legal forums, both customary and religious, can be strategically used by the opposition and the government alike. When the government was strong, it basically disregarded the nonstate forums. In its turn, the opposition tried to use customary and religious institutions to legitimize their struggle. However, the confrontation with the Kremlin in the late 1990s forced the secular regional authorities to promote legal pluralism. Overall, the government of Ingushetia was never able to fully control the nonstate legal forums during the post-Soviet period. Moreover, these legal forums at times challenged the secular authorities, which illustrates the main cost of government promotion of legal pluralism.

Cross-Regional Comparison 2: Chechnya vs. Dagestan

The political development of legal pluralism in Dagestan follows a similar trajectory as in Ingushetia. Dagestani politics is characterized by elite capture and highly fragmented power. No single actor dominates Dagestani politics; instead, there are many political alliances and local strongmen who compete for elected office and the distribution of resources, primarily in the form of subsidies from the federal government.

Unlike mono-ethnic Chechnya and Ingushetia, Dagestan is known for its high level of ethnic diversity. With 34 officially recognized ethnolinguistic groups, Dagestan is by far the most ethnically heterogeneous of Russia's republics. The largest ethnic groups are Avar (approximately 30%), Dargin (14%), Kumyk (13%), and Lezgin (12%). Competition between representatives of these ethnic groups is largely assumed to drive political competition in Dagestan. In fact, however, Dagestani politicians from different ethnic groups are organized into informal groups and coalitions that compete with each other for power (Ware and Kisriev 2010).

Dagestan has a long Islamic tradition. Islam was brought to Dagestan as early as the 8th century. Gradually, Dagestan emerged as one of the world's leading centers of Islamic knowledge. In contrast,

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Chechnya and Ingushetia were Islamized only in the 16th-18th centuries (Gammer 2003). Because of its profound Islamization, Sharia law became the dominant form of arbitration in Dagestan and profoundly affected the customary legal orders of Dagestani communities.

Upon the conquest of Dagestan by Russia, the Sharia courts were incorporated into the colonial system of governance. The National Archive of Dagestan preserved a large collection of Sharia rulings in Arabic and Russian for later periods. Readings of Sharia court hearings and rulings in Russian suggest that the most prevalent issues were conflicts over property and family disputes.

The Soviet government initially recognized the Sharia courts of Dagestan and largely relied on them, but upon the consolidation of Soviet rule in 1927 it banned Sharia arbitration and subsequently repressed the most prominent alims and imams (Bobrovkikov 2002).

During the Soviet period, many communities, especially in the remote mountainous areas, preserved their religiosity. In several villages I was told that informal underground Sharia courts had operated there throughout the Soviet period. Religiosity was transmitted through the secretive Sufi brotherhoods. Sufi rituals were prohibited, many Sufi shrines destroyed, and Sufis were portrayed in the Soviet press as "swindler-witches." Despite the repression, some Sufi sheikhs managed to keep their teachings and preserve their networks of followers.

Perestroika and the fall of the Soviet Union led to a religious renaissance in Dagestan, similar to the ones in Chechnya and Ingushetia. Many mosques opened, Dagestani pilgrims went on Hajj to Mecca, and many people went to study Islam in Arab countries. The rise of religiosity also sparked competition over religious authority. Informal Sharia dispute resolution gradually emerged across Dagestani communities. At the same time, as a result of the profound Islamization of the society, adat remained in Dagestan only in the form of rites and ceremonies and thus cannot be considered a legal order as it is in Chechnya and Ingushetia. Thus, in Dagestan in the post-Soviet period there have been

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two parallel systems of justice: Russian state law and Sharia. Debates about the proper role of Sharia were closely linked to political competition.

In 1989, the Council of Alims (Islamic scholars) elected a relatively young religious leader, Muhammad-Mukhtar Babatov, as the new Mufti of Dagestan. He soon resigned, and the council elected Bagautdin Isaev to be the next Mufti. Both Babatov and Isaev belonged to the Kumyk ethnic group. The secular government of Dagestan at that time was led by Magomed-Ali Magomedov, who belonged to the Dargin ethnic group. He became the head of the State Council (equivalent to the President) and despite the constitutional principle of a 2-year term limit per ethnic group for this position, Magomedov managed to secure his office for more than 14 years.

"Dargin control" over the secular government and "Kumyk rule" over the Muftiat led to the deprivation of the largest Dagestani ethnic group, the Avars, who used to dominate Dagestani politics in the Soviet period. In the early 1990s, Avars formed a national movement, the Popular Front of Imam Shamil, which challenged the power-sharing arrangements of the post-Soviet period. In order to respond to the Avar political challenge, Magomedov allegedly made a deal with the Avar leaders: if they do not threaten his power in the secular government, in exchange the Muftiat would go to the Avars (Yemelianova 2001). As a result of this deal, in 1992 when Mufti Isaev visited Turkey, a large armed crowd seized the building of the Muftiat and a special meeting of the Council of Alims (mostly Avars) elected a new mufti of Avar nationality.

Upon consolidating their control over the religious institutions in Dagestan, the Avar-dominated Muftiat started to openly criticize Magomedov, the head of the secular government of the republic, for "usurpation of power." In an attempt to strengthen their power, the Muftiat demanded formal recognition of some elements of Sharia arbitration and the implementation of other pro-Islamic policies, such as making Fridays a holiday in the republic. This conflict between religious and secular authorities escalated in 1998 when the Muftiat-sponsored media called for Magomedov's

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resignation. During the conflict, Mufti of Dagestan Abubakarov was assassinated. Magomedov kept control over the government and Avars kept control over the Muftiat. The Muftiat largely abandoned their calls for even minimalist formal recognition of Sharia and instead provided informal religious arbitration through imams.

Dagestan witnessed a rise in the popularity of Salafi ideas in the 1990s. In 1998, radical Salafi groups established control over several villages in Dagestan and proclaimed them "an Islamic territory" that was supposed to live under Sharia law. In 1999, the Russian army heavily suppressed the "Islamic territory." Nevertheless, Salafi ideas continued to spread. While the majority of Salafis were peaceful, there were also radical groups that organized an Islamic insurgency. The insurgents had their own Sharia courts. At the same time, some peaceful Salafi communities started to rely on Sharia for self-regulation. Sharia was also provided by the official religious authorities, the Muftiat, which was dominated by Sufis.

During my fieldwork, I found that Dagestan basically had two parallel systems of Sharia arbitration: the official (Sufi) one, run by the Muftiat, and the unofficial (Salafi) one. Sharia arbitration was used for self-governance in several Dagestani rural communities and also by urban believers (Kazenin 2013, 2014). For instance, the construction business community of Dagestan preferred to regulate their disputes through Sharia law because it is much more efficient than Russian law (Varshaver and Kruglova 2015). I also found a prevalence of Sharia arbitration in the regulation of disputes in large commercial markets. However, despite the prevalence of the use of Sharia for solving everyday disputes, appeals to formally implement Sharia law have been virtually absent among Dagestani politicians throughout the post-Soviet period.

In 2016, the official religious authorities in Dagestan unexpectedly decided to challenge the secular authorities in regional legislative elections. The Muftiat and its supporters formed their own party, People Against Corruption, which gathered many prominent Sufi religious leaders. This party

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quickly gained momentum and many observers predicted that it would defeat the United Russia Party, which represented the secular authorities. However, the government of Dagestan forced the religious authorities to withdraw from the race. To retaliate for disloyalty, the government of Dagestan subsequently banned informal Sharia justice in some rural areas that were the regional core of support for the religious authorities.[132]

Even though Dagestan has a prominent Islamic tradition and its population is no less religious than Chechnya's, Dagestani authorities have never promoted legal pluralism. While the secular authorities would have potentially increased their legitimacy by promoting Sharia, they were afraid that nonstate justice would be hijacked by one of the numerous power players in Dagestani politics; thus, the benefits of this policy would be overweighed by its costs. Furthermore, when the religious authorities challenged the secular government, the government response was suppression of informal dispute resolution based on Sharia. This again provides support to my idea that government policies towards the alternative legal orders reflect strategic calculations, rather than state capacity or response to the demands of the population.

How Does Conflict Affect Government Policies towards Legal Pluralism?

So far my analysis has established that government promotion of customary law and Sharia in Chechnya largely followed political logic: rulers promoted nonstate orders in order to gain legitimacy, increase discretion, build a coalition, and signal their autonomy to the Kremlin. Cross-temporal and cross-regional analyses showed that the viability of a strategy of promoting legal pluralism depends on the relative power of the government and the opposition. In this section, I analyze how conflict affects

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[132] Interview # 79, July 2016, Khasavurt, Dagestan.

these parameters and the resulting government policies towards customary law and Sharia. I also compare and contrast the effects of the First and Second Chechen Wars.

First, the conflicts dramatically increased the salience of religious and, to a somewhat lesser extent, traditional identities in Chechnya. Experiences of existential threat made the population much more religious. As a result of war, Islam became the hegemonic culture in Chechnya. No informants with whom I talked would categorize themselves as atheists. Similarly, a survey of Chechen students showed that 95% of the respondents claimed that they were "strong believers" (Gadayev 2017, p 35). The war also led to a mass exodus of the secular modernist intelligentsia from Chechnya. Thus, the war made religious and traditionalist identities very powerful in Chechnya. In response, both the secessionist Ichkeria politicians who came to power after the First War (1996-1999) and the pro-Russia Kadyrov government that came to power after the Second War promoted Sharia and customary law in order to increase their legitimacy.

Second, the war transformed the coalition-building logic of legal pluralism. In addition to co-optation of customary and religious authorities, legal pluralism also facilitates coalition-building by incorporating the beneficiaries of nonstate legal orders into the ruler's coalition. As I showed in the previous chapters, nonstate legal orders based on custom and religion are particularly beneficial for men; women in turn are much more likely to demand state law that recognizes gender equality. My analysis showed that postwar female legal mobilization through state law was followed by a strong backlash from the Chechen government, which has been actively promoting customary law and Sharia in family matters and sabotaging the enforcement of state law in gendered disputes. I argue that by promoting legal pluralism the ruler can build a tacit contract with men: their political loyalty in exchange for control over their families. For instance, the government's policy favoring polygamy

resonated well with many men. Their reasoning is: "We are Muslims and therefore we have the right to marry several times."[133]

I found some tentative support for the proposition that many men traded loyalty to the government for the re-establishment of patriarchy. For instance, Khasan, a man in his 30s who belongs to the Chechen intelligentsia, told me, "After the war... and before Ramzan (Kadyrov took power in 2007) we had a feminist rule here. All government jobs below ministers were occupied by women. Men were simply unemployed. Now things changed. Ramzan brought back the order."[134] Support for Kadyrov's government cannot be systematically measured due to the high political sensitivity of the issue, but my interviews suggest that many men support Kadyrov at least in part because of his reinforcement of a patriarchal social order through promotion of Sharia and adat and implementing gendered policies like making headscarves obligatory for women.

Third, the conflict transformed the structural composition of the government. After the First War, the Ichkerian government at all levels was stuffed with former rebels. This was especially true for the law enforcement agencies. The former rebels did not receive any legal education and largely followed customary and religious principles. The former fighters were much more radical than the average Chechen in terms of their adherence to adat and Sharia. In addition, the new government imposed ideological screening of state officials. For example, one of my interviewees said that a colleague who worked in one of state agencies did not pass the qualifying examination because she said it was wrong to write proper nouns like *Russia, Moscow,* or *Yeltsin* with lower case letters, as was demanded by the qualifying commission, which was comprised of former rebels.

After the end of the Second Chechen War in the early 2000s, the Kremlin delegated regional power to Ahmat-hajji Kadyrov, the former religious leader of the separatists, who had switched sides.

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[133] Interview # 2, August 2014. Grozny.
[134] Interview # 51, February 2016, Grozny.

Kadyrov announced a broad amnesty for the rebels, and many fighters surrendered and were amnestied. The majority of these former rebels joined the Chechen police force and other government agencies. For example, the Speaker of the Chechen Parliament, the former warlord Magomed Daudov (known by his nickname "Lord") fought the Russians until 2004, then surrendered, joined Kadyrov's inner circle, and became one of the most powerful Chechen political leaders. According to some estimates, the majority of the personnel in the Chechen police and other law enforcement agencies had been rebels at some point. Some of these people were opportunists, but many of them fought for nationalist or Islamist ideas. These rebels-turned-bureaucrats often did not receive any formal legal education or indoctrination to the idea of the rule of law. As a result, most state officials in Chechnya hold strong religious and ethnic identities and prefer Sharia and adat over state law.

In line with Hypothesis 3, analysis of my surveys shows that state officials in Chechnya are paradoxically less likely than an average Chechen to rely on state law and more likely to rely on customary law. In contrast, the survey in Ingushetia shows that state officials are more likely than an average respondent to be proponents of state law and less likely to rely on adat and Sharia. I treat Ingushetia as a case of normal political development, where state officials rely on state law as a result of indoctrination and access. In turn, Chechnya is a case of postconflict political development, as the incorporation of former rebels into the government led to the rise of rebel-bureaucrats who prefer nonstate legal orders.

Evidence from my qualitative analysis supports the quantitative results. For example, the prosecutor in a mountainous Chechen districts told me, "We are sitting and talking here about the law. But say if someone offends my father, even verbally, I will definitely kill him in revenge. This is part of our adat. Adat developed for centuries, it is stronger than any written law. If I don't follow adat, other families will think that our family is weak, and they won't give us their daughters to marry

and show other signs of disrespect."[135] State officials in charge of law enforcement often directly contradict the norms of Russian law in family disputes. For example, no police officers with whom I spoke considered domestic violence to be a crime, and none thought that a police officer has an obligation to intervene in a case of wife-beating.[136] Other interviewees emphasized how Chechen men in law enforcement sabotage their responsibilities in gender-related cases if they go against their beliefs. For instance, despite state court rulings in child custody cases in favor of the mothers, enforcement agents often do nothing to return the children to them.[137] In another case, a woman tried to file a lawsuit against her relatives who seized her property, but the male court clerk did not accept her documents because, he said, "It is bad to litigate against your relatives."[138] Another telling example comes from an interview with Marha, a 35-year-old female lawyer. She told me that that once a male judge who was hearing a case of child custody suddenly switched from Russian into Chechen and asked a female plaintiff, "Why do you violate our traditions? Do you have any shame? How dare you claim your husband's child?"[139] Most notoriously, one village head, a man in his 30s, told me that there had been three honor killings in his village over the last year and that he "fully supports this."[140]

It is important to note that a sizable share of the judicial and law enforcement personnel in Chechnya are indeed "legalists" who follow the letter of the law and value it over the norms of custom and religion. Many of these legalists received their education and indoctrination into the legal profession in the Soviet Union. Some younger cadres who I would also call legalists received a good education in Chechnya or in other regions of Russian in the post-Soviet period. But the top

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[135] Interview # 32, January 2015, rural Chechnya.
[136] Interviews # 17, a female police officer, Grozny, January 2015; Interview # 18, a male police officer, Grozny, January 2015; Interview # 34, a male police officer, Grozny, January 2015.
[137] Interview # 44, an NGO worker, Grozny, August 2015.
[138] Interview # 42, an academic, Grozny, August 2015.
[139] Interview # 21, a lawyer who works in an NGO, Grozny, January 2015.
[140] Interview # 12, village head, January 2015.

government officials are the rebel-bureaucrats, who prioritize custom and Sharia, often using their own frivolous interpretations.

The war made salient the division of Chechen society into "winners" and "losers." The winners, as I described in Chapter 6, are individuals who serve in the government or live in communities in the eastern part of Chechnya – the powerbase of Kadyrov's regime. To test Hypothesis 4, which speculated about the difference in the use of law by the state in communities of winners and losers, I use the data on court cases. Relying on my interviews, I classify the court districts as either winners, losers, or neither, and then compare the differences in means in the number of court cases per capita between the districts of winners and those of losers. The winners/losers cleavage in Chechnya maps onto the division between the western and eastern parts of the republic. The west is considered to be the center of tacit opposition to the regime, and the east is widely seen as the regime's bastion.[141] Based on my semistructured interviews, I classify 20 districts as neutral, 9 as war winners, and 15 as war losers (see Figure 13).

Quantitative analysis of the court cases data shows that that there are large differences in penetration of state law between winners' and losers' districts. In war winners' communities over the period from 2010 to 2016 there were approximately 0.19 criminal cases per capita, and in war losers' communities there were 0.34 (t-test $p = .10$). There is also a large difference in the number of civil cases initiated by the state: in the winners' communities the number of civil cases per capita initiated by the state is approximately 2.4; in the losers' communities it is 4.2 (t-test $p = .01$). The difference in means analysis suggests that the government is much more likely to initiate criminal and civil cases in

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[141] The north of Chechnya also did not experience the conflict, but it is less comparable to the west, because communities in the north of Chechnya had a large Russian population and as a result is much more Russified. In turn, southern Chechnya is predominantly mountainous – as a result it is sparsely populated and much more traditionalist then lowland Chechnya. Finally, the population of Grozny, the capital of Chechnya, completely changed as a result of war. Very few prewar residents of Grozny live in the city now. Many of them left Chechnya or resettled in rural areas. In turn, many former rural dwellers resettled in Grozny. As a result, even though the city suffered tremendously during the war, its population completely changed and therefore it is hard to trace the war's impact on Grozny's population.

losers' communities than in winners'. This finding is in line with my Hypothesis 4, that the government follows the logic of "To my enemies, the law."

My respondents in several interviews also claimed that the government uses state law unevenly across Chechnya. A prosecutor from one of the disloyal or losers' districts told me that their district annually receives a quota for corruption cases. In response the district administration gathers its employees and they cast lots to determine who will be the "corrupted official" that year. Other interviewers suggested that criminal and civil cases initiated by the government in war losers' communities largely serve as a mechanism of extortion.[142] The government uses law to force the population to pay taxes and utility tariffs that are arbitrary and set very high. In contrast, in war winners' communities state law plays a minor role and most disputes are resolved through customary and religious forums. A telling fact is that for many years there were zero court cases in Kadyrov's native village of Khosi-Yurt.

Finally, the conflict directly affected the structure of political competition, which as I show determines the viability of the strategic promotion of legal pluralism. The First Chechen War, which ended with a military victory by Chechen rebels, left the de facto independent state of Ichkeria with a politically fragmented field. Dzhokhar Dudayev, the leader of the Chechen nationalist revolution and the first president of Ichkeria, was killed. The numerous warlords felt entitled by the victory and started to fiercely compete for power with each other. "Sharia outbidding" became the central element of the political game between the government of Aslan Maskhadov and the various opposition warlords.

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[142] This claim is also supported by the interviews presented in the International Crisis Group report "Chechnya: The inner Abroad." According to an expert interview, "None of the rule-of-law institutions work in compliance with the Russian law, not only in law enforcement, but also in civil law. Land code, social and commercial law function through administrative management by local officials who have turned it into a tool for extortion and a source of self-enrichment." p 28.

The Second Chechen War ended with the military defeat of the rebels and consolidation of power by Ramzan Kadyrov thanks to "the Russian bayonets" and his skills in outmaneuvering and eliminating his potential rivals. Thus, the ultimate outcome of the war was that the government of Ramzan Kadyrov was left without any viable potential opposition and therefore it was able to promote legal pluralism without fearing that the nonstate legal forums would be hijacked by the opposition at some point.

Overall, the cross-temporal and cross-regional comparative analyses and the investigation of patterns of legal attitudes and behavior within Chechnya show that government promotion of legal pluralism is a strategic policy that aims to increase legitimacy and discretion, build coalitions, and signal autonomy to the federal center. In other words, all available evidence shows that legal pluralism is an inherently political phenomenon and an arena for political competition. In the concluding chapter, I put these findings into theoretical and comparative perspectives.

Chapter 9

Conclusion

This dissertation presented one of the first attempts to investigate legal pluralism from the standpoint of empirical political science. Following the rich tradition of studying legal pluralism in anthropology, history, and law and society studies, I showed that the three alternative legal orders that function in Chechnya - Russian state law, customary law, and Sharia - had a long and complicated history and currently affect each other in myriad nuanced ways. Scholars of legal pluralism often describe it as a set of ambiguous and negotiated relationships and highlight its inherent complexity. My dissertation showed that these things are all true in Chechnya as well: alternative legal orders evolved into a hybrid legal regime, one characterized by judges in state courts sometimes implementing customary and religious norms, while imams and elders participate in state court hearings as witnesses or experts. In this regard the findings from my research are in line with the established tradition in law and society studies. However, acknowledging the complexity and ambiguities of legal pluralism, I then approached it from the positivist social science tradition and treated it as the dependent variable in the analysis. Thus, I moved away from treating legal pluralism as a descriptive analytical category and analyzed it in causal terms.

To make the elusive concept of legal pluralism tangible, I divided it into individual choices between alternative legal orders and government policies towards nonstate legal orders. This framework allowed me to encompass both the individual and the government levels, and both the demand and the supply sides of law.

My dissertation systematically explored how conflict affected legal pluralism in Chechnya. Thus my study engaged with the emerging agenda on social and political legacies of conflict that was sparked by Wood (2008). During my research and writing, I came across several other dissertation

projects that explore the influence of conflict on outcomes in different social contexts (Rizkallah 2016, Thaler 2018, Vargas 2018). Thus the legacies of conflict can be recognized as a promising emerging research agenda. However, I am not familiar with other studies that explore the effect of conflict on the rule of law, particularly on the coexistence of state and nonstate legal orders.

My study established that conflict left profound legacies on state-society relations, legacies that have been shaping legal pluralism in Chechnya. The analysis combined different sources of data and was organized at multiple levels. Each piece of evidence analyzed in the dissertation had limitations; however, taken together they presented a solid and nuanced picture of the interrelationship between war legacies and legal pluralism. In the discussion that follows I bring findings from different levels of analysis and different sources of data together, and put these findings in theoretical and comparative perspectives.

Revisiting the Findings

My exploration of the individual choices between state and non-state legal forums was based on the contrasting expectations from the 'alienation' hypothesis and the 'distruption of hierarchies' hypothesis.

I found weak and inconsistent support for the alienation hypothesis, that individuals and communities that suffered from state violence would reject state law and rely on nonstate legal orders. The indicators of individual-level victimization that were used in numerous recent studies on the consequences of conflict (see Bauer et. al 2016 for a review) were found to be poor predictors of legal choices in Chechnya. Among all individual-level measures of exposure to conflict, only the experience of prolonged displacement was found to be statistically significant. Experience of displacement decreased support for state law and increased preference for Sharia. My qualitative research suggested that this effect was likely driven by the social habit of solving disputes through imams, who were the

only authorities accessible for adjudication of conflicts in refugee camps. Thus, this effect is also not a manifestation of the psychological process of alienation.

I also found only limited support for the alienation hypothesis at the community level. My statistical analysis of survey data and data from the magistrates' courts showed that the victimized communities exhibited lower support for customary law and higher use of Russian state law. The alienation hypothesis predicted the opposite. My qualitative analysis explained this counterintuitive result by showing how exposure to conflict weakened traditional social hierarchies within families, clans, and communities, which were the basis of functional nonstate legal orders.

Differentiation of the effects of the First and the Second Chechen Wars helped me to better understand the effect of conflict on legal pluralism. The statistical analysis shows that community victimization during the First Chechen War is associated with a large decrease in support for state law and higher demand for adat and Sharia. This result is consistent with the alienation hypothesis. My analysis showed that victimization during the First War led to the formation of strong ethnic and religious identities in the victimized communities and, as a result, the rejection of state law. At the same time, statistical analysis showed that community victimization during the Second War was associated with a large increase in the preference for Russian state law and the use of state legal institutions. I attributed this effect to the destruction of traditional social hierarchies. The long-lasting Second Chechen War diminished the role of elders and clans, led to mass migration, and weakened the legitimacy of Sharia justice, which was associated with the Islamist rebels. All these factors facilitated the penetration of state law into Chechen society.

My study explained the divergence of the effects between the First and the Second Chechen Wars by showing how the context of the conflict moderated the effect of victimization. The First Chechen War was de facto won by the rebels. The secessionist government actively facilitated the formation of collective martyr identities in victimized communities. The Second War ended with a

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military victory by the Kremlin. The postwar Chechen government, which was imposed by the Kremlin, suppressed any public commemoration of violence in the victimized communities. Thus, the political context can explain why victimization led to collective blame attribution after the First War as well as its absence after the Second War. In addition, while the First War was a clear conflict of Chechen secessionists against the Russian federal center, the Second War was "Chechenized" by the Kremlin. As a result, competing factions of Chechen militias fought each other. It was therefore much harder to attribute blame for victimization, and many individuals blamed the Islamist rebels for their suffering. Thus, my study joins Lyall et al. (2013) in highlighting the crucial role of the blame attribution process in understanding the social and political consequences of civilian victimization in conflict.

It is important to emphasize that even though the conflict spurred demand for state law among some Chechens, overall it had a devastating effect on state regulatory capacity in Chechnya. In comparison to neighboring Ingushetia, Chechnya has substantially lower demand for state law vis-à-vis its alternatives. This finding can be interpreted as support for the alienation hypothesis. Lower penetration of state law in Chechen society can at least partially be explained by the strengthening of ethnic and religious identities and blaming of the Russian state for the atrocities it committed against the Chechen population. However, at the same time, other factors that had nothing to do with psychology were at play. For example, the weaker presence of state law in Chechnya can be attributed to the destruction of the state judicial infrastructure, evaporation of the state nomenklatura and intelligentsia, and last but not least the deliberate policies of the Chechen government towards undermining state law. Thus, my study highlighted that scholars of conflict should look beyond the psychological effects of violence and also analyze its structural impact.

My study showed that one of the most pronounced legacies of conflict lay in the sphere of gender relations. I found robust evidence that war in Chechnya empowered women, who became the

principal supporters of state law. As a result of the highly gendered nature of the conflict, women in Chechnya became breadwinners in their families and gained experience in serving important social and political roles. This transformation came into conflict with the patriarchal social order, based on men's rigid interpretations of religious and customary norms, that existed before the war and was reinvented in the postwar period by Kadyrov's government. Even though state law is corrupt and inefficient and its use is associated with community and family ostracism, many Chechen women use and support it. This finding is consistent across all levels of analysis and all types of data. Data from courts showed that women were the majority of plaintiffs in civil cases. Data from the representative survey showed that gender was the single most powerful factor that explained demand for state law in Chechnya. Women chose Russian state law more than men did in all 10 disputes presented in my survey, both those that were gendered, such as child custody and polygamy, and disputes unrelated to gender such as car accidents, debt, and murder. I interpret this as women internalizing the fact that state law is beneficial for them in the family law domain and then expanding their preferences for state law into the other domains. The large gender gap in legal behavior and attitudes in Chechnya provided a striking contrast with the absence of such a gap in Ingushetia, which is culturally almost identical, but did not experience war.

I showed that female legal mobilization was to a large extent a reaction to the rising neotraditionalism of Chechen men, which was also caused by the conflict. The macro-level comparison of Chechnya and Ingushetia showed that the large gender gap in legal preferences in Chechnya, but not in Ingushetia, is driven by the much lower support for state law among Chechen men. Women in Chechnya and Ingushetia differed in their preference for state law only marginally. In addition, my study showed that female legal mobilization through state law was followed by a strong backlash from the Chechen government, which started to deliberately subvert state law and promote rigid patriarchal interpretations of customary law and Sharia in gendered disputes.

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I interpret this backlash with the logic of coalition formation: the government strategically undersupplied state law and promoted nonstate legal orders as a tacit concession to men and traditional authorities. In other words, the government allowed men to keep control over their families through custom and religion in exchange for their political loyalty.

My dissertation further showed that government promotion of legal pluralism in Chechnya was not just a manifestation of a backlash against female legal mobilization. My analysis highlighted structural and strategic factors that facilitated the top-down promotion of customary law and Sharia in Chechnya. Evidence from the survey research showed that state officials in Chechnya were more likely than the average Chechen to rely on customary law rather than state law. In Ingushetia the picture was the opposite: officials were strong proponents of state law, which is what one would expect. Thus, comparison with Ingushetia reinforced the paradoxical nature of the finding that state officials in Chechnya hold attitudes in opposition to state law.

My analysis suggested that the Kadyrov government's undersupply of state law and support for nonstate legal orders was also a product of the conflict. First, the conflict dramatically increased religiosity in society and destroyed the Soviet nomenklatura and intelligentsia, which were the backbone of the old regime. Second, the Kremlin's policy of outsourcing the governance of Chechnya to a faction of rebels who had defected from their brothers-in-arms and became pro-Kremlin loyalists, resulted in a large share of former fighters in the government. Many of these former fighters did not receive any state legal education and had spent their youth fighting for nationalist and Islamist causes. So, one explanation of the paradox of antistate state officials is who they are. Similar militarization of authority is present in many other postconflict contexts (Wood 2008), but previous studies did not systematically explore the impact of the incorporation of former rebels into routine governance. In my study I proposed the concept of rebel-bureaucrats to describe the motivations and behavior of this type of official.

In addition to highlighting the structural legacy of the militarization of authority, I also argued that Kadyrov's government has been promoting legal pluralism and undermining state law strategically. First, this policy allowed the government to borrow legitimacy from tradition and religion, which both have large appeal among the Chechen population, as my survey showed. Second, legal pluralism increased the government's discretion and allowed it to cherry-pick norms across alternative orders while avoiding regulations embedded in them. Finally, promotion of legal pluralism gave Kadyrov's government some additional leverage vis-à-vis the Kremlin. Practices of collective punishment, polygamy, and honor killings, widely discussed in the Russian media, were strong signals to the Kremlin that it cannot rule Chechnya directly and that its local intermediaries are indispensable.

My dissertation highlighted that government promotion of nonstate legal orders is largely driven by the struggle between the government and its potential opposition. I showed that Kadyrov's policy of promoting customary law and Sharia was not in any way unique and was used by other rulers of Chechnya and rulers of neighboring regions for similar purposes of increasing legitimacy and signaling to the Kremlin. However, what is different is the extent of Kadyrov's use of legal pluralism. My study argued that Kadyrov's extensive promotion of nonstate forums was made possible by his strict monopoly on political power. Other leaders of Muslim-majority regions perhaps would love to do the same as Kadyrov, but they are afraid that if they promoted the alternative legal orders, these orders might be hijacked by the opposition and used against them. Kadyrov's strong personalist regime diminishes this threat of a "Frankenstein effect" from promoting legal pluralism.

My study also showed that the government does not fully abstain from utilizing state law. I showed that the government uses state law overwhelmingly in war losers' communities, which were the centers of resistance during the war and in the postwar period are perceived as the most disloyal. My interviews provide support for the "To my enemies, the law" hypothesis.

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The Big Picture

What are the theoretical implications of these findings? First, the study provided support for both normative and rational approaches towards legal choices. On one hand, I showed that choices among forums reflect strong normative, even ideological attachments. Thus, legal choices to a significant extent can be treated as manifestations of ethnic, religious, and national identities. Previously, political scientists explored manifestations of different identities mostly through voting or participation in violence (Horowitz 1985, Posner 2005). However, consistent preference for resolving disputes through religious or customary authorities might be an equally important outcome of identity politics. This is especially true for Sharia. Much like in other parts of the Muslim world, such as Northern Nigeria (Kendhammer 2016) and Malaysia (Moustafa 2014), demand for Sharia should be understood as a powerful political ideology. This calls for an extrapolation of Tom Tyler's (1989) group-value model of procedural justice to non-state legal orders.

On the other hand, my study shows that individuals and governments in their choices under legal pluralism follow their rational interests. At the individual level this leads to pervasive forum shopping and prevalence of choices based on perceived outcome favorability for the groups to which an individual belongs. As a result, for example, older people are much more likely to choose customary law, and women are much more likely to choose state law.

The finding regarding women's preference for state law and their use of courts, along with the finding that the use of state law is much more prevalent in war losers' communities show that state law can be 'weapon of the weak.' These findings are in stark contrast with the Marxist idea of state law as an instrument of domination of the ruling elite (de Sousa Santos 1977). At the same time, these findings are in line with the studies that show that law is a right-enhancing force that can be mobilized by weak and marginalized groups, such as immigrants, workers, women, and poor (Chanock 1985,

Hay 1975, Guiraudon 2001, McCann 1994, Sandefur and Siddiqi 2013, Scheingold 2004, Thompson 1973, Vanhala 2011).

The finding regarding conflict-spurred female legal mobilization is in line with the results of scholars who study the effect of the transformation of gender relations in other post-conflict areas (Berry 2018, Tripp 2015). However, my study also critically re-evaluated the concept of female empowerment. First, despite the mobilization of state law by some women, many others remained committed to customary law and Sharia. This heterogeneity in legal preferences and behavior among women is associated with age, social status, and economic class. Second, this study showed that the salience of gender cleavage in post-war Chechnya is driven by both female mobilization of state law and male shift towards customary law and Sharia. Thus, scholars should also pay attention to the consequences the experiences of conflict for men in gender relations. Finally, the political context of the mobilization should be included in the picture. In Chechnya, female empowerment spurred harsh backlash from the government of Chechnya. However, male counter-mobilization and government backlash weren't able to fully suppress the results of the disruption of gender hierarchies and women continue to rely on state law despite these pressures. This shows high resilience of the effect of the disruption of social hierarchies and limits of the detraditionalization policies.

The analysis of the mechanisms behind female legal mobilization suggested that it was driven by deep structural changes in economic and social relations, rather than a cultural shift. Therefore, when the government of Chechnya attempts to establish a cultural hegemony based on their interpretations of custom and religion, it cannot fully prevent women from mobilizing state law.

More generally the results of this study show that individuals might voluntarily use the law that is initially foreign to them. This finding goes against a premise from the theory of legal transplants, which asserts that if a law violates the values of the population, it ultimately will be rejected (Berkowitz et al., 2003). At the same time, I show that imposed Russian state law in Chechnya in fact is no more

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'transplant' than supposedly indigenous customary and religious orders. In fact, Chechen adat and Sharia, as they practiced in Chechnya, were also imposed or invented by the political actors and their interpretations depend on the interests of these powerful actors.

The finding regarding state law as the 'weapon of the weak' is especially striking given the repressive authoritarian nature of political regime in Chechnya. To explain this paradox, I rely on the concept of the 'dual state,' introduced by Fraenkel (1969) and applied to the Russian legal system by Hendley (2017). The idea is that even under dictatorships the courts operate in a fairly normal and routine manner, but cases that attract the attention of those in power can be manipulated to serve their interests. Thus, even in Kadyrov's Chechnya courts enjoy some autonomy and despite widespread corruption and low professionalism, handle mundane cases in accordance with the law, and thus allow weak and marginalized individuals to advance their rights.

At the same time, my dissertation shows that the government ensures its political domination through active manipulations of state law and non-state legal orders. My finding on government subversion of state law in Chechnya is aligned with scholarship highlighting that rulers might have a strategic incentive to undermine state institutions (Acemoglu et al. 2013, Sonin 2003). The most direct parallel can be found in Massoud's (2013) research on how Sudan's government strategically introduced Sharia law in order to undermine the independent secular judiciary.

By showing the strategic nature of legal pluralism promotion, my study cast doubt on the pervasive explanation that legal pluralism persists as a result of political culture or weak state capacity. The study showed that legal pluralism is an inherently political phenomenon, and to a large extent is the result of power struggles between political actors. Both individuals and the government strategically mobilize formal and informal legal orders. Which order is mobilized crucially depends on the strength of the actors and relationships between them. Weaker actors (vulnerable societal groups, especially women) tend to mobilize through formal law, while stronger actors enjoy ambiguities of

legal pluralism and maneuver across forums. When powerful actors are challenged by weaker actors they mobilize informal legal norms that they can interpret to their favor – this can be illustrated by men's backlash against female mobilization through state law. Finally, when powerful actors, especially the government, are challenged by other strong actors, they prefer to rely on the legal order that is beyond the control of their challenger. That is why some secular rulers in the North Caucasus started to promote Sharia law amid confrontations with the Kremlin. And that is why other rulers in the North Caucasus in other situations, tried to suppress customary and religious orders when challenged by 'traditionalists' and religious actors.

These results have important implications for understanding of the rule of law and state-building. Hadfield and Weingast (2014) highlighted that the standard approach towards the rule of law as an order imposed from above by a stable government capable of enforcing the rules does not meet empirical reality in many parts of the world. This study shows that first, the government might actually strategically undermine state law, and that individuals might rely on law despite that in order to pursue their rational interests. This perspective highlights the importance of the demand for law (Gans-Morse 2017, Hendley 2017). Of course, Chechnya does not have the rule of law in the common understanding of the term, however, its social order based on a complicated combination of the alternative and often contradictory legal orders presents an important challenge to this common understanding.

Similarly, this research shed light on the problematic conceptualizations of state-building. It highlighted the importance of studying state-building through the lens of social control. If one analyzed state-building through such measures as taxation, material infrastructure, or number of bureaucrats per capita, Chechnya would have qualified as a great success. The Chechen government built excellent roads and opened administrative buildings in every remote village. Chechnya has a higher share of bureaucrats and police per capita than any other region in Russia. But the presence of

state infrastructure does not indicate a high degree of stateness. This dissertation showed that in cases of indirect state-building, where the central government or an occupying force outsources state-building in the periphery to their local allies, these allies might use the state-building process against their opponents and undermine the process more generally in service of their strategic goals. This finding highlighted that state-building is an inherently political process and that the political and social legacies of war can lead to an uneven state penetration in society that is likely to persist in the post-conflict period.

From the methodological point of view, this study showed that it is important to conduct research at several levels of analysis to calibrate the effects of conflict. If the analysis had been conducted only at the individual level, I would have concluded that the effect of war on legal behavior and attitudes in Chechnya is rather marginal. If I had only focused at the community level, I would have concluded that war increased the use and demand for state law and thus spurred state-building. But the macro-level comparative perspective shows the overall negative influence of war on demand for state law. This multilevel analysis made it much more difficult to find coherent patterns, but at the same time it dramatically enriched the depth of the analysis.

Scope Conditions and Comparative Perspective

The context of the study imposes important scope conditions for the arguments advanced in this dissertation. As highlighted throughout the text, studying legal pluralism in Chechnya has many advantages. On the other hand, the particularities of Chechnya's political regime and social context potentially restrict the generalizability of the findings.

First, Chechnya is not an independent state, and its relationship with the Kremlin ultimately affects legal pluralism and state-building in Chechnya. However, external influence in the form of past colonial rule or the contemporary influence of Western powers and international organizations on

"developing countries" is only slightly weaker than the Kremlin's influence on the Chechen government under Ramzan Kadyrov, given that Kadyrov enjoys large autonomy.

The second important scope condition is that legal pluralism in Chechnya functions under a dictatorial regime that enjoys strong coercive capacity. This feature distinguishes Chechnya from societies characterized by legal pluralism that live under democratic rule or weak states, such as Indonesia or Afghanistan, but relates it to other important cases of legal pluralism under dictatorships such as Sudan or Egypt.

Third, scholars of legal pluralism usually distinguish between strong and weak legal pluralism (Merry 1988). Weak legal pluralism assumes government recognition and regulation of nonstate legal orders. In Chechnya, only Russian state law is recognized de jure, but the regional government of Ramzan Kadyrov actively promotes and attempts to control both adat and Sharia. Thus, legal pluralism in Chechnya is a mix of the two types. It is plausible to expect that legal choices in pure forms of weak and strong legal pluralism might differ from the Chechen hybrid form of legal pluralism.

Despite this particularities of the Chechen case, the study opens a wide comparative perspective. In this study, I compared Chechnya with Ingushetia and Dagestan, the neighboring Muslim-majority regions of Russia. My research in Ingushetia showed that the configuration of legal orders there is very similar to Chechnya. However, since Ingushetia did not experience the prolonged military conflict, its social hierarchies were less disrupted. Therefore, there is no gender gap in legal preferences and behavior in Ingushetia. Ingushetia also shows a 'normal' situation when state officials are the principal proponents of state law, in contrast to the post-conflict situation in Chechnya where state officials are against state law. Dagestan shows a case of strong legal pluralism, where the government does not control the sphere of Sharia arbitration. Dagestan also shows tremendous spatial and social diversity of the relationships between state and non-state legal orders: some villages and some economic spheres there are governed in the strict accordance with Sharia, while in others it is

barely used at all. Other Muslim-majority regions of Russia, for instance, Tatarstan or Kabardino-Balkaria exhibit very limited role of Sharia. Thus, one may conclude that the pervasiveness and power of legal pluralism in the eastern part of the North Caucasus (Chechnya, Ingushetia, and Dagestan) is a particular legacy of the Russian colonization in the region.

The shared history of the Russian colonialism relates the North Caucasus to Central Asia. Recent studies explored legal pluralism in Central Asia both in historical (Sartori 2016) and contemporary perspectives (Beyer 2016). Spector's (2017) study of social ordering in the bazaars of Bishkek, Kyrgyzstan, also showed the importance of 'customary' institution of elders, even if the custom was 'invented' or 'imagined.' The principle difference of the functioning of legal pluralism in the North Caucasus and in Central Asia, at least, in Kyrgyzstan, is a relative weakness of the state in the latter. This gives more agency to the social actors, rather than the government. These actors can interpret and reinterpret what non-state legal orders are supposed to be.

The link between colonialism and legal pluralism has been highlighted in many other regions of the world (Chanock 1985, Lev 1972, Mamdani 1996). Likewise, my research echoes several studies that highlighted that particular configurations of state and non-state legal orders are the products of the rational political strategies and the struggles between the government and the opposition (Massoud 2013, Moustafa 2014, Sezgin 2013). These findings and narratives highlight the importance of the structure and agency in the study of legal pluralism. The seemingly contradictory perspectives can be reconciled by the idea that colonialism and its junctures establish the basic configuration of legal orders, but political actors strategically employ them and thus transforms these configurations to a large extent.

Similarly, the results of my study regarding the consequences of conflict have parallels in many other places outside of Chechnya. Scholars have recently showed that conflicts can lead to the disruption of gender hierarchies and female empowerment in places as diverse as Bosnia and Rwanda

(Berry 2018), Liberia and Uganda (Tripp 2015), and Peru (Garcia Ponce 2016). Berry and Tripp also extensively discuss the potential backlash against the empowerment. There are also important historical parallels. For example, Thompson (2000) presented a similar argument regarding backlash as a coation-building strategy based on a study of Lebanon and Syria in the 1930s, where conflict and famine led to the empowerment of women, but this empowerment was counterbalanced by the policies of the French mandate authorities, who did not extend rights to women in order to secure the support of men and traditional and religious leaders.

Thus, all phenomena highlighted in these study are quite widespread and have parallels in history and other parts of the world. This study brings these patterns together and theorize them through the prism of the political science concepts, such as state-building, the rule of law, and legitimacy.

Legal Pluralism, Political Science, and Russian Politics

The study highlights the benefits of employing a mixed-methods approach for studying legal pluralism from a political science perspective. The combination of a mass survey of ordinary Chechens and interviews with authorities, legal professionals, and experts provided perspectives on legal pluralism from both potential adjudicators and potential disputants. Intensive qualitative fieldwork allowed me to design grounded measures of legal preferences based on modified descriptions of actual legal cases. At the same time, by incorporating these cases in the survey, the study captures systematic patterns in individual beliefs about legitimacy that usually cannot be captured by ethnographic research. In turn, the analysis of data from court decisions allowed me to see the correspondence between attitudinal and behavioral patterns. Insights from the qualitative analysis allowed me to unpack the mechanisms behind the quantitative analyses. The different methods of inference supplemented each other and allowed me to better understand how people actually think about law

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and make choices in competitive normative environments, and how governments form policies towards the alternative legal orders.

Finally, the study has implications beyond purely academic debates. My study showed that despite the media portrait of "savages who want to live in strict adherence to Sharia and ancient customs," a large share of the Chechen population actually prefers to live according to Russian state law. Thus, Putin's policy of indirect rule through Kadyrov's government, which promotes adat and Sharia, is not the only possible way of governing Chechnya despite how the authorities often frame it. There is a strong demand for the rule of law in Chechnya. Second, Kadyrov's policies, such as the introduction of polygamy or collective punishment of the relatives of alleged insurgents, are not just manifestations of "the Chechen political culture" or "Kadyrov's personality," but rather elements of a rational political strategy by the Chechen authorities. I hope that these conclusions will be considered when Russian authorities have to formulate a new approach towards Chechnya in the future, after Russia democratizes, *inshallah*.

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APPENDIX
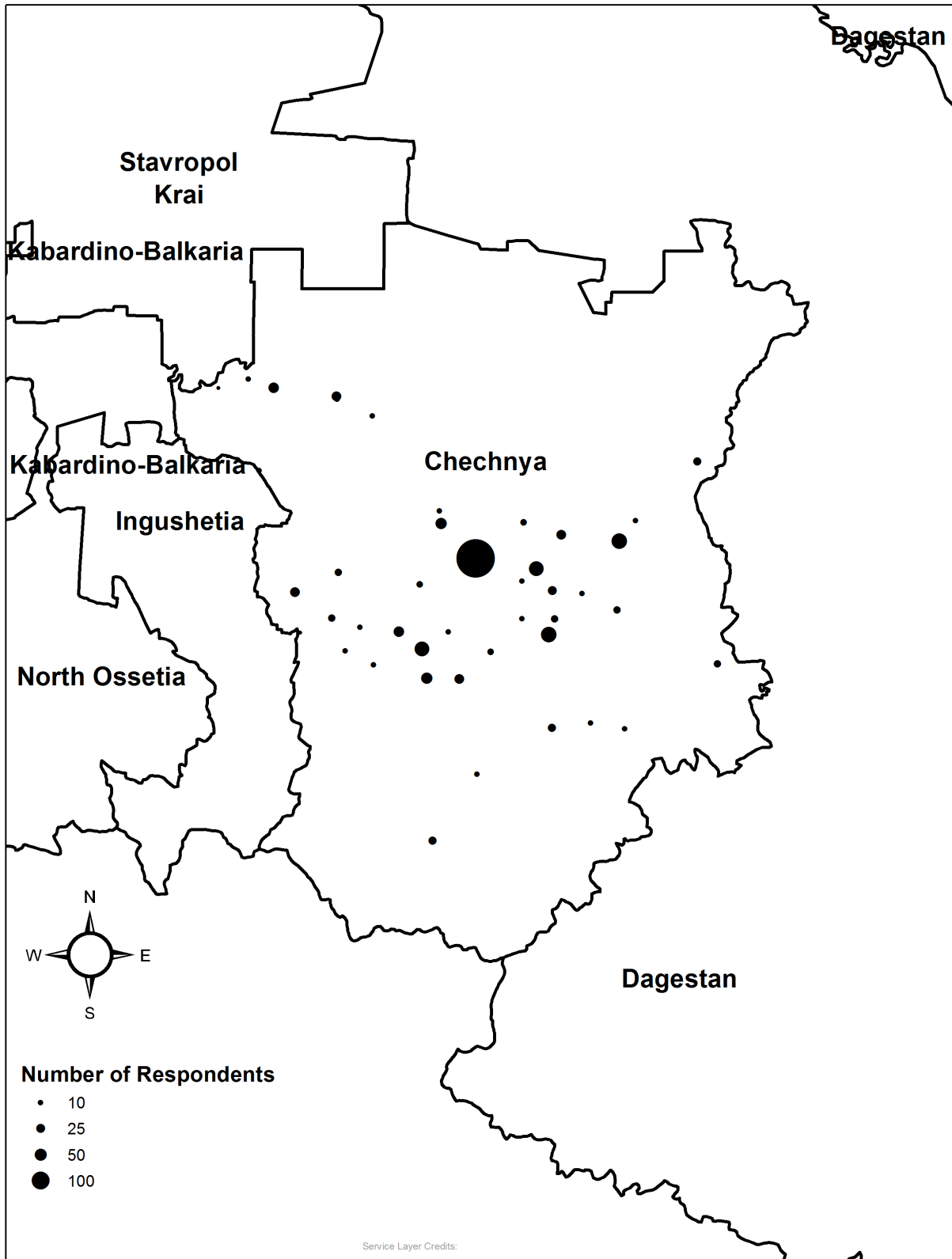
Figure 1: Map of the survey sample
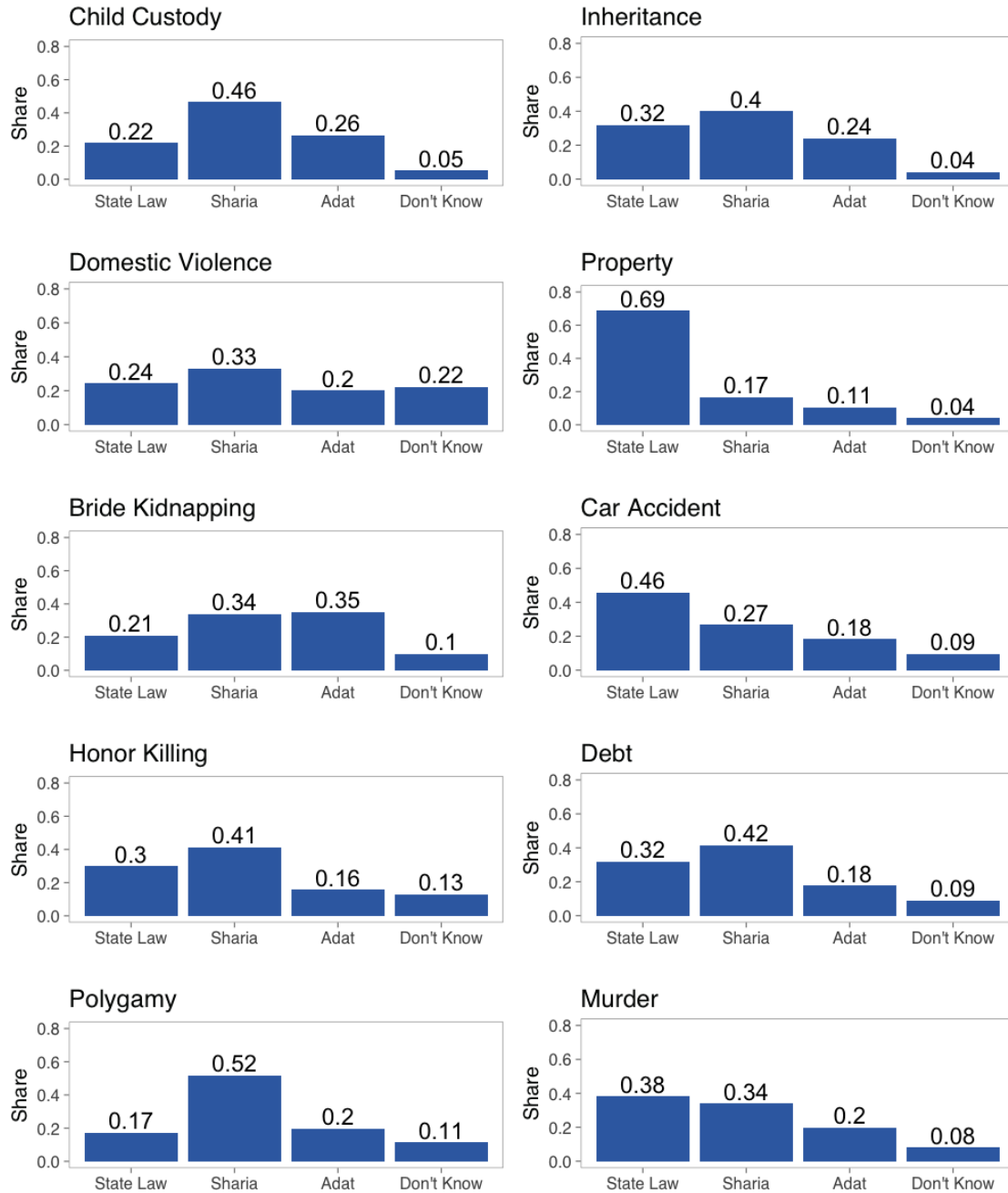
Figure 2: Preferences for Alternative Normative Systems
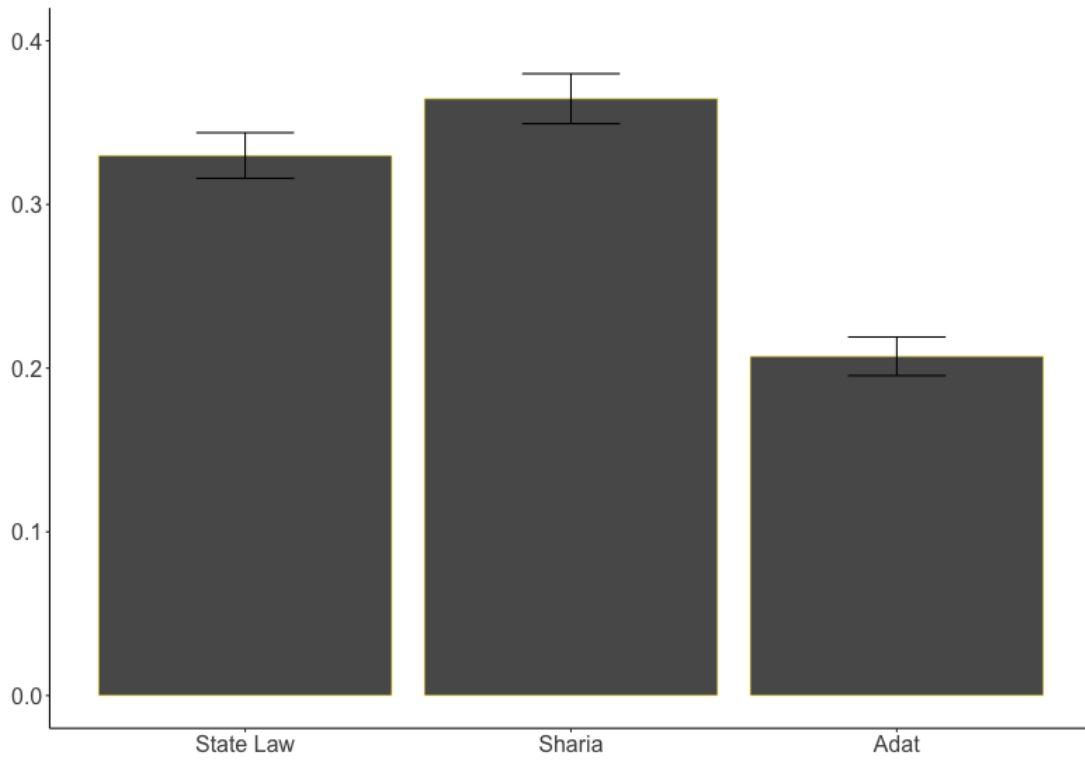
Figure 3: Preferences for Alternative Normative Systems in the Aggregated Form
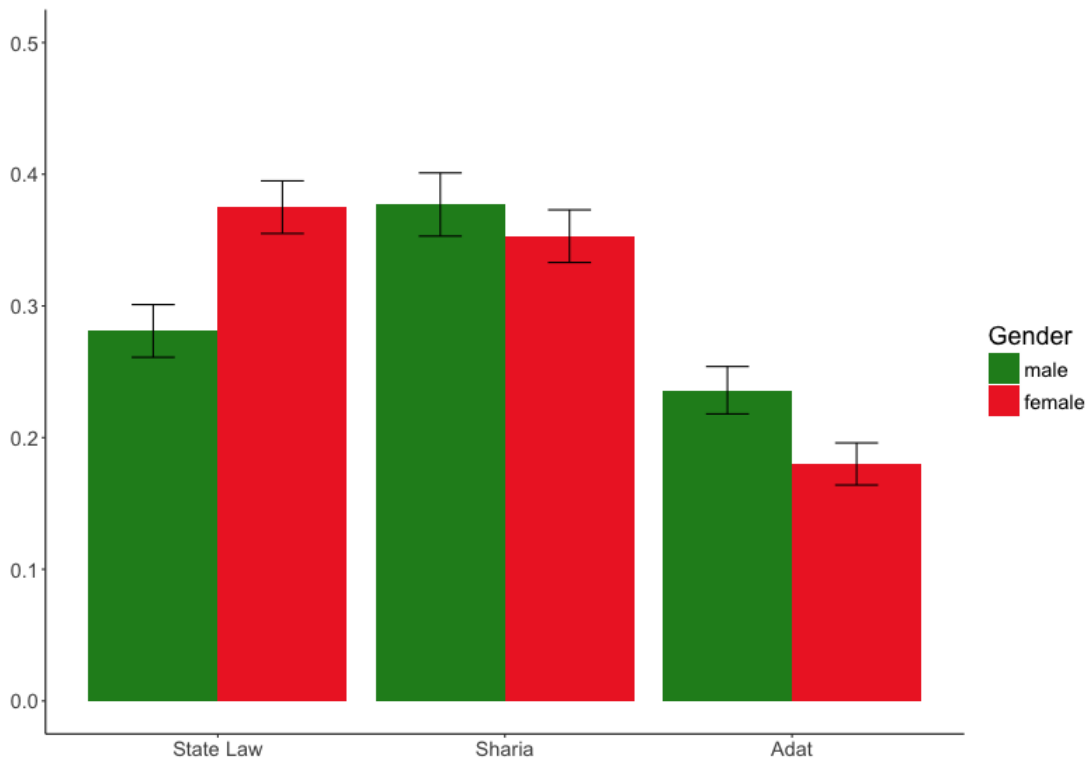
Figure 4: Gender Differences in Preferences for Alternative Legal Systems
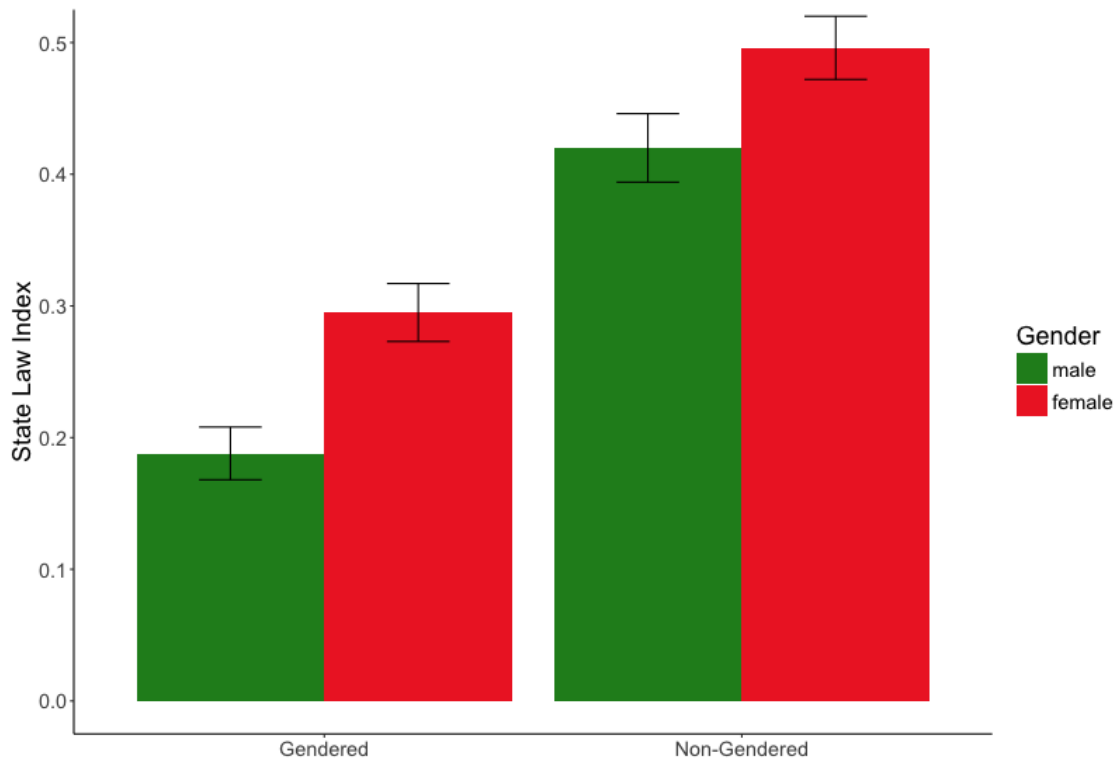
Figure 5: Gender Differences in Preferences in Gendered vs. Non-Gendered Disputes

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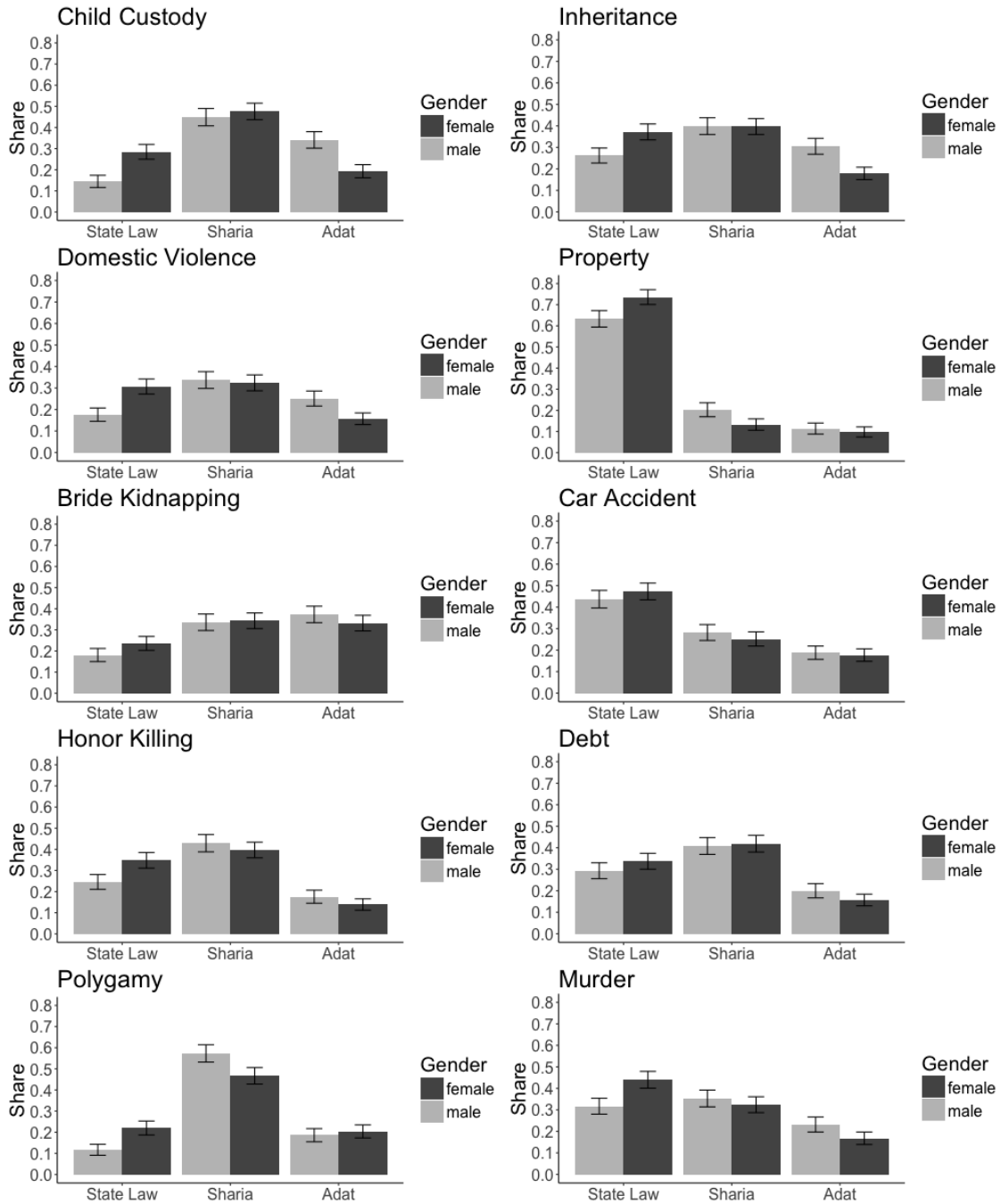
Figure 6: Gender Differences in Preferences Across all Disputes
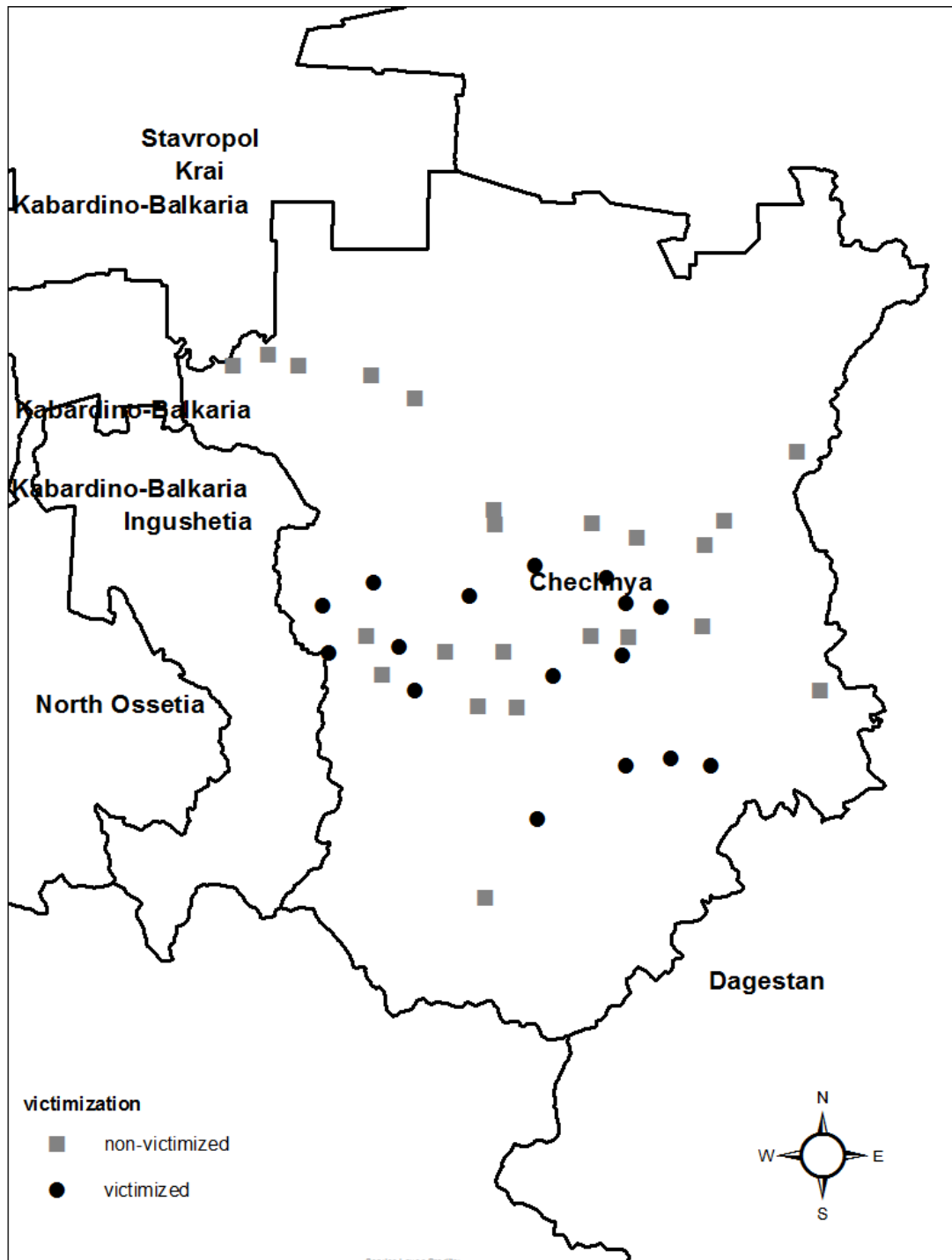
Figure 7: Victimization among Sampled Communities

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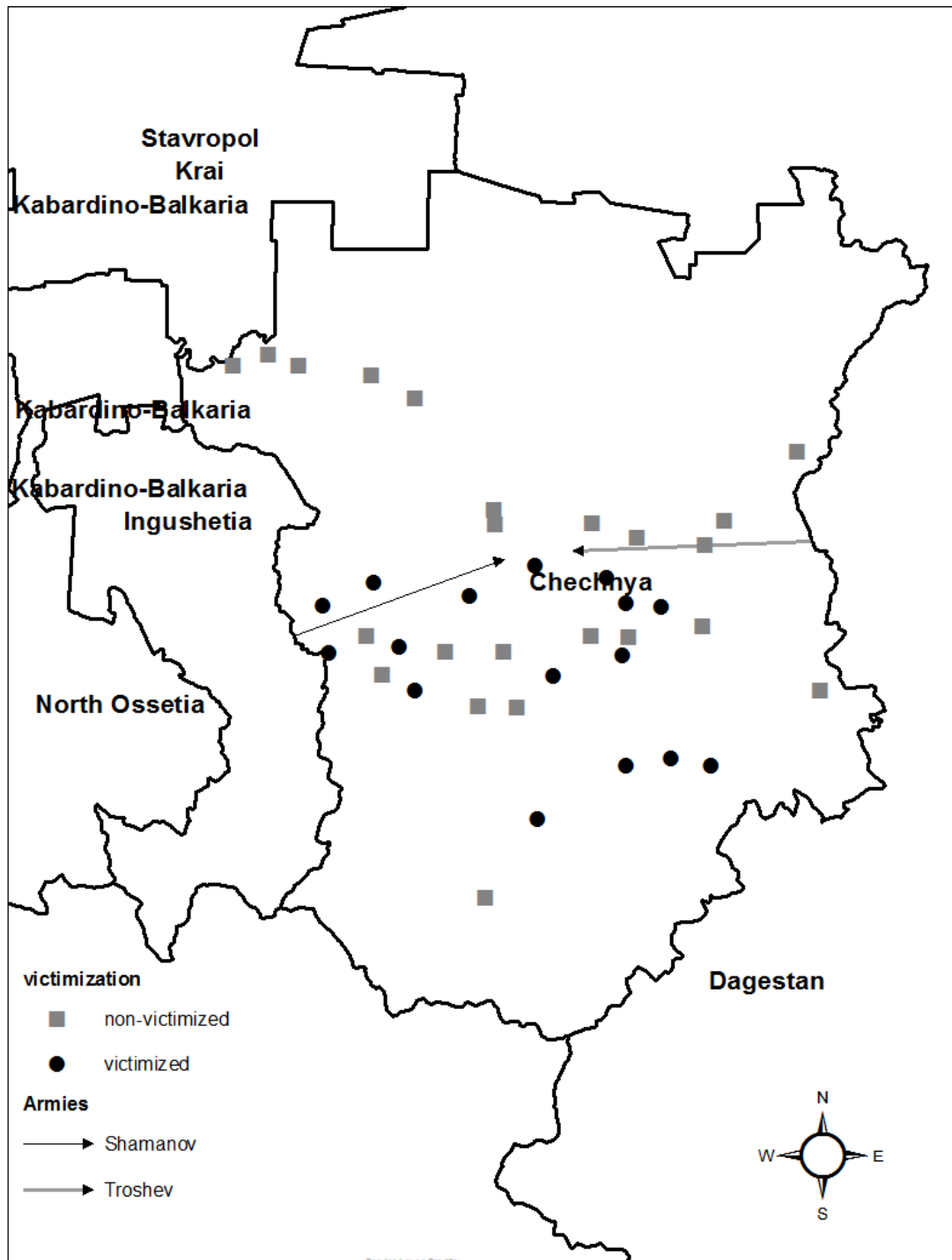
Figure 8: Armies' Paths and Community Victimization
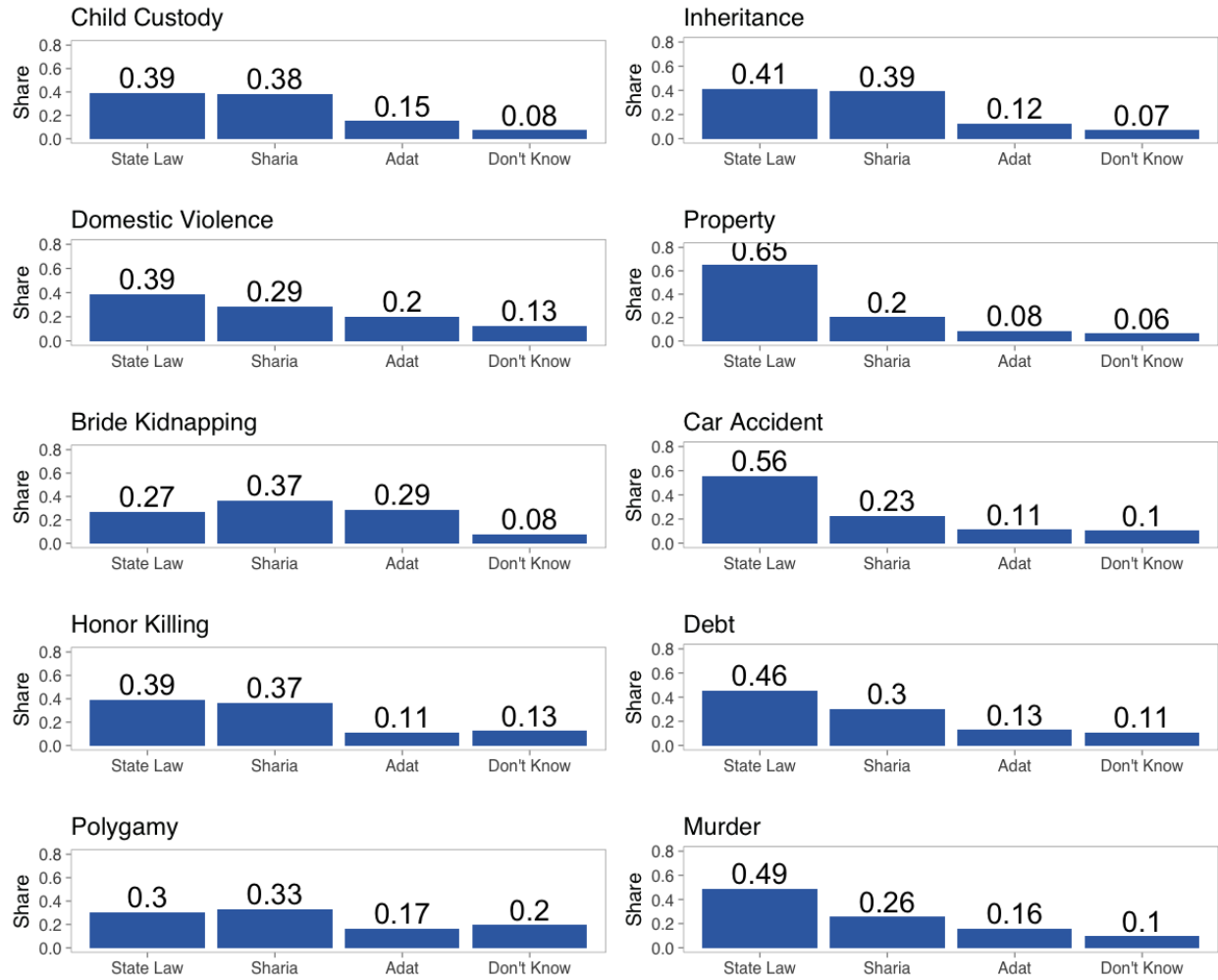
Figure 9: Preferences for Alternative Normative Systems in Ingushetia
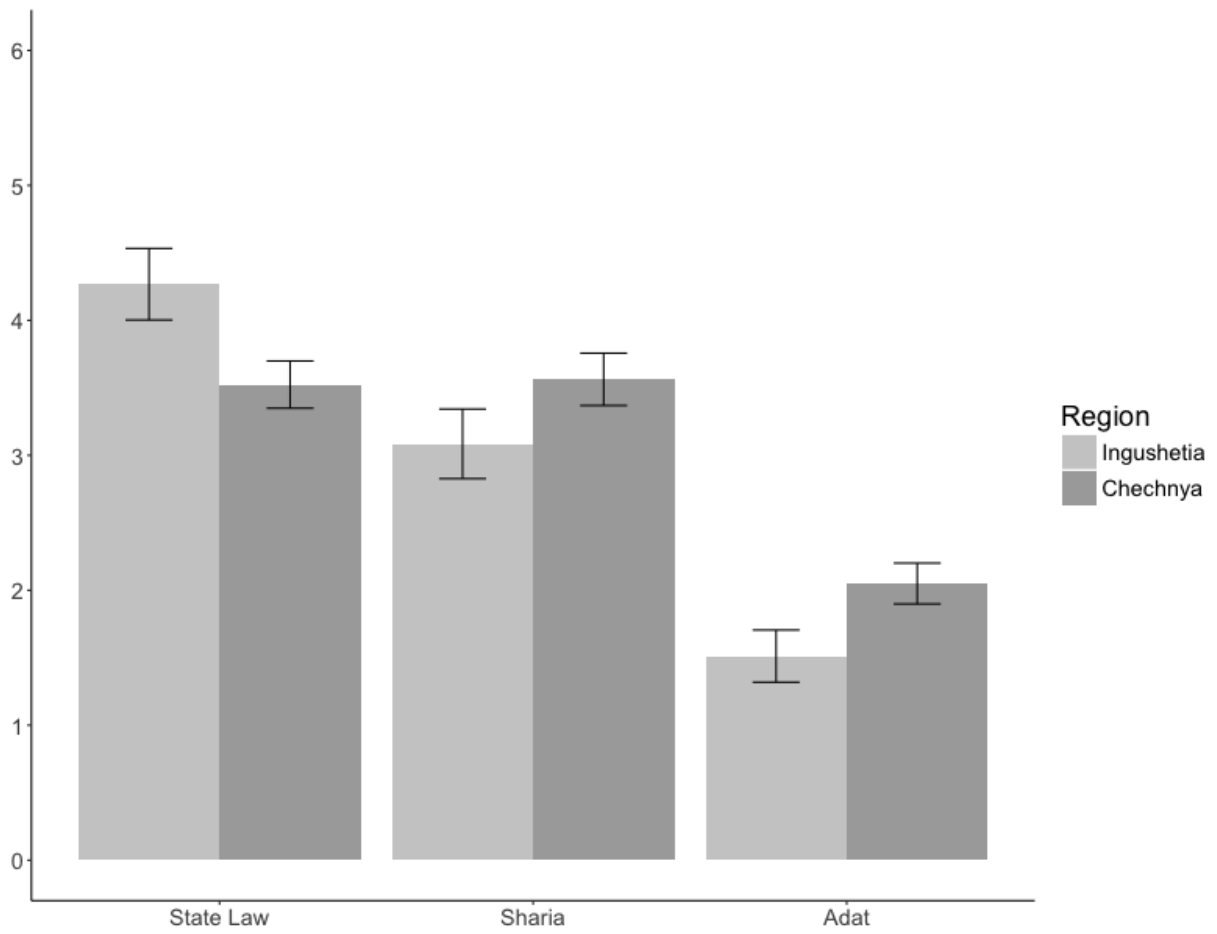
Figure 10: Legal Preferences in Chechnya vs. Ingushetia
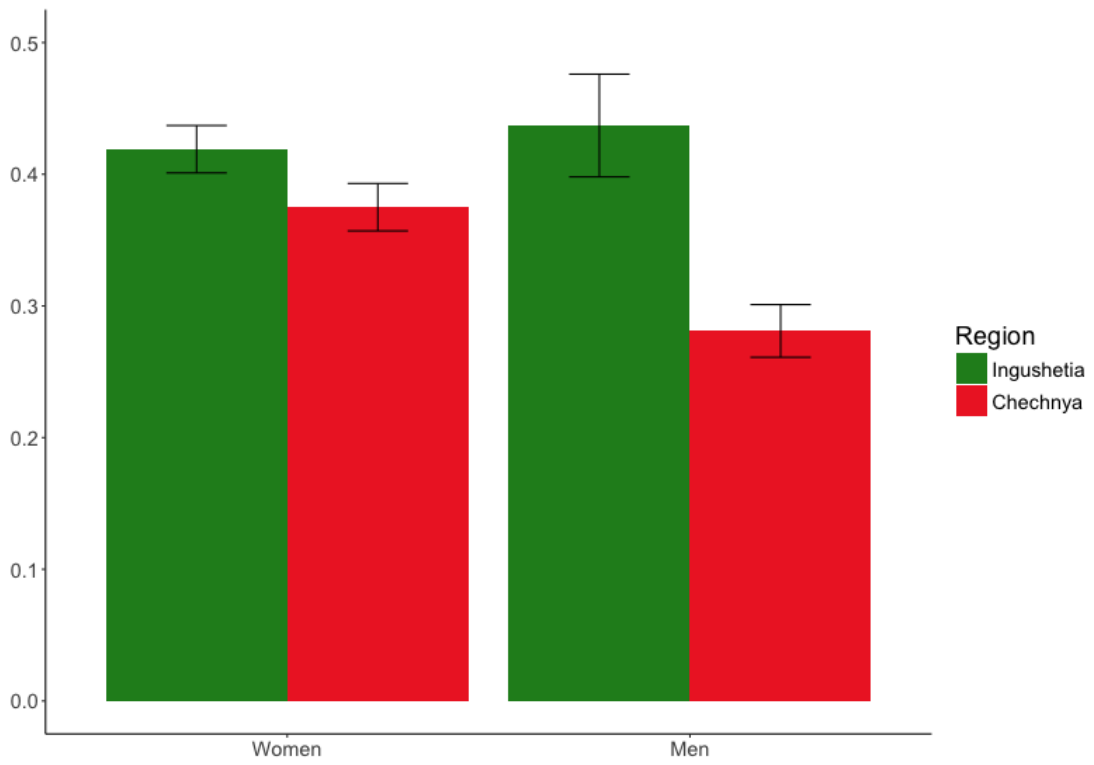
Figure 11: Comparing Gender Gaps between Regions
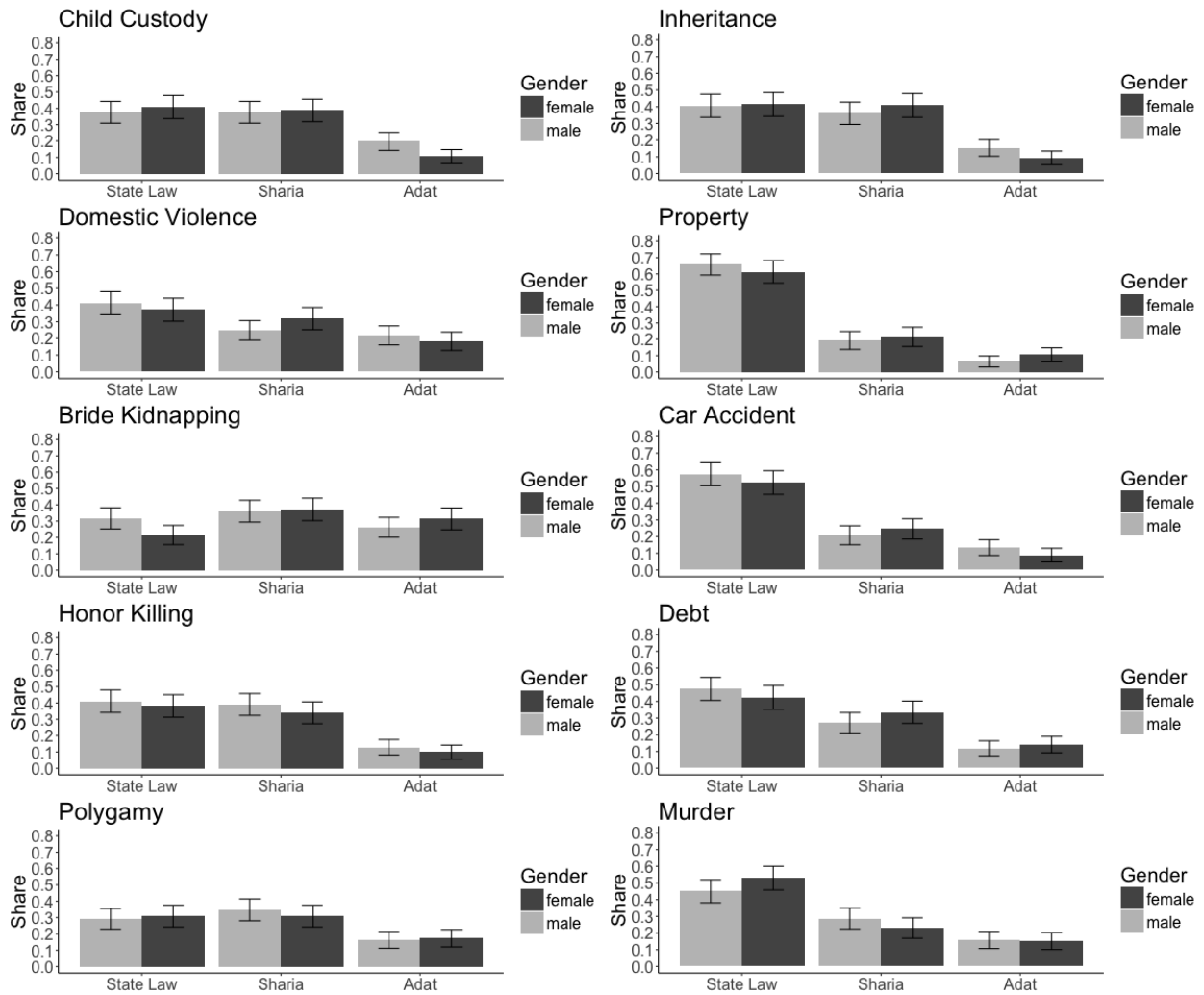
Figure 12: Gender Differences in Legal Preferences in Ingushetia
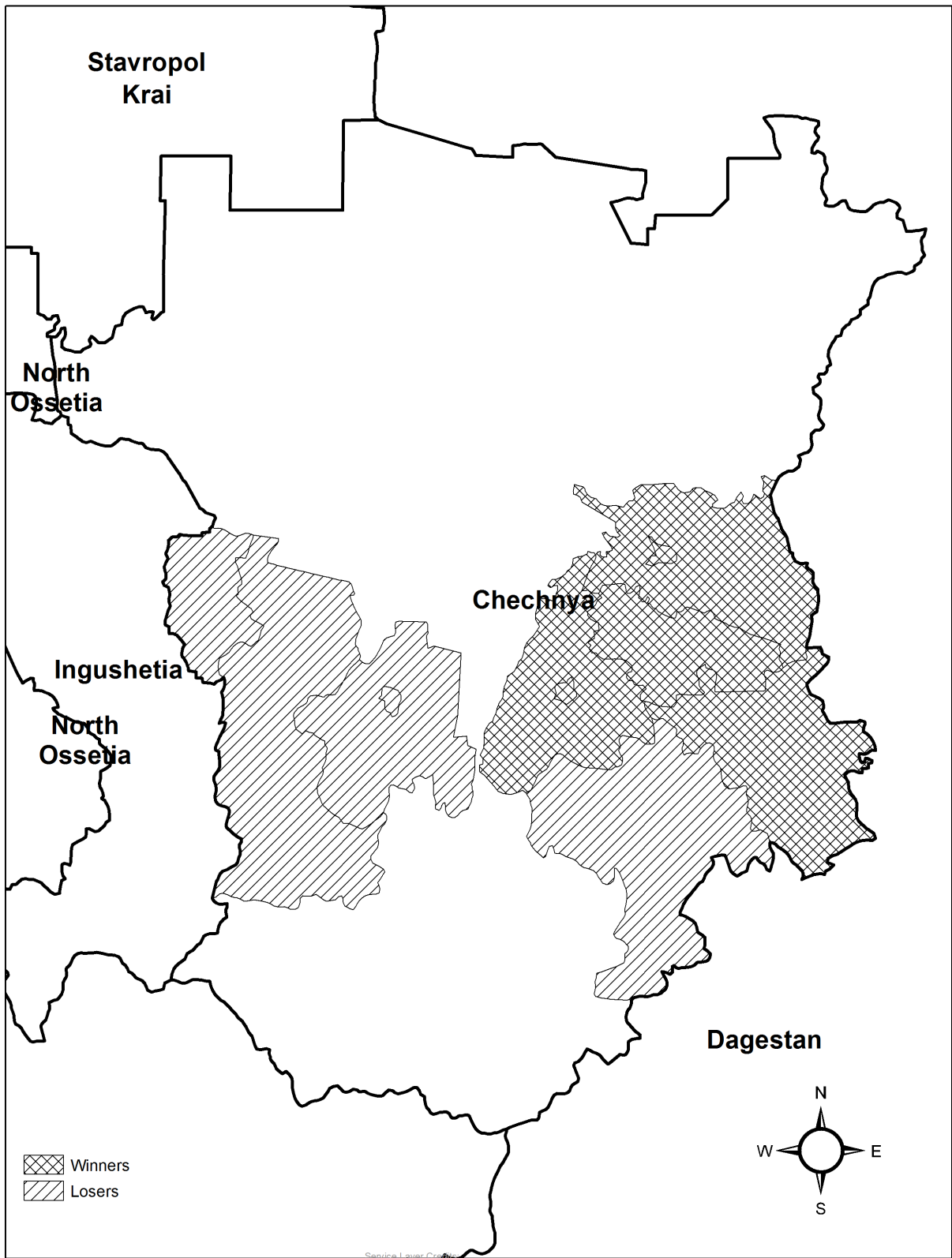
Figure 13: Spatial Distribution of War Winners and War Losers

Table 1: Descriptive Statistics for Court Cases Data

Statistic	N	Mean	St. Dev.	Min	Max
number of criminal cases per cap	44	0.298	0.224	0.006	1.103
number of civil cases per cap	44	5.096	3.878	0.158	17.341
number of civil cases per cap - state plaintiff	44	4.386	3.136	0.147	13.848
number of civil cases per cap - natural person plaintiff	44	0.710	0.925	0.011	4.289
share of female plaintiffs	44	0.495	0.165	0.164	0.926

Table 2: Predictors of the number of civil cases per capita

	Dependent variable:
	number of civil cases per capita
urban	0.720
	(1.466)
mountainous	1.076
	(1.313)
Russian population 1989	5.732***
	(1.071)
Constant	3.280***
	(0.633)
Observations	44
Note:	*p<0.1; **p<0.05; ***p<0.01

Issue	Vignette	State Law	Sharia	Adat
Child custody	Aslan decided to divorce his wife Seda after 13 years of marriage. Aslan and Seda have two children: 6 year-old boy and 4 year-old girl. Both sides want to keep the children and can't resolve this dispute between themselves	Children stay with the mother	Children stay with the mother till 7 years old and then decide themselves with whom to stay	Children stay with the father
Domestic violence	Mansur severely beat his wife because he thought that she cooked dinner badly. He beats his wife almost every week, but the last episode was especially bad: he broke his wife's arm.	Husband should be imprisoned or sentenced to correctional labor	Husband should pay his wife a fine	Wife's relatives should retaliate and beat the husband
Bride kidnapping	In one of the mountainous villages of Chechnya a young man named Ruslan kidnapped a local young woman to marry her against her will.	Ruslan should be imprisoned	Ruslan should be punished with 40 strikes	Ruslan should pay fine and if the woman's relatives won't accept it, he should be forced to go in the middle of the village without his pants
Honor killing	Musa have heard rumors that his wife Rosa cheated on him. Musa became extremely angry upon finding out about this and killed his wife.	Musa should be tried in court and imprisoned	Musa should be tried for murder in Sharia court because he had no witnesses of his wife infidelity.	Rosa's relatives should retaliate and kill Musa
Polygamy	Suleiman, an unemployed man from Grozny, has lived with his wife Khava for 15 years. They have 4 children. Now Suleiman wants to take a second wife, but Khava is firmly against it.	Suleiman can't take a second wife because it is unlawful.	Suleiman can take a second wife.	Suleiman can't take a second wife because it is against custom.
Inheritance	Khasbulat, who recently passed away, is survived by his daughter and his son. They both claim rights to his house and land plot.	Disputants divide the property equally	Son receives two thirds, daughter receives one third	Son receives everything
Property	Zaur and Zelimkhan have documents for the same apartment in Grozny. Both claim that their documents are valid and that they bought the apartment from previous owners who left during the war.	Conduct notary expertise	Swear on the Koran	The apartment should be divided into two equal parts
Car Accident	Andarbek's car crashed into a cow on a road section without a special sign for livestock path. The accident happened in daylight. Said, the cow's owner, and Anderbek had a dispute about compensation.	Said should cover the costs, because there was no special sign for cattle crossing.	Andarbek should cover the costs because the accident happened in the daytime.	Disputants should split the costs
Debt	Sultan, a businessman from Gudermes, lent 1 million rubles to his nephew Vakha on the condition that he pay it back in a year with 15 percent interest. After a year, Vakha was able to return only a part of the debt and refused to pay the interest.	Vakha should return both the loan and interest rate.	Vakha should return the loan, but not interest rate.	Both loan and interest should be forgiven because Vakha is Sultan's nephew
Murder	During a mass fight, Ali hit Shamil with his fist. Shamil felt down and died.	Ali should be tried in court	Ali's relatives should pay compensation and ask for reconciliation.	Shamil's relatives should kill Ali in revenge.

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Table 4: Descriptive Statistics of the Chechnya Sample

Statistic	N	Mean	St. Dev.	Min	Max
experience - court or police	1,211	0.149	0.357	0	1
experience - imam	1,213	0.191	0.393	0	1
experience - elders	1,209	0.191	0.393	0	1
knowledge - state law	1,213	0.824	0.381	0	1
knowledge - Sharia	1,213	0.223	0.416	0	1
knowledge - adat	1,210	0.446	0.497	0	1
mountainous region	1,213	0.091	0.287	0	1
Terek region	1,213	0.096	0.295	0	1
religiosity (frequency of reading Koran)	943	2.186	1.217	0	4
ethnocentrism	1,099	0.730	0.444	0	1
state official	1,213	0.186	0.390	0	1
large clan	1,213	0.273	0.446	0	1
female	1,213	0.521	0.500	0	1
age	1,210	35.264	12.117	18	82
income	1,150	3.507	1.162	1	6
education	1,008	4.482	1.622	0	6
unemployed	1,213	0.089	0.285	0	1
urban	1,206	0.462	0.499	0	1
family member killed	987	0.517	0.500	0	1
family member wounded	973	0.536	0.499	0	1
property damaged	952	1.342	0.776	0	2
family displaced	1,188	0.289	0.453	0	1
index of victimization	851	0.611	0.322	0.000	1.000

Table 5: Descriptive Statistics of the Chechnya Sample After Applying Multiple Imputation

Statistic	N	Mean	St. Dev.	Min	Max
experience - court or police	1,211	0.149	0.357	0	1
experience - imam	1,213	0.191	0.393	0	1
experience - elders	1,209	0.191	0.393	0	1
knowledge - state law	1,213	0.824	0.381	0	1
knowledge - Sharia	1,213	0.223	0.416	0	1
knowledge - adat	1,210	0.446	0.497	0	1
mountainous region	1,213	0.091	0.287	0	1
Terek region	1,213	0.096	0.295	0	1
religiosity*	1,213	3.176	1.219	1	5
ethnocentrism*	1,213	0.732	0.443	0	1
state official	1,213	0.186	0.390	0	1
large clan	1,213	0.273	0.446	0	1
female	1,213	0.521	0.500	0	1
age	1,210	35.264	12.117	18	82
income*	1,213	3.514	1.164	0.477	6
education*	1,213	4.454	1.626	0	8
unemployed	1,213	0.089	0.285	0	1
urban	1,206	0.462	0.499	0	1
family member killed*	1,213	0.420	0.494	0	1
family member wounded*	1,213	0.430	0.495	0	1
property damaged*	1,213	1.054	0.881	0	2
family displaced*	1,213	0.288	0.453	0	1
index of victimization*	1,213	0.438	0.316	0	1

Note: * - multiple imputation applied

Table 6: Multinomial Logistic Analysis of Legal Choices (Baseline - State law)

	Dependent variable:		
	Sharia	Adat	Don't Know
family law domain	0.937***	1.021***	1.080***
	(0.049)	(0.059)	(0.079)
Constant	−0.293***	−1.135***	−2.157***
	(0.050)	(0.063)	(0.089)
Akaike Inf. Crit.	27,463.540	27,463.540	27,463.540

Note: *p<0.1; **p<0.05; ***p<0.01

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Table 7: Basic Predictor of Legal Choices in Chechnya

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
female	0.089***	−0.029*	−0.049***
	(0.014)	(0.016)	(0.012)
older vs. mid-age	−0.018	−0.038	0.060***
	(0.021)	(0.023)	(0.018)
youth vs. mid-age	−0.028*	0.041**	−0.019
	(0.015)	(0.017)	(0.013)
income	−0.006	0.006	−0.002
	(0.006)	(0.007)	(0.005)
education	0.005	0.005	−0.012***
	(0.004)	(0.005)	(0.004)
unemployed	0.002	−0.040	0.006
	(0.025)	(0.027)	(0.021)
urban	−0.004	0.002	0.001
	(0.014)	(0.016)	(0.012)
state official	−0.020	−0.019	0.028*
	(0.018)	(0.020)	(0.016)
large clan	0.003	−0.044**	0.034**
	(0.016)	(0.017)	(0.013)
ethnocentrism	−0.044***	−0.025	0.031**
	(0.016)	(0.017)	(0.013)
religiosity	0.0004	0.003	−0.008
	(0.006)	(0.006)	(0.005)
Constant	0.328***	0.394***	0.266***
	(0.041)	(0.045)	(0.034)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 8: Predictors of General Preferences for Alternative Legal Orders (In Abstract)

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
female	0.087***	−0.020	−0.059***
	(0.028)	(0.028)	(0.020)
older	0.018	−0.045	0.024
	(0.042)	(0.042)	(0.029)
youth	−0.093***	0.099***	−0.021
	(0.030)	(0.030)	(0.021)
income	0.009	−0.009	−0.013
	(0.012)	(0.012)	(0.008)
education	0.021**	−0.013	−0.007
	(0.009)	(0.009)	(0.006)
unemployed	−0.038	−0.025	0.119***
	(0.050)	(0.049)	(0.035)
urban	−0.006	0.023	0.027
	(0.028)	(0.028)	(0.020)
official	0.031	−0.009	0.016
	(0.037)	(0.036)	(0.026)
large clan	0.003	−0.011	0.017
	(0.032)	(0.031)	(0.022)
ethnocentrism	−0.119***	0.032	0.029
	(0.032)	(0.031)	(0.022)
religiosity	0.011	0.005	−0.021***
	(0.011)	(0.011)	(0.008)
Constant	0.314***	0.381***	0.268***
	(0.081)	(0.081)	(0.057)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 9: Predictors of Experience of Dispute Resolution at the Alternative Forums

	Dependent variable:		
	Court and police	Imam	Elders
	(1)	(2)	(3)
female	−0.005	−0.068***	−0.064***
	(0.021)	(0.023)	(0.023)
older	−0.015	−0.018	−0.032
	(0.031)	(0.034)	(0.034)
youth	−0.041*	−0.059**	−0.068***
	(0.022)	(0.025)	(0.025)
income	−0.004	−0.004	0.004
	(0.009)	(0.010)	(0.010)
education	0.009	−0.013*	0.005
	(0.006)	(0.007)	(0.007)
unemployed	0.082**	−0.006	0.001
	(0.037)	(0.040)	(0.040)
urban	−0.005	−0.001	0.010
	(0.021)	(0.023)	(0.023)
state official	−0.012	−0.030	−0.021
	(0.027)	(0.030)	(0.030)
large clan	0.0002	0.009	0.021
	(0.023)	(0.026)	(0.026)
ethnocentrism	−0.070***	−0.056**	−0.011
	(0.023)	(0.026)	(0.026)
religiosity	−0.013	−0.022**	−0.022**
	(0.008)	(0.009)	(0.009)
Constant	0.244***	0.417***	0.259***
	(0.060)	(0.066)	(0.066)
Observations	1,201	1,203	1,199

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 10: Predictors of Legal Knowledge Across the Alternative Forums

	Dependent variable:		
	state law	Sharia	Adat
	(1)	(2)	(3)
female	0.052**	−0.040	0.104***
	(0.022)	(0.024)	(0.028)
older	0.077**	0.009	0.139***
	(0.033)	(0.036)	(0.042)
youth	−0.004	−0.030	−0.062**
	(0.024)	(0.026)	(0.031)
income	−0.026***	0.010	−0.002
	(0.009)	(0.010)	(0.012)
education	0.004	−0.004	0.014
	(0.007)	(0.008)	(0.009)
unemployed	0.051	−0.116***	−0.172***
	(0.039)	(0.043)	(0.050)
urban	0.006	−0.006	−0.037
	(0.022)	(0.024)	(0.029)
state official	−0.042	−0.002	−0.089**
	(0.029)	(0.032)	(0.037)
large clan	−0.038	0.014	−0.0004
	(0.025)	(0.027)	(0.032)
ethnocentrism	−0.014	−0.005	−0.076**
	(0.025)	(0.027)	(0.032)
religiosity	−0.002	−0.018*	0.009
	(0.009)	(0.010)	(0.012)
Constant	0.886***	0.286***	0.417***
	(0.064)	(0.070)	(0.082)
Observations	1,203	1,203	1,200

Note: *p<0.1; **p<0.05; ***p<0.01

Table 11: Individual-Level Victimization and Legal Preferences

	Dependent variable:		
	State law	Sharia	Adat
	(1)	(2)	(3)
family member killed	−0.014	0.005	0.013
	(0.017)	(0.019)	(0.014)
wounded	0.006	−0.003	−0.006
	(0.017)	(0.019)	(0.014)
property damaged	0.008	−0.013	0.004
	(0.009)	(0.010)	(0.007)
displaced	−0.026*	0.053***	−0.035***
	(0.015)	(0.017)	(0.013)
female	0.089***	−0.030*	−0.049***
	(0.014)	(0.016)	(0.012)
older	−0.019	−0.038	0.061***
	(0.021)	(0.023)	(0.018)
youth	−0.029*	0.043**	−0.019
	(0.015)	(0.017)	(0.013)
income	−0.007	0.007	−0.002
	(0.006)	(0.007)	(0.005)
education	0.005	0.005	−0.012***
	(0.004)	(0.005)	(0.004)
unemployed	0.003	−0.044	0.008
	(0.025)	(0.027)	(0.021)
urban	−0.004	0.004	0.0001
	(0.014)	(0.016)	(0.012)
state official	−0.018	−0.023	0.031**
	(0.018)	(0.020)	(0.016)
large clan	0.005	−0.046***	0.034**
	(0.016)	(0.017)	(0.013)
ethnocentrism	−0.044***	−0.024	0.030**
	(0.016)	(0.017)	(0.013)
religiosity	0.0003	0.003	−0.008*
	(0.006)	(0.006)	(0.005)
Constant	0.333***	0.390***	0.268***
	(0.042)	(0.046)	(0.035)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 12: Individual-Level Victimization and General Legal Preferences

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
family member killed	−0.035	0.053	−0.007
	(0.034)	(0.034)	(0.024)
wounded	0.087**	−0.067**	−0.018
	(0.034)	(0.034)	(0.024)
property damaged	−0.017	0.004	0.001
	(0.018)	(0.017)	(0.012)
displaced	−0.022	0.046	−0.021
	(0.031)	(0.031)	(0.022)
female	0.087***	−0.020	−0.060***
	(0.028)	(0.028)	(0.020)
older	0.017	−0.043	0.025
	(0.042)	(0.042)	(0.029)
youth	−0.092***	0.100***	−0.020
	(0.030)	(0.030)	(0.021)
income	0.006	−0.006	−0.012
	(0.012)	(0.012)	(0.008)
education	0.020**	−0.012	−0.007
	(0.009)	(0.009)	(0.006)
unemployed	−0.038	−0.024	0.117***
	(0.050)	(0.049)	(0.035)
urban	−0.006	0.022	0.029
	(0.028)	(0.028)	(0.020)
official	0.032	−0.009	0.014
	(0.037)	(0.037)	(0.026)
large clan	0.004	−0.012	0.017
	(0.032)	(0.031)	(0.022)
ethnocentrism	−0.123***	0.035	0.030
	(0.032)	(0.031)	(0.022)
religiosity	0.010	0.005	−0.022***
	(0.011)	(0.011)	(0.008)
Constant	0.325***	0.354***	0.278***
	(0.080)	(0.080)	(0.057)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 13: Individual-Level Victimization and Experience of Dispute Resolution

	Dependent variable:		
	Courts and police	Imam	Elders
	(1)	(2)	(3)
family member killed	0.007	−0.031	0.027
	(0.025)	(0.028)	(0.028)
wounded	0.007	0.030	−0.004
	(0.025)	(0.027)	(0.028)
damaged	−0.019	0.029**	0.016
	(0.013)	(0.014)	(0.014)
displaced	0.012	0.034	0.033
	(0.023)	(0.025)	(0.025)
female	−0.005	−0.066***	−0.063***
	(0.021)	(0.023)	(0.023)
older	−0.014	−0.023	−0.034
	(0.031)	(0.034)	(0.034)
youth	−0.040*	−0.064***	−0.072***
	(0.022)	(0.025)	(0.025)
income	−0.004	−0.007	0.004
	(0.009)	(0.010)	(0.010)
education	0.008	−0.014*	0.005
	(0.006)	(0.007)	(0.007)
unemployed	0.080**	−0.002	0.006
	(0.037)	(0.040)	(0.040)
urban	−0.003	−0.008	0.005
	(0.021)	(0.023)	(0.023)
official	−0.014	−0.025	−0.016
	(0.027)	(0.030)	(0.030)
large clan	−0.002	0.012	0.022
	(0.023)	(0.026)	(0.026)
ethnocentrism	−0.069***	−0.059**	−0.013
	(0.023)	(0.026)	(0.026)
religiosity	−0.014	−0.021**	−0.021**
	(0.009)	(0.009)	(0.009)
Constant	0.251***	0.415***	0.258***
	(0.059)	(0.065)	(0.065)
Observations	1,201	1,203	1,199

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 14: Community Victimization and Legal Choices

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
community victimization	0.010	−0.012	−0.047**
	(0.054)	(0.038)	(0.023)
Russian population at 1989	−0.010	0.009	−0.006
	(0.014)	(0.010)	(0.005)
altitude	−0.074	0.080	−0.016
	(0.095)	(0.063)	(0.034)
distance to Grozny	0.026	−0.002	0.010
	(0.030)	(0.022)	(0.014)
community size	0.024	0.005	0.014
	(0.027)	(0.019)	(0.012)
individual-level covariates	yes	yes	yes
district fixed effects	yes	yes	yes
Constant	0.283	−0.082	0.275
	(0.416)	(0.287)	(0.231)
Observations	1,203	1,203	1,203

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 15: Community Victimization and General Preferences for Alternative Legal Orders

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
community victimization	−0.030	0.020	0.031
	(0.068)	(0.056)	(0.057)
Russian population 1989	−0.012	0.008	0.001
	(0.018)	(0.013)	(0.011)
altitude	0.002	0.002	−0.031
	(0.123)	(0.091)	(0.072)
distance to Grozny	−0.076	0.066	0.048
	(0.059)	(0.044)	(0.034)
community size	−0.036	0.032	0.028
	(0.039)	(0.035)	(0.024)
individual-level covariates	yes	yes	yes
district fixed effects	yes	yes	yes
Constant	0.707	−0.075	0.008
	(0.882)	(0.611)	(0.523)
Observations	1,203	1,203	1,203
Note:		*p<0.1; **p<0.05; ***p<0.01	

Table 16: Community Victimization and Experience of Dispute Resolution

	Dependent variable:		
	courts and police	imam	elders
	(1)	(2)	(3)
community victimization	0.069	−0.011	0.148***
	(0.056)	(0.060)	(0.051)
Russian population 1989	−0.002	−0.005	0.013
	(0.012)	(0.014)	(0.012)
altitude	−0.024	−0.096	0.002
	(0.080)	(0.097)	(0.076)
distance Grozny	0.057**	0.038	0.002
	(0.029)	(0.034)	(0.031)
community size	0.029	0.041	−0.032
	(0.026)	(0.034)	(0.034)
individual-level covariates	yes	yes	yes
district fixed effects	yes	yes	yes
Constant	−0.081	0.480	0.524
	(0.383)	(0.506)	(0.370)
Observations	1,201	1,203	1,199
Note:			*p<0.1; **p<0.05; ***p<0.01

Table 17: Community Victimization during the First and the Second Wars and Legal Choices

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
victimization - First War	−0.130***	0.081**	0.004
	(0.043)	(0.033)	(0.021)
victimization - Second war	0.082*	−0.053	−0.073***
	(0.048)	(0.033)	(0.027)
Russian population 1989	−0.0002	0.003	−0.009**
	(0.010)	(0.008)	(0.004)
altitude	−0.008	0.038	−0.036
	(0.069)	(0.051)	(0.027)
distance to Grozny	0.005	0.011	0.005
	(0.027)	(0.026)	(0.011)
community size	0.013	0.011	0.019
	(0.022)	(0.016)	(0.012)
individual-level covariates	*yes*	*yes*	*yes*
district fixed effects	*yes*	*yes*	*yes*
Constant	0.128	0.030	0.351**
	(0.296)	(0.277)	(0.159)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 18: Type of Community Victimization and Legal Preferences

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
victimization - sweep operation	0.006	0.006	−0.068**
	(0.065)	(0.043)	(0.032)
victimization - bombing	0.015	−0.032	−0.022
	(0.068)	(0.045)	(0.025)
Russian population 1989	−0.010	0.010	−0.006
	(0.014)	(0.010)	(0.005)
altitude	−0.075	0.086	−0.023
	(0.095)	(0.064)	(0.032)
distance Grozny	0.027	−0.007	0.015
	(0.035)	(0.025)	(0.014)
community size	0.024	0.005	0.014
	(0.027)	(0.019)	(0.012)
individual-level covariates	*yes*	*yes*	*yes*
district fixed effects	*yes*	*yes*	*yes*
Constant	0.287	−0.099	0.296
	(0.413)	(0.302)	(0.193)
Observations	1,203	1,203	1,203
Note:			*p<0.1; **p<0.05; ***p<0.01

Table 19: Community Victimization and The Number of Court Cases per Capita

	Dependent variable:	
	civil cases	criminal cases
	(1)	(2)
community victimization	2.441**	−0.057
	(1.052)	(0.075)
urban	−0.637	0.079
	(1.509)	(0.108)
mountainous	1.038	0.214**
	(1.246)	(0.089)
Russian population 1989	6.764***	0.177**
	(1.109)	(0.079)
Constant	2.271***	0.228***
	(0.742)	(0.053)
Observations	44	44
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table 20: Community Victimization and the Number of Court Cases per Capita (alternative measure of violence)

	Dependent variable:	
	civil cases	criminal cases
	(1)	(2)
intensity of community victimization	1.059**	0.086***
	(0.472)	(0.031)
urban	−0.443	−0.047
	(1.490)	(0.098)
mountainous	−0.814	0.060
	(1.508)	(0.099)
Russian population 1989	6.394***	0.254***
	(1.062)	(0.070)
Constant	2.277***	0.123**
	(0.751)	(0.049)
Observations	44	44
Note:	*p<0.1; **p<0.05; ***p<0.01	

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Table 21: Descriptive Statistics of the Ingushetia Sample

Statistic	N	Mean	St. Dev.	Min	Max
experience - court or police	392	0.117	0.322	0	1
experience - imam	390	0.159	0.366	0	1
experience - elders	390	0.151	0.359	0	1
religious knowledge	400	0.610	0.488	0	1
live adjacent to Chechnya	400	0.325	0.469	0	1
female	393	0.486	0.500	0	1
income	314	4.239	1.629	1	7
education	392	3.977	1.520	1	6
unemployed	400	0.965	0.184	0	1
urban	400	0.250	0.434	0	1
state official	400	0.160	0.367	0	1
large clan	400	0.160	0.367	0	1
religiosity	400	0.900	0.300	0	1
ethnocentrism	386	1.026	0.585	0	2

Table 22: Regression Analysis of Predictors of Legal Preferences in Ingushetia

	Dependent variable:		
	state law	Sharia	Adat
	(1)	(2)	(3)
female	−0.007	−0.003	−0.018
	(0.027)	(0.027)	(0.020)
older	0.047	−0.059*	−0.001
	(0.036)	(0.036)	(0.027)
youth	−0.038	0.077**	−0.025
	(0.031)	(0.030)	(0.023)
income	0.016**	−0.017**	−0.002
	(0.008)	(0.008)	(0.006)
education	−0.022**	−0.0003	0.009
	(0.009)	(0.009)	(0.007)
unemployed	−0.037	−0.062	0.068
	(0.109)	(0.107)	(0.081)
urban	−0.005	−0.022	0.022
	(0.031)	(0.030)	(0.023)
official	0.076**	−0.071*	0.010
	(0.037)	(0.037)	(0.028)
large clan	−0.035	−0.057	0.101***
	(0.037)	(0.036)	(0.027)
ethnocentrism	0.067***	−0.060***	−0.042**
	(0.023)	(0.022)	(0.017)
Constant	0.416***	0.524***	0.094
	(0.120)	(0.118)	(0.089)
Observations	381	381	381

Note: *p<0.1; **p<0.05; ***p<0.01

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Table 23: Predictors of Legal Preferences in Female Subsample

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
married	−0.006	0.057	−0.022
	(0.035)	(0.037)	(0.027)
have one son	−0.069	−0.013	0.062*
	(0.046)	(0.049)	(0.036)
have more than one son	−0.071	−0.013	0.061*
	(0.047)	(0.050)	(0.037)
older	−0.044	0.020	0.025
	(0.035)	(0.037)	(0.027)
youth	−0.059*	0.055	0.002
	(0.032)	(0.034)	(0.025)
income	−0.009	0.004	0.003
	(0.011)	(0.012)	(0.009)
education	0.021***	−0.003	−0.020***
	(0.008)	(0.008)	(0.006)
unemployed	−0.0003	−0.013	−0.012
	(0.043)	(0.046)	(0.033)
urban	0.025	0.016	−0.037*
	(0.026)	(0.028)	(0.020)
state official	−0.027	−0.022	0.031
	(0.038)	(0.040)	(0.029)
large clan	0.024	−0.013	−0.010
	(0.030)	(0.032)	(0.024)
ethnocentrism	−0.028	−0.010	0.019
	(0.027)	(0.029)	(0.021)
religiosity	0.007	0.011	−0.017**
	(0.011)	(0.011)	(0.008)
Constant	0.396***	0.260***	0.273***
	(0.081)	(0.085)	(0.062)
Observations	373	373	373

Note: *p<0.1; **p<0.05; ***p<0.01

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Table 24: Individual-Level Victimization and Gender Gap in Legal Preferences

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
female	0.059**	−0.027	−0.050**
	(0.024)	(0.027)	(0.021)
killed	−0.012	−0.032	0.031
	(0.025)	(0.027)	(0.021)
wounded	−0.019	0.035	−0.025
	(0.024)	(0.027)	(0.020)
property damaged	0.002	−0.009	0.006
	(0.013)	(0.014)	(0.011)
displaced	−0.026	0.050**	−0.045**
	(0.023)	(0.025)	(0.019)
female:killed	−0.003	0.072*	−0.035
	(0.034)	(0.038)	(0.029)
female:wounded	0.050	−0.074**	0.035
	(0.034)	(0.037)	(0.029)
female:property damaged	0.010	−0.005	−0.004
	(0.017)	(0.019)	(0.015)
female: displaced	−0.0003	0.012	0.016
	(0.031)	(0.034)	(0.026)
covariates	*yes*	*yes*	*yes*
Constant	0.352***	0.383***	0.269***
	(0.043)	(0.048)	(0.037)
Observations	1,203	1,203	1,203

Note: *p<0.1; **p<0.05; ***p<0.01

Table 25: Community Victimization and Gender Gap in Legal Preferences

	Dependent variable:		
	State law	Sharia	Adat
	(1)	(2)	(3)
community victimization	−0.016	0.021	−0.046
	(0.033)	(0.037)	(0.028)
female	0.057**	0.010	−0.047**
	(0.022)	(0.024)	(0.019)
community victimization:female	0.054*	−0.066**	−0.003
	(0.029)	(0.032)	(0.024)
covariates	YES	YES	YES
district fixed effects	YES	YES	YES
	(0.017)	(0.019)	(0.014)
Constant	0.217	0.022	0.236
	(0.347)	(0.383)	(0.295)
Observations	1,203	1,203	1,203

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 26: Community Victimization during the First and the Second Chechen Wars and Gender Gap in Legal Preferences

	Dependent variable:		
	State Law	Sharia	Adat
	(1)	(2)	(3)
victimization - First war	−0.137***	0.103***	−0.014
	(0.047)	(0.039)	(0.023)
victimization - Second war	0.047	−0.019	−0.058*
	(0.048)	(0.047)	(0.029)
female	0.053**	0.023	−0.051***
	(0.024)	(0.028)	(0.016)
female: First War	0.007	−0.040	0.044*
	(0.028)	(0.042)	(0.027)
female: Second War	0.064**	−0.065	−0.027
	(0.032)	(0.045)	(0.029)
covariates	*YES*	*YES*	*YES*
district fixed effects	*YES*	*YES*	*YES*
	(0.017)	(0.019)	(0.014)
Constant	0.162	−0.012	0.349**
	(0.296)	(0.272)	(0.162)
Observations	1,203	1,203	1,203

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 27: Type of Victimization and Legal Preferences

	Dependent variable:		
	indexRL	indexS	indexA
	(1)	(2)	(3)
sweep operation	−0.025	0.038	−0.056
	(0.065)	(0.04)	(0.037)
bombing	−0.012	0.003	−0.024
	(0.071)	(0.05)	(0.026)
female	0.057**	0.012	−0.047***
	(0.026)	(0.028)	(0.017)
sweep:female	0.060*	−0.063	−0.021
	(0.036)	(0.059)	(0.039)
bombing:female	0.057*	−0.076*	0.007
	(0.033)	(0.04)	(0.020)
covariates	*yes*	*yes*	*yes*
district fixed effects	*yes*	*yes*	*yes*
Constant	0.316	−0.135	0.296
	(0.411)	(0.277)	(0.195)
Observations	1,203	1,203	1,203

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 28: First Stage Results for Instrumental Variable Analysis of the Impact of Community Victimization on Legal Preferences

	Dependent variable:	
	community victimization	community victimization *female
	(1)	(2)
distance to Shamanov's path	−0.081***	−0.026***
	(0.007)	(0.004)
female	−0.004	0.941***
	(0.020)	(0.014)
distance to Shamanov's path:female	−0.002	−0.029***
	(0.002)	(0.001)
share of Russian population 1989	0.001	0.002
	(0.021)	(0.013)
altitude	−0.763***	−0.461***
	(0.138)	(0.095)
distance to Grozny	−0.364***	−0.098**
	(0.072)	(0.050)
community size	−0.603***	−0.238***
	(0.066)	(0.047)
fixed effects	*YES*	
Constant	12.681***	5.348***
	(1.568)	(1.111)
Observations	751	751

Note: *p<0.1; **p<0.05; ***p<0.01

Table 29: Reduced Form: the Impact of Distance to Shamanov's path on Legal Preferences

	Dependent variable:
	choice of state law
distance to Shamanov's path	0.007
	(0.007)
female	0.113***
	(0.020)
distance to Shamanov's path:female	−0.002
	(0.002)
share of Russian population	−0.081***
	(0.021)
altitude	0.177
	(0.138)
distance to Grozny	−0.137*
	(0.072)
community size	0.065
	(0.066)
fixed effects	YES
	YES
Constant	−1.011
	(1.568)
Observations	751

Note:	*p<0.1; **p<0.05; ***p<0.01

Table 30: Instrumental Variable Analysis of the Impact of Community Victimization on Legal Preferences

	Dependent variable:	
	choice of state law	
	2SLS	*OLS*
	(1)	(2)
community victimization	−0.119	−0.169***
	(0.088)	(0.047)
female	0.029	0.017
	(0.047)	(0.036)
community victimization * female	0.089	0.104**
	(0.055)	(0.041)
share of Russian population 1989	−0.081***	−0.081***
	(0.021)	(0.020)
altitude	0.128	0.162**
	(0.092)	(0.075)
distance to Grozny	−0.172***	−0.171***
	(0.064)	(0.066)
community size	0.014	0.021
	(0.034)	(0.035)
fixed effects	*YES*	*YES*
Constant	0.019	−0.215
	(0.805)	(0.759)
Observations	751	751
Note:	*p<0.1; **p<0.05; ***p<0.01	

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Table 31: PLACEBO: First Stage

	Dependent variable:	
	community victimization	community victimization ∗female
	(1)	(2)
distance to Troshev's path	0.064***	0.028***
	(0.005)	(0.009)
female	0.028	0.472***
	(0.028)	(0.049)
distance to Troshev's path : female	−0.0001	0.006**
	(0.001)	(0.002)
share of Russian population 1989	−0.242***	−0.092**
	(0.026)	(0.044)
altitude	−3.233***	−1.475***
	(0.157)	(0.272)
distance to Grozny	−0.095	−0.134
	(0.097)	(0.168)
community size	0.042	0.002
	(0.066)	(0.114)
fixed effects	YES	YES
Constant	15.729***	7.447***
	(1.119)	(1.937)
Observations	294	294

Note: ∗p<0.1; ∗∗p<0.05; ∗∗∗p<0.01

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Table 32: PLACEBO: Reduced Form

	Dependent variable:
	choice of state law
distance to Troshev's path	−0.011***
	(0.004)
female	0.150***
	(0.030)
distance to Troshev's path:female	−0.002**
	(0.001)
share of Russian population 1989	−0.083***
	(0.020)
altitude	−0.125
	(0.096)
distance to Grozny	−0.121*
	(0.065)
community size	−0.022
	(0.034)
fixed effects	YES
Constant	2.221**
	(0.945)
R^2	0.103
Note:	*p<0.1; **p<0.05; ***p<0.01

Table 33: PLACEBO TEST

	Dependent variable:	
	choice of state law	
	2SLS	*OLS*
	(1)	(2)
community victimization	0.376	0.042
	(0.248)	(0.084)
female	0.415*	0.122***
	(0.230)	(0.043)
community victimization :female	−0.554	−0.015
	(0.420)	(0.059)
share of Russian population 1989	−0.018	−0.065
	(0.070)	(0.047)
altitude	−0.331	−0.543**
	(0.375)	(0.254)
distance to Grozny	−0.265	−0.200
	(0.180)	(0.154)
community size	0.023	0.094
	(0.124)	(0.084)
fixed effects	*Y ES*	*Y ES*
Constant	2.155**	2.420***
	(0.991)	(0.822)
Observations	294	294

Note: *p<0.1; **p<0.05; ***p<0.01

Table 34: Community Victimization and the Share of Female Plaintiffs in Magistrates' Court Districts

	Dependent variable:
	share of female plaintiffs
community victimization	0.150**
	(0.058)
urban	−0.061
	(0.084)
mountainous	0.023
	(0.070)
Russian population 1989	0.112*
	(0.064)
share of females in district	0.162
	(0.494)
Constant	0.331
	(0.257)
Observations	44

Note: *p<0.1; **p<0.05; ***p<0.01

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Table 35: Community Victimization and the Share of Female Plaintiffs in Magistrates' Court District (with alternative measure of violence)

	Dependent variable:
	share_fem
intensity of community victimization	0.037
	(0.028)
urban	−0.011
	(0.089)
mountainous	−0.027
	(0.096)
Russian population 1989	0.073
	(0.065)
share of female population	0.651
	(1.699)
Constant	0.104
	(0.889)
Observations	44
Note:	*p<0.1; **p<0.05; ***p<0.01

Table 36: Predicting Female Plaintiff: Binary Logistic Regression

	Dependent variable:
	female plaintiff
community victimization	0.785***
	(0.205)
urban area	−0.393
	(0.260)
mountainous area	0.060
	(0.408)
share of Russian population 1989	0.413*
	(0.219)
share of females in district population	−5.161
	(5.401)
family law domain	1.173**
	(0.498)
labor law domain	1.980***
	(0.566)
property law domain	0.220
	(0.816)
year fixed effects	YES
Constant	1.614
	(2.842)
Observations	8,495

Note: Standard errors clustered at the district level

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Table 37: Analysis of the Mechanisms: Regression Analysis of the Impact of Conflict on Index of Pro-Feminist Values

	Dependent variable:	
	gender equality index	
	(1)	(2)
conflict	0.113***	0.047
	(0.038)	(0.069)
female		0.152***
		(0.046)
conflict:female		0.045
		(0.073)
older		−0.033
		(0.050)
youth		−0.082**
		(0.040)
income		−0.009
		(0.019)
education		0.019
		(0.013)
unemployed		0.027
		(0.044)
urban		0.330
		(0.419)
official		−0.012
		(0.054)
large clan		−0.008
		(0.040)
ethnocentrism		−0.194***
		(0.038)
Russian population 1989		−0.028
		(0.045)
altitude		0.063
		(0.078)
distance to Grozny		0.053
		(0.091)
community size		0.045
		(0.042)
district fixed effects	*no*	*yes*
Constant	0.069***	−0.737
	(0.023)	(0.767)
Observations	696	696

Table 38: Analysis of the Mechanisms: Regression Analysis of the Impact of Conflict on Differential Unemployment by Gender

	Dependent variable:	
	unemployed	
	(1)	(2)
community victimization	0.086***	0.075**
	(0.024)	(0.038)
female	0.038	0.019
	(0.026)	(0.025)
community victimization:female	−0.098***	−0.091***
	(0.033)	(0.032)
covariates		YES
fixed effects		YES
Constant	0.048**	1.107***
	(0.019)	(0.392)
Observations	1,213	1,203
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table 39: Analysis of the Mechanisms: Regression Analysis of the Impact of Conflict on Generational Gap in Legal Attitudes

	Dependent variable:	
	choice of state law	
	(1)	(2)
community victimization	0.050**	0.051
	(0.022)	(0.035)
older vs. mid-age	0.013	0.001
	(0.034)	(0.034)
youth vs. mid-age	0.007	0.023
	(0.024)	(0.024)
community victimization*older	−0.059	−0.028
	(0.044)	(0.043)
community victimization*youth	−0.065**	−0.078**
	(0.031)	(0.031)
covariates		YES
district fixed effects		YES
Constant	0.317***	0.156
	(0.018)	(0.348)
Observations	1,210	1,203
Note:	*p<0.1; **p<0.05; ***p<0.01	

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