Laws in Conflict:
Legacies of War and Legal Pluralism in Chechnya

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Abstract

How does exposure to conflict affect choices between state and non-state legal orders? This paper that summarizes my dissertation studies this question in post-war Chechnya, where Russian state law coexists with Sharia and customary law. I focus on the effect of conflict-induced disruption of gender hierarchies, because of the highly gendered nature of the conflict and because state law assumes gender equality, while non-state legal orders are explicitly discriminatory against women. The study leverages variation within Chechnya and compares Chechnya with its neighbor, Ingushetia, which has similar constellations of legal orders but was not affected by war. The analysis relies on semi-structured interviews, original population surveys, and data on court cases. I find that women in Chechnya are more likely to rely on state law than men and that this gender gap in legal preferences and behavior is especially large in more victimized communities. In Ingushetia this gap is absent. I infer from this that the conflict empowered women in Chechnya to pursue their interests through state law – albeit not without resistance. My qualitative research suggests that this conflict-induced change has generated a strong backlash from the post-conflict Chechen government, which has attempted to reinstate a patriarchal order by promoting rigid interpretations of customary law and Sharia. I conclude that that conflict may induce legal mobilization among marginalized individuals and groups, and that gender might become a central ordering cleavage during state-building processes in post-conflict environments.