

The Politics of Legal Pluralism in a Muslim Society

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State-Building as Lawfare: Custom, Sharia, and State Law in Postwar Chechnya, by Egor Lazarev,
Cambridge University Press, 2023, \$99.99 (hardback), ISBN 9781009245951.

Egor Lazarev has offered us a book of uncommon ambition and erudition. At its core, *State-Building as Lawfare: Custom, Sharia, and State Law in Postwar Chechnya* explores how elites and ordinary citizens pursue their interests by weighing the costs and benefits of using alternative legal frameworks in postwar Chechnya. By describing how politicians encourage nonstate legal remedies to build political coalitions—and how everyday Chechens engage in forum shopping when trying to manage their own legal issues—Lazarev teaches us about the challenges associated with the extension of state legal institutions in the wake of prolonged, nationalist conflict. Although Lazarev treats his exploration of legal pluralism as the theoretical framing for the book, such a reading belies what I view as his primary empirical contribution: a meticulous exploration of gender politics in the North Caucasus. In this review, I describe Lazarev's arguments about elite and citizen legal strategies, discuss his understanding of gender disputes in a postconflict Muslim society, and offer a provocation for future research that would situate the study of Chechnya in a broader literature on autocratic politics.

Legal Pluralism in a Postconflict Society

From a *de jure* perspective, Chechens are subjects of Russian statutory law. Many Chechens, however, view Russian state law and legal institutions as slow, inefficient, and corrupt. Lazarev suggests that Chechens often perceive lawyers as brokers who engage in bargaining with prosecutors and judges to arrive at legal settlements, a process that pays scant attention to the types of regularized and impersonal procedures that characterize rule-of-law systems. Russian legal institutions have emerged as particularly unappealing in the wake of a Second Chechen War that simmered as a separatist insurgency for more than eight years.

It is in the face of this relatively unpopular default legal setting that Lazarev situates his study. Long located on the periphery of more established states and empires, Chechens have historically developed a reliance on powerful nonstate legal systems based on Islamic law (*sharia*) and local customary practice (*adat*). Rooted in local tradition and culture, advocates of *sharia* and *adat* make claims about the legitimacy of these alternative legal systems. Indeed, these alternatives enjoy a reputation for being fast, easy, and accessible—a marked contrast to the offerings of the Russian state.

Lazarev argues that ordinary Chechens have options when seeking to solve their legal problems and that individuals engage in forum shopping when deciding how to manage their disputes. This finding illustrates the incentives facing individuals dealing with high-stakes personal and legal problems. Original survey evidence shows that there are differences in Chechens' preferences for

where to seek justice depending on the nature of the dispute as well as the characteristics of the disputant.

A straightforward explanation for the existence of legal pluralism in Chechnya might focus on issues of weak state capacity or strong popular demand for alternative legal channels. Lazarev is careful to acknowledge the relevance of these factors as contributing to legal pluralism in Chechnya. He also argues, however, that there is more to the story. In particular, Lazarev describes legal pluralism as a struggle between an array of political forces—the metropole or federal center, the local ruler or intermediary in the periphery, the local elites who function as communal authorities, and the general population. For Lazarev, local agents of the government actively undermine state justice systems by promoting nonstate institutions as part of a bid for political survival.

How does this work? Support for the nonstate legal systems can serve a local ruler via a number of potential mechanisms. In some cases, such a strategy can assist in coalition building and improving relations with communal power brokers. In other cases, such an approach allows the local ruler to gain legitimacy through invocations to religion and Chechen tradition while at the same time increasing autonomy from Moscow. Although Lazarev's claims about the utility derived from such strategies are difficult to falsify, the rich evidence that he offers as an explanation for these mechanisms proves to be highly convincing.

“Gendering” Legal Forum Shopping

In *State-Building as Lawfare*, Lazarev makes a number of important arguments about the incentives for local rulers to defy the expectations of central governments when promoting systems of legal adjudication. What is less obvious from a cursory examination of the argument, however, is the extent to which Lazarev relies on gender-related examples as the empirical backbone of his project. Indeed, gendered disputes and concerns motivate the most compelling empirical cases in the book.

A starting point for Lazarev's focus on gender is rooted in his claim that lawfare around gender and family law has long been a salient political cleavage in Chechnya. From a legal perspective, locally salient social issues in need of adjudication include divorce, bride kidnappings, domestic violence, child custody, honor killings, and problems arising from the practice of polygamy.

Although regulation of female sexuality has historically been a source of societal struggle in Chechnya, the Second Chechen War caused a particular rupture in existing social norms related to women's societal roles. In particular, Lazarev argues that the social circumstances following the Second Chechen War created the opportunity for women to pursue their interests through state law to a greater extent than previously possible. Given the increasing hybridity of the legal setting—as well as the complexity of *adat* and *sharia*—local experts are often asked to assist with the adjudication of gender-related disputes. Chapter 6 carefully describes how elders with expertise in customary justice and religious authorities participate in state court hearings as “experts,” especially as related to family law.

Lazarev also describes how men and women in Chechnya differ in their preference for how to approach a legal dispute. He finds that Chechens, on the whole, prefer to solve family disputes related to issues like child custody, domestic violence, and inheritance using Islamic law; on the other hand, customary law is more often the preferred legal system for problems related to bride kidnapping. When examining heterogenous effects, however, Lazarev shows that women are more likely than men to choose state law in both gendered disputes as well as legal concerns unrelated to gender. This is an important result, as it suggests that legal forum shopping may offer particular opportunities for women who view engagement with state law as an opportunity to sidestep particular concerns that they have with traditional justice systems.

Although Lazarev already presents an extensive set of factors correlated with preference for state law, *sharia*, and *adat*, I will suggest one additional potential covariate—an individual's social connectedness, or social capital. Existing scholarship suggests that social inequities condition the costs and perceived benefits associated with a variety of political behaviors (Prillaman 2024) and

that a lack of social capital may make women fearful of engaging with the state authorities in low-state-capacity settings (Belge and Blaydes 2014). In other words, women may only feel confident working through state channels when they are “connected” or able to call on their social networks to help navigate politicized, potentially even hazardous, legal processes.

“Nested” Autocrats

Finally, I would like to suggest that Chechnya, as described by Lazarev, provides an interesting case for the study of authoritarian politics. In particular, Chechnya provides an opportunity for further scholarship on “nested autocrats.” Although Lazarev does not frame his contribution in this way, the underlying institutional framework is one where Chechens are citizens of Russia under Vladimir Putin while simultaneously subject to the authority of Ramzan Kadyrov, who acts as a local autocrat. In this setting, Kadyrov is technically a Russian bureaucrat but nonetheless exercises considerable and meaningful dictatorial power as head of the Chechen republic.

The case of Ramzan Kadyrov is especially intriguing given his family history and background. Lazarev reviews the political genealogy of Ramzan Kadyrov, describing how his father—Akhmad Kadyrov—was a separatist religious leader elected to high office in 2003 and subsequently assassinated in 2004. Interestingly, Ramzan Kadyrov pursued very different policies than did his father. Whereas Kadyrov the elder worked to strengthen state law (despite his identity as a cleric and traditionalist), Ramzan Kadyrov promoted nonstate legal systems in a bid to win local support and as a form of nationalist self-assertion. The emergence of leaders via hereditary succession (Brownlee 2007) may be particularly salient in postconflict societies. The political rise of Muqtada al-Sadr—son of notable cleric Mohammed Mohammed Sadiq al-Sadr—in Iraq enjoys some parallels (Blaydes 2018). The extent to which such individuals emerge as unruly bureaucrats, however, is relatively unexplored.

Such concerns might be fruitfully connected to a vast literature on principal–agent relations and subnational authority within the study on authoritarian politics. One striking aspect of the Chechen case, however, is associated with the highly personalistic nature of autocratic governance. The internal structure of a personalized dictatorship would seem to guard against delegating authority to a local authoritarian operating outside of an institutionalized party or military structure. Indeed, the commitment problem in such a circumstance would seem to be extreme, as there would exist no third party to police the agent’s behavior (and the principal may face challenges monitoring the agent’s actions). Lazarev’s arguments about the ability of local rulers to opportunistically promote alternative legal systems to the one supported by the central government would certainly suggest that to be the case here.

Disclosure. None.

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Cite this article: Blaydes, Lisa. 2025. “The Politics of Legal Pluralism in a Muslim Society”. *Nationalities Papers* 53: 225–227, doi:10.1017/nps.2024.45