Choosing Among Laws:

Preferences for Alternative Legal Systems in Chechnya

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Abstract

How do people choose among multiple alternative legal orders? When is state law preferred to orders rooted in tradition and religion? This study contrasts two approaches towards legal choice – ideological and instrumental – and tests them in Chechnya, where Russian state law co-exists with Sharia and customary law. The study is based on semi-structured interviews and a survey of Chechnya's population with an experiment embedded in it. The study finds that when respondents were asked to choose among legal orders in the abstract, ideological choices and support for Sharia prevail. In contrast, when respondents were provided with particular dispute resolution outcomes and when legal orders were personified in legal authorities, choices become less ideological. Focus on resolution outcomes decreased support for state law, and focus on authorities increased it. The latter result is explained by the state's advantage in enforcement and the adoption of religious and customary norms by state officials.

1 Introduction

How do people choose among multiple legal orders? Some degree of legal pluralism is present in all societies. Even in developed democracies with 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). However, legal pluralism is particularly pervasive in post-colonial societies and so-called fragile or weak states, where formal state institutions have to compete for jurisdiction with powerful informal normative orders rooted in religion and tradition. This situation is common globally. For example, in Afghanistan the formal state legal system coexists with Taliban courts, which operate according to Sharia, and arbitration through a myriad of customary organizations (Murtazashvili, 2016). In Africa, many countries grant substantial de jure powers to customary leaders or informally guarantee these chiefs non-intervention 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, 1971).

Despite recognition of the crucial importance of interactions between formal and informal institutions (Helmke and Levitsky, 2004), there is little systematic research on preferences for the state versus its alternatives. Recent exceptions 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. Another important contribution is by Gans-Morse (2017), who 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 unsustainable in the long run. In contrast, tradition and religion provide alternatives that are not simply distortions of formal institutions, but 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 demand for the state by presenting a general theoretical framework and exploring the micro-foundations of legal choices in competitive normative environments.

I contrast two theoretical approaches: ideological (what ought to be done) and instrumental (what leads to the most favorable outcome). I argue that the relative power of ideological and instrumental motivations depends on framing of legal orders. I distinguish the framing of legal orders in the abstract (state law, Sharia, and custom) from de jure and de facto framings. The de jure component of a legal order refers the substance of the alternative legal orders as they would apply to particular resolution outcomes, for instance, how to divide inheritance according to state law, Sharia and custom. In turn, the de facto component refers to the actual implementation of law by the authorities who are in charge of arbitration (judges and police, imams and qadis, and elders). These authorities do not necessarily follow the letter of the law; expectations about authorities' behavior might include consideration of issues of enforcement, corruption, or even authorities' personalities.

I argue that both de jure and de facto framings make people care more about their personal and group interests and thus decrease the prevalence of ideological choices and increase reliance on state law. In addition, I expect that legal choices are determined by individual characteristics (primarily gender, age, belonging to a large clan, and identity salience), and the nature of the dispute. In particular, disputes in the family law domain, which determines group boundaries and identities, are much more likely to be guided by strong ideological beliefs rooted in religion or tradition.

I test these arguments in the context of Chechnya, a republic within the Russian Federation, where Russian state law coexists with religious law, Sharia, and customary law known as *adat*. Chechnya is uniquely suited for studying popular preferences under legal pluralism for several reasons. First, legal pluralism covers the entire population: everyone, at least in theory, can rely on state law, Sharia, and customary law. In other words, legal pluralism in

Chechnya is non-exclusive, unlike many other places, such as Israel or India, where non-state legal systems are reserved for religious and ethnic minorities (Lerner, 2013). Second, as I document below, preferences for alternative legal systems reflect one of the most important political divides throughout Chechen history, one that persists in contemporary Chechen society. Therefore, forum choices are potentially salient expressions of ideological motivation.

In order to analyze preferences for the different legal orders in Chechnya, I conducted 73 semi-structured interviews with legal authorities and experts as well as an original household survey (N =1,213) of Chechnya's population. The main outcomes of interest – preferences for alternative legal orders – were revealed through answers to questions that posed different scenarios about legal disputes that are common in Chechnya, ranging from child custody to murder and blood revenge.

To explore whether ideological or instrumental motivations behind legal choices prevail based on different framings, I embedded a survey experiment in the population survey. All respondents were asked how would they solve the disputes described in the vignettes, but there were three randomly-assigned answer sets. In the first group, respondents were asked to choose between the legal orders - state law, Sharia and custom - in the abstract. In the second group (de jure frame), they were asked to choose between legal orders linked to particular resolution outcomes. For example, instead of "state law" the response item was "state law, so that the mother gets child custody in case of divorce"; instead of "custom" the response item was "according to custom so that relatives of the murdered revenge and kill the murderer." In the third group (de facto frame), they were asked to choose between authorities that represent the different legal orders: so instead of "state law" the response item was "police and courts," instead of "Sharia" the response item was "imams and qadis," and the response item was "the elders" instead of "customary law."

I measured the impact of these manipulations on the demand for different legal orders aggregated across disputes and on the ideological response style that I measured through consistency of choices across disputes.

The study finds that when choices are made between normative orders in the abstract, the ideological response style and preferences for Sharia prevail. The experimental results show that focusing on particular resolution outcomes (de jure frame) or on authorities (de facto frame) decreases the prevalence of the ideological response style, i.e. they make people more likely to choose different forums in different situations rather than consistently rely on one forum. However, the de jure and de facto frames have divergent effects on support for state law: while focusing on resolution outcomes decreases support for state law, focusing on authorities increases it. Based on the qualitative evidence, I attribute this gap in preferences between de jure and de facto manifestations of state law to state authorities' advantage in enforcement, and also to their adoption of customary and religious norms. In support of this claim I also provide survey evidence that officials in charge of state institutions in Chechnya paradoxically prefer customary law over state law.

This study makes several contributions to the literature. First, the reformulation of the classic question "why people obey the law?" (Tyler, 2006) into "which law to obey?" provides a novel perspective on state-building and legitimacy. The existing literature on state-building focuses mostly on the coercive and extractive dimensions of state-building (Levi, 1989; Tilly, 1992). I shift attention to the regulatory dimension, i.e. the use of state law versus alternative forms of social control (Ellickson, 1991; Migdal, 1988). Understanding the use of and interaction between the different legal orders provides insight into the relationship between the state, religion, and tradition as competing sources of authority. Most importantly, this competing legitimacies framework allows us to move beyond the simplistic dichotomy of legitimate or illegitimate, and explore the legitimacy of one normative order relative to its alternatives.

The issue of competing legitimacies is especially relevant across the Islamic world, where formal state institutions, often based on transplanted colonial statutory law, co-exist 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) provided important steps forward by highlighting that people have different conceptions of Sharia. They contrasted two conceptualizations: one of good governance, and 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 study 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.

Finally, this study contributes to the emerging literature on traditional authorities. Recently, political scientists have 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 primarily focused on the instrumental sources of non-state authorities' power, in particular, on the ability of traditional leaders to coordinate with politicians to deliver public goods. This study, in contrast, explores traditional leaders' authority in dispute resolution (see also De Juan, 2017).

2 Theoretical Framework

There are two broad approaches to understanding the motivations behind decision-making: ideological (normative) and instrumental. The contrast between normative and instrumental motivations in theorizing human choices is a long-standing theme in the social sciences (Elster, 1989). In what follows, I discuss the predictions of the two approaches for modelling choice among the different legal systems under legal pluralism and theorize how the two approaches operate depending on whether legal orders are framed in the abstract, or in terms of particular

resolution outcomes (de jure), or in terms of authorities in charge of implementation (de facto).

2.1 Ideological Choice

The ideological choice perspective stresses that individual choices under legal pluralism reflect ideology: prescriptive beliefs (what ought to be done) that are determined by the salience of national, religious, or ethnic identity. Appeals to divine or traditional origins of power were the most common form of legitimacy throughout history (Hechter, 2009). However, legitimation is affected by identity concerns in the modern world as well (Gibson, 2009). For instance, Tom Tyler highlighted the influence of identity on legitimation 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. I operationalize ideological choice as consistent preferences for one legal order based on identity salience.

Attachments to tradition and religion can be particularly strong when they are contrasted with a formal state authority that is viewed as "alien," i.e. as representing either a colonial power or occupation force (Hechter, 2009). Following the logic of normative legitimation, the literature on institutional transplants also 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).

2.2 Instrumental Choice

According to the rational choice perspective, if different legal systems lead to divergent outcomes, individuals will be inclined to engage in forum-shopping (Busch, 2007; von Benda-Beckmann, 1981), i.e. choosing a legal system that best serves their own self-interests. The concept of self-interest is potentially so inclusive as to be non-falsifiable. 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. This group can be based on ethnicity, religion, class, etc.

Both the ideological and instrumental approaches are ideal-types. In reality the two motivations are intermixed. However, the distinction between them is useful for understanding how people think about the law. In what follows I develop an argument that links these two theoretical approaches to preferences under legal pluralism by using alternative framings of legal orders.

2.3 De Jure and De Facto Orders

I argue that the relative prevalence of ideological and instrumental motivations for legal choices largely depends on framing, i.e. which of the constituent elements of the legal order is emphasized (Chong and Druckman, 2007).

In general, legal orders operate on a highly abstract level: people have different and often vague ideas about law or custom, but at the same time they often have a striking sense of attachment to these abstract concepts (Tyler, 1989). The concept of Sharia is a particularly good example. The literature on political Islam unequivocally shows that the concept of Sharia is very broad. Sharia is not just Islamic Law, it is an elusive system of justice and good governance (Hussin, 2016; Kendhammer, 2013). Therefore, in order to understand the motivations behind the choices among the different legal orders, it is important to disaggregate the particular components of these orders.

I distinguish two components of the alternative legal orders: the de jure component, which involves the particular resolution outcome, and the de facto component, which involves the authorities in charge of implementing the law.

Particular resolution outcomes constitute the substance of the law. Even though all legal systems provide room for discretion, they also have detailed prescriptions and specific norms that must be applied in particular cases. These norms and resolutions are concrete, but quite often they are not widely known beyond legal professionals and the authorities in charge of its implementation. I hypothesize that:

H1: Focusing on particular resolution outcomes will decrease ideological choices and increase demand for state law.

In other words, I expect that invoking the particular resolution outcomes is likely to lead to the actualization of multiple self and group interests that will decrease ideological attachments to tradition and religion. For example, because state law is beneficial for women (see H6 below), I expect that focusing on the particular outcomes should increase support for state law among them in gendered disputes.

Second, I argue that choices between legal orders might be driven by expectations about the behavior of the authorities in charge of legal orders (de facto frame). Individuals are likely to have instrumental considerations about the implementation process. Arguably, the most important among these considerations is an agent's enforcement capacity. If one legal system has a systematic advantage in enforcing its rules over the others, individuals might strategically choose it even though they have no normative attachment to it. In this case, individuals will be more willing to rely on formal state institutions over informal orders, unless these informal orders will have a more efficient enforcement system, such as one based on social pressure.

Another crucial feature of the authorities in charge of legal orders is discretion. Authorities do not necessarily follow the letter of the law in their dispute resolution practices. This is especially likely when the formal institutions of the state are represented by local cadres who were socialized through non-state normative orders that are rooted in tradition and religion. These authorities might implement resolutions that they believe are proper and just, rather than follow what the law directs them to do. Adoption of informal norms by

formal political institutions is a common practice around the world (Helmke and Levitsky, 2004; Young, 1994), and I expect that the adoption of such norms would increase willingness to rely on the formal state law. Thus, I argue that focusing on the implementation process allows individuals to reconcile ideological and instrumental motivations and enables the state to penetrate further into society. Formally, I hypothesize that:

H2: Focus on authorities will decrease ideological choices and increase reliance on state law.

In addition to theorizing the impact of framing the legal orders in the abstract versus their de jure or de facto manifestations, I hypothesize that choices of legal orders are influenced by the nature of the dispute and the attributes of the disputants.

Ideological 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 non-state legal orders expend special effort to police these spheres (Htun, 2003; Hussin, 2016). Thus, I hypothesize that:

H3: Ideological choices and preferences for customary and religious justice will be especially strong in the domain of family law.

Regarding individual-level attributes, the ideological approach assumes that legal choices are determined by the strength and salience of different social identities (Gibson, 2009). In particular, I hypothesize that:

H4: Individuals with stronger ethnic and religious identities will be more likely to make ideological choices and less likely to rely on state law.

I further hypothesize that poor legal knowledge might be positively associated with the prevalence of ideological choices. If a person has poor knowledge of the principles of a particular normative order, his or her legal choice will be driven by ideological concerns rather than instrumental motivations. Therefore, I hypothesize that:

H5: Individuals with higher level of legal knowledge will be less likely to make ideological choices and more likely to rely on state law.

The instrumental approach suggests that individuals make their legal choices based on expectations of a favorable outcome for themselves personally or for the group to which they belong. Arguably, the choice of a forum under legal pluralism has the strongest differential impact on men and women. Customary law as a cornerstone of clan-based governance is explicitly discriminatory towards women (Hudson et al., 2015). Sharia law also discriminates against women, even though it gives women agency for protecting their rights (Hirsch, 1998). In contrast, externally imposed colonial systems of law typically assume gender equality and therefore are relatively more beneficial for women. Therefore, I hypothesize that:

H6: Women will be more likely to rely on state law, and men on Sharia and adat in gendered disputes.

Other cleavages may also drive pursuit of group interests. For instance, customary law gives a lot of power to elders (Young, 1994). Therefore, it is plausible to hypothesize that:

H7: Older people will be more likely to rely on adat, and younger people will be more likely to rely on Sharia and state law.

Further, I expect that access to state institutions will increase reliance on state law. In particular, I hypothesize that:

H8: State officials will be more likely to rely on state law and less likely to rely on Sharia and adat.

Finally, customary law based on the principle of collective responsibility is likely to be beneficial to the members of large clans due to their size advantage. Thus I hypothesize that:

H9: Members of large clans will be more likely to rely on customary law.

Before I turn to the test of my hypotheses, I provide a brief description of the historical development of legal pluralism in Chechnya and its contemporary functioning.

3 Social Context

Legal pluralism emerged in Chechnya as a result of Russian conquest. Before colonization, Chechens never had a centralized state; clans and villages were the principal social organizations. They were governed by customary law, known as *adat* (Lieven, 1999; Tishkov, 2004).

Adat is based on detailed regulations about each and every aspect of public and private life. As in other societies of agnatic kinship, Chechen adat assumes that the subject of the law is the family and clan (*teip*), rather than the individual. The dominant interpretations of adat disadvantage women. For example, in case of divorce, children must stay with their father. Divorcees and widows do not inherit any of their former husband's property. Adat norms are transmitted through early childhood socialization and have never been codified.

Sharia law was brought to Chechnya only in the 19th century, as a tool of resistance against the Russian conquest (Gammer, 2003). Imam Shamil, the leader of the anti-Russian rebellion (1834-1859), introduced Sharia law in Chechnya and neighboring Dagestan in order to overcome the parochialism of local elites and to build a unifying legal framework for his theocratic state. He banned adat and attempted to suppress Russian law, which had been imposed in Chechnya during the colonization process. After the defeat of Shamil's insurgency, the Russian state introduced a division of jurisdictions: personal law issues: 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. After the October Revolution, the Bolshevik government in the North Caucasus initially built a surprising coalition with Islamic clerics and established "Red" Sharia courts. However, upon consolidation of its rule in the mid 1920s, the Soviet government eliminated Sharia courts and attempted to suppress adat, although it never fully succeeded in doing so (Bobrovnikov, 2002).

In the early post-Soviet period, Chechnya attempted to secede from Russia and form the independent state of Ichkeria. The Russian government responded with a military

operation that escalated into two bloody wars (1994-1996 and 1999-2003). During the wars, alternative legal systems became extremely politicized and represented alternative political forces within Chechnya. The separatist government of Ichkeria partly relied on Soviet formal legal institutions, but at the same time promoted traditional Chechen institutions and invested in the revitalization of adat. An Islamist faction within the rebels actively promoted Sharia. In 1996-1999, these Islamists became the leading force in Chechnya, and the government of Ichkeria adopted Sharia law, based on Sudanese civil and criminal codes.

After the rebels were defeated in 2000, the Kremlin abolished Sharia courts and reintroduced Russian law in Chechnya. However, for a long period of time, Chechnya operated under de facto military rule, characterized by severe human rights violations. Gradually, the federal center transferred power to the local warlord Ramzan Kadyrov, who became President of Chechnya in 2007. While Kadyrov's regime is a dictatorship, it does not try to suppress the legal pluralism that persists in post-war Chechnya. In fact, it has actively promoted the semi-formal institutions of adat and Sharia. For example, in every district of Chechnya, the government introduced councils of elders, an adat institution, and *qadi* (Islamic judge) courts, a Sharia institution. Thus, the government informally recognizes and controls institutions in charge of adat and Sharia. However, the government cannot fully control adat and Sharia, and their norms and practices are often in direct conflict with the formal state law and with each other. In the next section I analyze how people navigate these multiple alternative legal orders.

4 Empirical Analysis

The empirical analysis combined qualitative and quantitative components. The qualitative component of the study is based on 73 semi-structured interviews with authorities in charge of all three alternative legal systems: judges, prosecutors and police officers (state law), imams and qadis (Sharia), and elders (adat), as well as with leading Chechen ethnographers and

historians, journalists, and members of NGOs. In addition, my qualitative analysis drew on archival materials, secondary ethnographic sources, and observations of court hearings and dispute resolution practices by non-state authorities that I witnessed during my 7 months of fieldwork.[1]

4.1 Qualitative Evidence

The interviews clearly confirmed the presence of ideological attachments to legal orders in Chechnya. One ideological camp was composed of adat proponents, or in other words traditionalists. For instance, Musa[2], an elder from one of the villages, emphasized that adat is "the essence of the Chechen nation."[3] Another respondent, Ahmet, a young government official, claimed that adat is "a perfect form of democracy."[4] The interviews suggested that adat supporters are numerous among the Chechen intelligentsia. Another camp was composed of Sharia proponents. Sharia has a very strong appeal in Chechnya, especially among the youth. One respondent, Ibrahim, a businessman in his thirties, put it as follows: "First and foremost we are Muslims, and therefore we must live according to Sharia."[5]

Radical proponents of both camps reject the other's legitimacy. For instance, several adat proponents rejected Sharia as "foreign." Vakha, a professor in his sixties, who was also an elder of his clan, explained this sentiment in a following way: "We don't want Arabic culture, Arabic clothes, Arabic way of life. We have our own Chechen way of life."[6] Also, for many people in Chechnya Sharia evokes negative memories of the Islamists' rule during the Ichkeria period. Sia, a middle-aged representative of the Chechen intelligentsia who worked for the state, said "These Sharia courts in the 1990s were just bandits, nothing else."[7] In turn, several supporters of Islamic norms called for the elimination of adat as "based on arbitrary

[1] Details about the data collection process are outlined in Appendix A.
[2] I use pseudonims throughout the text.
[3] Interview 7; an elder, rural location, August 2014.
[4] Interview 32; a law enforcement official, rural location, January 2015.
[5] Interview 11; a businessman, Grozny, January 2015.
[6] Interview 31, a professor, Grozny, January 2015.
[7] Interview 42, a government official, Grozny, August 2015.

rulings"[8] or portrayed it as "a harmful artifact of history."[9]

The interviews did not elicit ideological attachment to state law. Respondents usually referred to necessity when explaining their support for it. Lema, a government official in his forties, put it the following way: "We are part of the Russian Federation, and therefore we should live primarily according to the law. We, of course, can refer to our tradition and religion, but only when it does not contradict the law."[10] At the same time, many rejected Russian state law on ideological grounds. Isa, a businessman from the town of Urus-Martan, stated that: "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."[11] Many interviewees also emphasized that there are large social costs, in the form of family and community ostracism, for people who go to state court.

At the same time, the interviews revealed that despite the presence of ideological camps, many Chechens engage in forum shopping when they face a dispute. 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 court."[12] Thus the qualitative materials provide suggestive evidence for both ideological and instrumental modes of legal choices in Chechnya.

4.2 Quantitative Analysis

In order to systematically analyze what drives individual choices between alternative legal systems, I conducted an original face-to-face survey of Chechnya's population. I constructed the sample based on Russian census data and available administrative records. Respondents

[8] Interview 34, a police officer, Grozny, January 2015.
[9] Interview 41, an NGO member, Grozny, August 2015.
[10] Interview 15, a justice sector official, Grozny, January 2015.
[11] Interview 13, a businessman, rural location, January 2015.
[12] Interview 10, a judge, rural location, January 2015.

were chosen based on a uniform selection of households from a preselected point in villages and town districts. The sample is random and proportional to all Chechen cities, districts, and populous villages.[13] A map of the spatial distribution of the sample is presented in Figure 1.

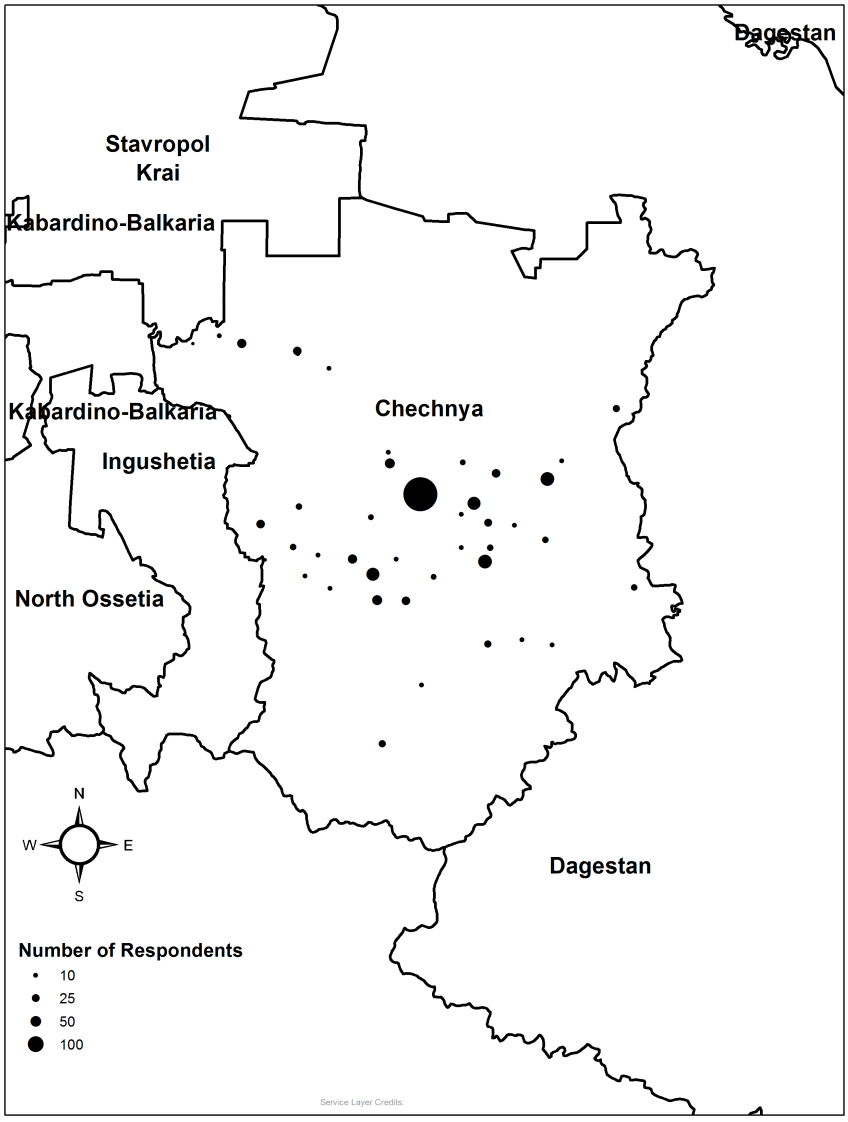

Figure 1: Map of the survey sample

The main outcome variables are preferences for different legal forums. Preferences are revealed through answering the questions that follow the vignettes.[14]

[13] Details on sampling and conducting the survey are presented in Appendix C.

[14] Gibson (2009) showed that survey design based on vignettes is especially advantageous in studying

Based on the qualitative research, I designed ten vignettes. Each vignette was based on multiple similar cases. In addition, I discussed each vignette with lawyers, alims (Islamic scholars), and leading Chechen ethnographers to ensure their validity in capturing social conflicts in Chechnya. Each dispute was modeled in a way that provided respondents with a conflict in laws: all three alternative legal systems led to divergent outcomes. All vignettes and substantive resolutions are presented in Table 1.[15]

I aggregated responses across all ten vignettes into *indices of preferences for state law, Sharia, and adat* by calculating the number of times a respondent selected each forum or chose the "don't know" option and dividing it by the number of vignettes (10). These indices take values from 0 to 1 and are easily interpretable. For example, the value of .4 for demand state law means that a respondent chose the formal legal system in 4 disputes out of 10. Distributions of the indices are presented in Figure 1 in Appendix D. Second, I measured consistency of choices across vignettes, which I treated as a manifestation of ideologically-driven choices. I calculated a binary variable *ideological response style* that takes a value of 1 if a respondent chose the same legal order in more than 5 disputes out of 10, and 0 otherwise.[16]

dispute resolution processes and attitudes towards justice. First it assures interpersonal comparability. An alternative approach – asking about respondents' behavior in actual disputes – faces a problem of accounting for idiosyncratic details of these disputes. Second, the vignettes approach was crucial for building trust and encouraging participation in the study. Direct questions about attitudes towards Russian state and religion would have been very sensitive. In contrast, according to the enumerators' daily diaries, respondents found vignettes very interesting and did not fear to discuss these hypothetical disputes. Often respondents shared their own families' stories with enumerators, stories that resembled the situations discussed in the vignettes.

[15]Brief description of these types of disputes is presented in Appendix B.

[16]Summary statistics and Figure 1 in Appendix D highlight that choices of the same legal order in more than five disputes lay in the 3rd quartiles of the distribution of indices for all three legal orders: state law, Sharia and adat.

Table 1: Vignettes

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: a boy of 6 years old and a girl of 4 years old. 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 beaten his wife because he thought that she cooked the 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 girl to marry her against the girl's will.	Ruslan should be imprisoned	Ruslan should be punished with 40 strikes	Ruslan should pay fine and if the girl'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 second wife because it is unlawful.	Suleiman can take second wife.	Suleiman can't take second wife because it is against the 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 of property and daughter 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	Take a pledge on 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 the daylight. Said, the cow's owner, and Anderbek had a dispute about compensation.	Said should cover the costs, because there were no special sign for cattle transfer.	Andarbek should cover the costs because the accident happened in a 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 back in a year with 15 percent interest. When the time of payment came, 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 the 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.

Design

To test the predictions regarding the effects of framing, I randomly assigned all individuals to one of three groups that varied in the types of answers that followed the vignettes. All vignettes were the same, and after each vignette respondents were asked how they thought the dispute should be resolved. Respondents assigned to the first group were asked to choose between legal systems in the abstract: state law, Sharia and adat (Group 1). The second group, assigned to the de jure frame, was asked to choose between legal orders linked with substantive solutions. For instance, in the inheritance dispute they were asked to choose between"state law, so that disputants divide the property equally;" "Sharia, so that the son receives two-thirds of property and the daughter one-third," and "adat, so that the son receives everything" (Group 2). The third group, assigned to the de facto frame, was asked to choose between agents in charge of dispute resolution: police and courts, imams and qadis, or elders (Group 3). Randomization was conducted at the individual level, therefore each respondent answered all questions with one type of resolution set. Experimental design is presented in Table 2.[17]

Table 2: Experimental Design

Question: In your opinion, how the dispute should be resolved? (Inheritance Vignette)		
Group 1: Orders in the Abstract	Group 2: *De Jure Frame*	Group 3: *De Facto Frame*
1) According to State Law	1) According to Russian law, so that disputants divide the property equally	1) Go to rayon court for adjudication
2) According to Sharia	2) According to Sharia, so that son receives two thirds of property and daughter one third	2) Go to imam or district qadi for adjudication
3) According to Adat	3) According to adat, so that son receives everything	3) Go to elders for adjudication

[17]This experimental design resembles an experiment on question wording. The most famous application of this design showed dramatic difference in the preferences of Americans towards "welfare" and "support for the poor" (Rasinski, 1989; Smith, 1987). The difference is that I manipulated all items in the answer sets. In this design, 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.

Data

Table 4 in Appendix D provides descriptive statistics for all variables included in the analysis. Most importantly, descriptive statistics show that Chechnya is indeed characterized by pervasive legal pluralism: 15 percent of the sample reported going to police or court for solving their disputes at least once in the last three years, 19 percent appealed for adjudication to imam or qadi, and another 19 percent asked elders to solve their dispute.

The survey also recorded basic socio-demographic characteristics. Descriptive statistics show that 52 percent of the sample were women. The average age of the sample was 35 years old. To test H7, I created a categorical variable that distinguished youth (18 to 30 years old), who constitute approximately 42 percent of the sample; middle-aged people (30 to 50 years old), who also constituted around 42 percent; and older people (50-82), who constituted 15 percent. Forty-six percent of my sample lived in urban areas. Nine percent were unemployed.[18] I also recorded indictors of education and income that show considerable variation along these parameters.

To test the impact of identity salience (H4) on legal preferences, I recorded indicators of religiosity and nationalism. First, to measure the relative strength of ethnic versus religious identity, I asked if the respondent would allow his or her daughter to marry a non-Chechen Muslim, for instance an Ingush or Dagestani.[19] More than 70 percent of the respondents would not allow an inter-ethnic marriage of a female relative, which highlighted a very high level of nationalism among Chechens. To measure o religiosity, the survey asked about frequency of reading the Koran.[20]

To measure legal knowledge across alternative forums (H5), I used a set of factual questions.

[18]These numbers correspond well with the socio-demographic 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 conducted in Chechnya in the post-war period to the author's knowldge.

[19]There is a very strong 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 inter-ethnic marriages are welcomed. Therefore, I measure response to this question as an indicator of Chechen ethnocentrism.

[20]This indicator is considered to be the most reliable measure of religiosity in the Islamic context (Jamal

For state law, I asked what is the legal age of marriage in the Russian Federation? The correct answer is 18, and it proved to be a relatively easy question: 82 percent answered correctly. For Sharia, I asked to what part of her husband's property a widow is entitled if the couple did not have children. The correct answer is one-fourth. This was a relatively difficult question, only 22 percent answered correctly. For adat, I asked if according to adat, a Chechen woman is allowed to initiate divorce. The correct answer is yes. However, knowledge of this norm was rather low, as only 44 percent responded correctly.

To analyze the impact of connections and access to formal state institutions (H8), 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 percent of the sample were government officials. To test if belonging to a large clan increases reliance on customary law (H9), the survey recorded clan (teip) affiliation. Members of more than 100 clans were included in the sample, and approximately a third of the respondents belonged to one of the twelve largest clans.

A study of Chechnya cannot overlook the impact of the prolonged military conflict. To account for the legacies of war, I recorded indicators of property damage, family members killed, family members wounded, and family displaced, and aggregated these indicators into an index of victimization.[21]

To control for geographic factors, I recorded whether a respondent resided in a mountainous region (Southern Chechnya) or in the Terek region (Northern Chechnya). The mountainous areas are considered to be the center of traditional Chechen culture and therefore it is plausible to assume that individuals who live in the mountainous districts will be more likely to rely on adat. In contrast, the Terek region, which borders Stavropol in Russia proper, is often considered as better integrated into Russian culture and was also less affected by the military conflict; therefore, one may expect that individuals who live in Terek region will be more likely to rely on state law.

and Tessler, 2008).

[21] I analyze the impact of conflict on legal pluralism in Chechnya in a systematic way elsewhere.

There were some missing data in the responses to questions regarding personal characteristics, especially income, religiosity and victimization during the war. I used multiple imputation[22] to fill these missing values and report the results of the empirical analysis with and without these imputed data.

Analysis

Figure 2 shows the distribution of choices for alternative forums in all ten vignettes in Group 1, in which respondents were choosing between alternative legal systems in the abstract. Figure 2 shows that people preferred Sharia in the majority of hypothetical disputes, especially in family matters. Sharia was not, however, "the only game in town": Figure 2 also shows demand for state law and adat. The majority of respondents chose state law in the case of a property dispute over an apartment. State law was also the most prevalent choice in the car accident vignette. In the case of murder, rates of support for Sharia and state law were similar. Figure 2 provides clear support for H3, which predicted that Sharia and adat would prevail in family law, and that state law would dominate in other domains.

[22] I employ mi package in R (Su et al., 2011).

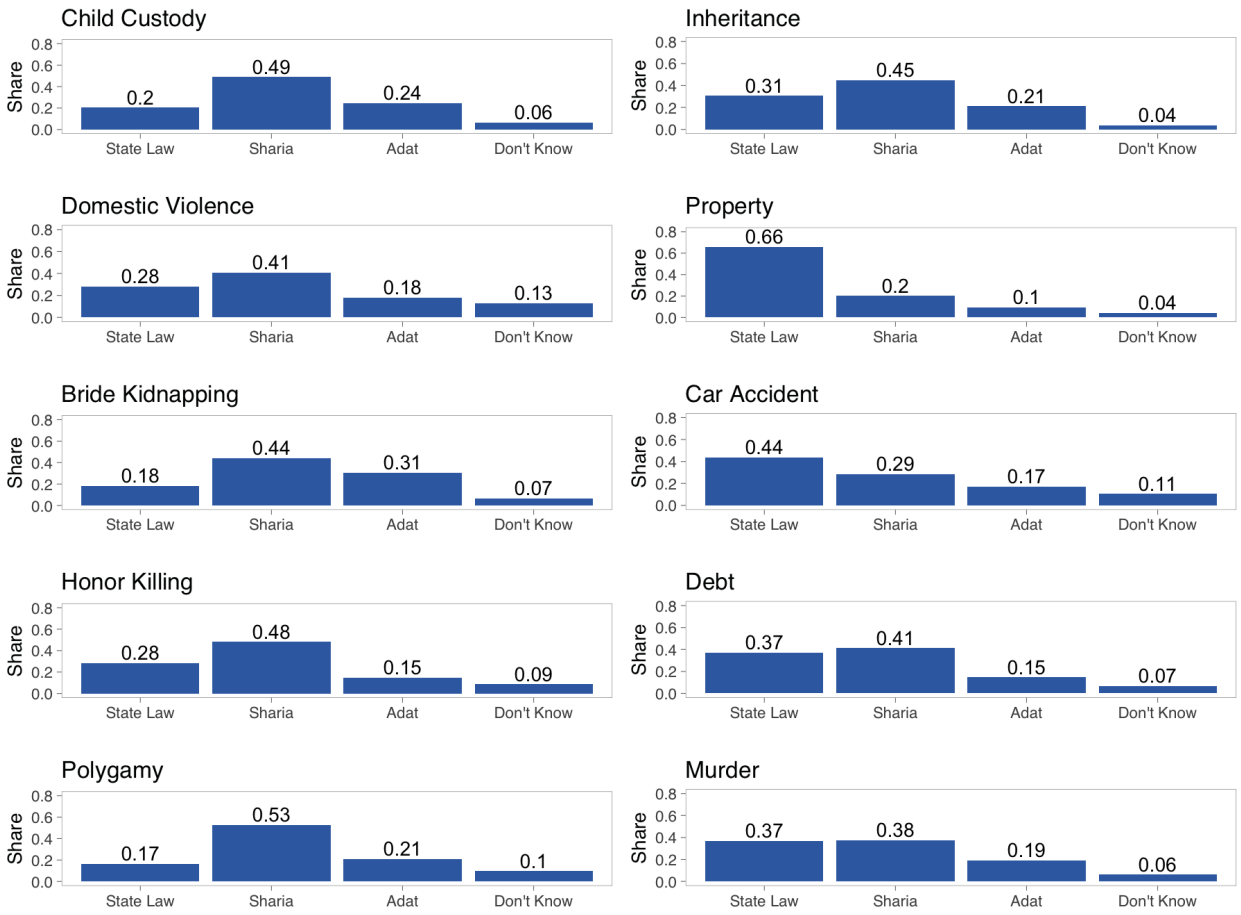

Figure 2: Preferences for Alternative Normative Systems (Group 1)

Aggregation of the choices across disputes shows that in Group 1, Sharia was chosen on average in 4 disputes out of 10; state law in 3.2 disputes, and adat in 1.9 disputes. In turn, 59 percent chose one forum in more than 5 disputes out of 10 and thus exhibited the ideological response style. I label these individuals "ideologists."

To test hypotheses H1 and H2, that framing of the choices in terms of particular resolution outcomes and authorities would diminish the prevalence of ideological motivation in favor of state law, I analyzed the difference in means among the three experimental groups for the aggregated indices of preferences for state law, Sharia and adat. Figure 3 shows the experimental results for the aggregate preferences for the legal systems.

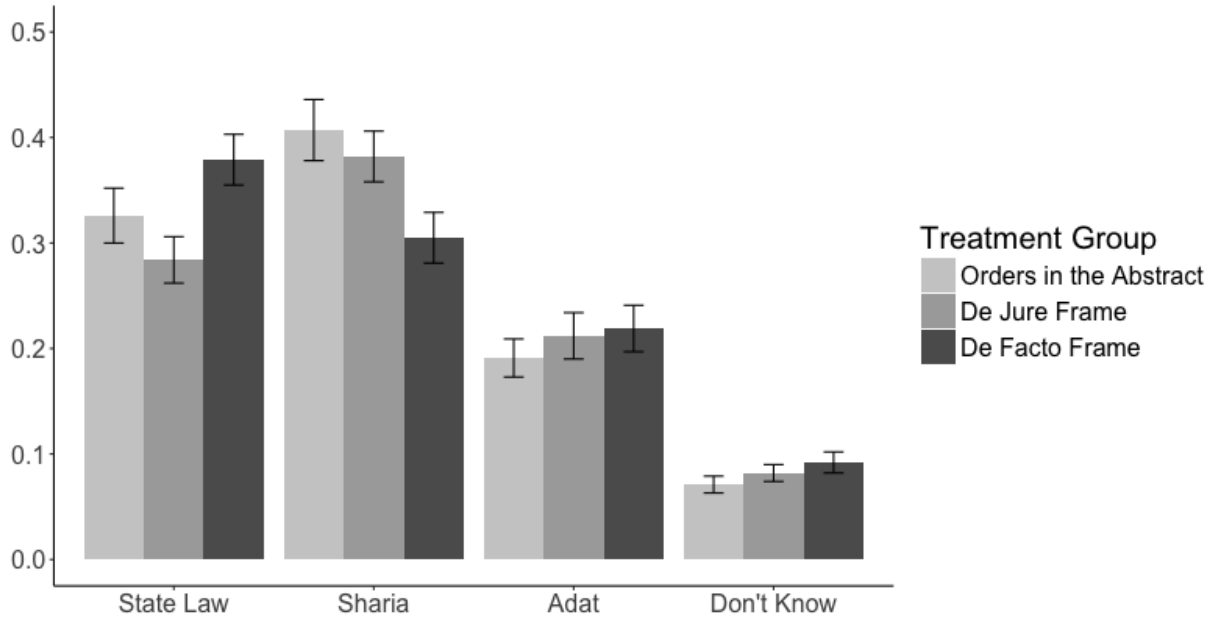

Figure 3: Choices Between Legal Systems: Aggregated Experimental Results

Figure 3 shows that invoking the de jure frame by linking normative orders with particular resolution outcomes (Group 2) decreased preferences for state law – in comparison with Group 1, the likelihood of choosing state law dropped from 32 percent to 28 percent (the difference in means is 4.3 percentage points; p = 0.01) and does not significantly affect preferences for Sharia and adat. In turn, invoking the de facto frame by substituting legal orders in the abstract with the specific authorities who would be charge of the implementation process led to a considerable increase in demand for state law: in comparison with the Group 1, the likelihood of choosing state law increased from 32 percent to 38 percent (the difference in means is 5.2 p.p.; p = 0.003). It also led to an increase in the likelihood of choosing customary law, from 19 percent to 22 percent (the difference in means is 2.9 p.p.; p = 0.06). In contrast, the de facto frame decreased support for religious justice: the likelihood of choosing Sharia dropped from approximately 40 percent in Group 1 to 30 percent in Group 3, when it is personified in the authorities who would be in charge of implementing it (the difference in means is 10 p.p.; p = 0.001). This gap is substantially very large. As a result, even though

[23]Difference in means between experimental groups by vignette is presented in Figure 2 in Appendix D.

Sharia was more popular than state law when presented as an abstract normative order, the authorities in charge of the state legal system prevailed over religious authorities.[23]

Figure 4 presents the results of the impact of experimental manipulations on another dependent variable, ideological response style. Figure 4 shows that both de jure and de facto frames decreased the prevalence of ideological responses. The effect of linking normative orders with particular outcomes (de jure frame) is especially large: the likelihood of ideological response style fell from 59 percent to 41 percent (the difference in means is 17.8 p.p.; p = 0.001). Framing the choice between authorities (de facto frame) also decreased the likelihood of being an "ideologist" down to 49 percent (the difference in means is 10 p.p.; p = 0.001).

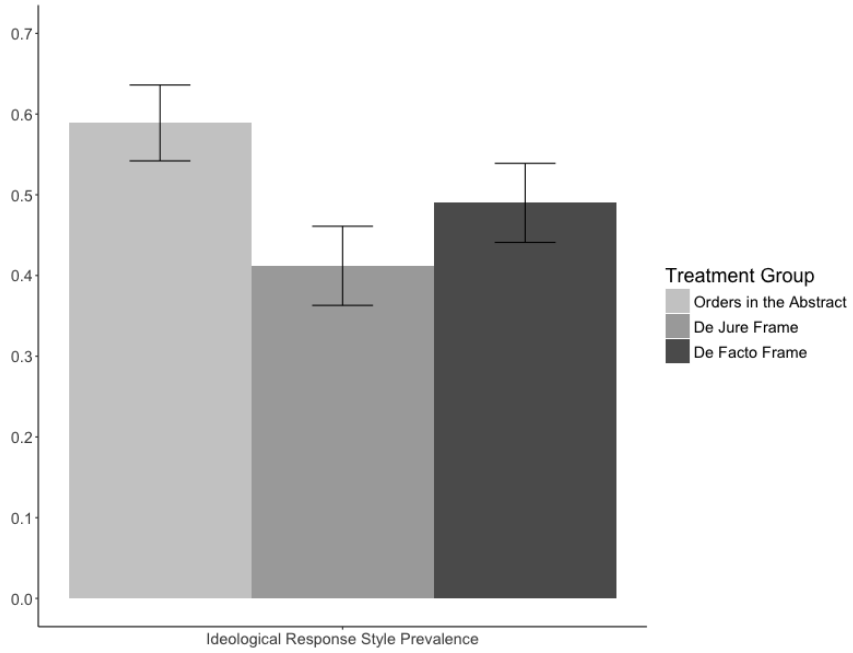

Figure 4: The Prevalence of Ideological Response Style Across Experimental Groups

Thus, the analysis supports H1 and H2 by showing that focusing on particular resolution outcomes and authorities decreases the prevalence of ideological choices. However, it also shows that these framings have different effects on preferences for state law: focus on the substantive resolutions (de jure frame) decreases that preference, and focusing on authorities (de facto frame) increases it.

To test if my experimental results are robust after the inclusion of covariates and to test

if observational individual attributes predict legal preferences in line with my hypotheses H4-H9, I turned to multivariate analysis. I ran OLS regression models that included the different treatment variables and a set of observational characteristics that could be divided into several groups: identity salience (H4), legal knowledge (H5), gender (H6), age (H7), state official position (H8) and clan affiliation (H9); as well as basic socio-demographic indicators, regional characteristics, victimization in war, and self-reported experience with using the different legal systems. The results of this analysis are presented in Table 3.

Table 3 shows that the experimental results hold after covariate adjustment. In addition, covariate adjustment highlights that invoking the de jure frame decreased the likelihood of choosing Sharia, though the effect is only on the verge of statistical significance, and was substantially smaller than the negative effect of the de facto frame on preferences for Sharia.

Observational attributes also had considerable predictive power. As expected by H4, ethnocentrism was a very strong predictor of support for adat. However, religiosity did not perform well as a predictor of demand for Sharia. Measures of legal knowledge across forums had significant predictive power, even though the relationships are not as expected by H5. I did not find that more knowledgeable people were less ideological and preferred state law. Religious knowledge was strongly positively associated with support for Sharia and ideological response style. In turn, knowledge of adat was positively associated with support for state law and negatively with support for Sharia, but unrelated to support for adat. This paradox can be explained by the fact that the question regarding the adat norm of women initiating divorce was likely to reflect respondents' attitudes towards gender equality, rather than actual knowledge of the norm. Knowledge of state law was not a statistically significant variable.

One of the largest effect sizes came from the association between legal preferences and gender. As expected by H6, women were much more likely to choose state law than men (predicted probability of choosing state law among women is approximately 7 percentage points higher than for men). Moreover, as Figure 3 in Appendix D shows, women were more likely to choose state law than men in all ten disputes, i.e. both in gendered disputes and in

Table 3: OLS Regression Analysis of the Predictors of Legal Preferences

	Dependent variable:			
	State Law	Sharia	Adat	Ideological Response Style
	(1)	(2)	(3)	(4)
de jure frame	−0.034**	−0.035*	0.021	−0.178***
	(0.017)	(0.019)	(0.015)	(0.035)
de facto frame	0.058***	−0.104***	0.022	−0.103***
	(0.017)	(0.018)	(0.014)	(0.035)
female	0.073***	−0.013	−0.048***	0.072**
	(0.014)	(0.015)	(0.012)	(0.029)
older vs mid-age	−0.028	−0.032	0.062***	−0.005
	(0.021)	(0.023)	(0.018)	(0.043)
youth vs. mid-age	−0.029*	0.039**	−0.014	0.015
	(0.015)	(0.017)	(0.013)	(0.031)
income	−0.004	0.003	−0.002	−0.004
	(0.006)	(0.007)	(0.005)	(0.013)
education	0.003	0.009*	−0.014***	−0.004
	(0.004)	(0.005)	(0.004)	(0.009)
unemployed	−0.005	−0.040	0.012	−0.118**
	(0.025)	(0.027)	(0.021)	(0.052)
urban	0.0001	−0.003	0.002	−0.002
	(0.014)	(0.016)	(0.012)	(0.029)
state official	−0.015	−0.020	0.026*	−0.015
	(0.018)	(0.020)	(0.016)	(0.038)
large clan	0.007	−0.044**	0.028**	−0.005
	(0.016)	(0.017)	(0.013)	(0.033)
ethnocentrism	−0.040**	−0.030*	0.034**	−0.091***
	(0.016)	(0.017)	(0.013)	(0.033)
religiosity	−0.002	0.004	−0.005	−0.005
	(0.006)	(0.006)	(0.005)	(0.012)
victimization index	−0.007	0.011	−0.009	0.024
	(0.022)	(0.025)	(0.019)	(0.046)
mountainous region	0.013	−0.077***	0.058***	0.003
	(0.025)	(0.027)	(0.021)	(0.052)
Russified region	0.001	−0.014	−0.007	−0.081
	(0.024)	(0.026)	(0.021)	(0.050)
knowledge - state law	0.021	−0.015	0.014	0.007
	(0.018)	(0.020)	(0.016)	(0.038)
knowledge - Sharia	−0.096***	0.114***	0.023	0.099***
	(0.016)	(0.018)	(0.014)	(0.035)
knowledge - adat	0.067***	−0.064***	0.006	−0.038
	(0.014)	(0.016)	(0.012)	(0.030)
experience - state law	0.042**	−0.045**	0.012	−0.026
	(0.020)	(0.022)	(0.017)	(0.041)
experience - Sharia	−0.040**	0.048**	−0.001	0.020
	(0.019)	(0.021)	(0.016)	(0.039)
experience - adat	−0.029	−0.007	0.047***	−0.015
	(0.019)	(0.021)	(0.016)	(0.039)
Constant	0.322***	0.404***	0.229***	0.667***
	(0.046)	(0.051)	(0.040)	(0.096)
Observations	1,194	1,194	1,194	1,194

Note: *p<0.1; **p<0.05; ***p<0.01

conflicts unrelated to gender such as car accidents or murder. As expected by H7, 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. As expected by H9, 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. Most surprisingly, analysis shows that in contrast to the expectation of H8, state officials were not more likely to rely on state legal systems, which they are supposed to represent, but instead preferred customary law. Income, employment status, urban/rural residence, and victimization during the war did not have significant predictive power.

The results show that preferences expressed in discussing vignettes corresponded well with reported behavior in actual disputes: those who reported having experience in dealing with courts and police were more likely to choose state law and less likely to choose Sharia; those who reported asking imams or qadis for adjudication were more likely to support Sharia and less likely to choose state law; and those who came to elders for dispute resolution were more likely to rely on adat and less likely to go to the state forums.

I tested the robustness of these results in several ways. First, I ran the OLS regressions without imputation of the values of some covariates (see Table 4 in Appendix D). That significantly diminished the sample size because many respondents did not answer questions related to income, religiosity, and exposure to conflict. However, the effects of the experimental manipulations and most observational associations stayed the same. Second, because choices of different legal systems are related to each other (i.e. choosing state law in a dispute automatically means not choosing adat or Sharia) I ran multinomial logistic regressions that allowed me to explicitly model interdependences between the outcome variables. The results of the tests with alternative baseline categories (state law, Sharia, adat, don't know) are presented in Tables 6-9 in Appendix D. Estimates of the effects of the experimental manipulations are effectively the same as those obtained though simple OLS regressions,

therefore for ease of interpretation I focus on the OLS regression results.

In addition, multinomial analysis allowed me to formally test H3. 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 on legal domain (family vs. non-family) along with the treatment variables. The results presented in Tables 10-13 in Appendix D 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.

Finally, in addition to analyzing preferences for alternative legal orders through the indices, which were constructed based on simple algebraic functions of the constituent items, I applied an alternative estimation strategy, Latent Class Analysis (LCA), which is a statistical method for identifying unmeasured class membership among the subjects (Linzer et al., 2011). The results of the analysis presented in Appendix E are consistent with the results presented above. Most importantly, LCA analysis showed that the probability of belonging to the class of respondents who chose different legal systems in different situations (the opposite of the ideological response style) rose when either the de jure or de facto frame was invoked. The LCA analysis also shows that the probability of belonging to the class of Sharia proponents fell dramatically when Sharia was represented by authorities (de facto frame). Finally, LCA analysis corroborated the finding that the probability of belonging to a class of state law proponents decreased when the de jure frame was invoked and increased when the de facto frame was used.

Explaining the Gap in Support for De Jure and De Facto State Law

Statistical analysis of the survey data supports most of the hypotheses. However, it highlights that even though framing of the choices among different legal orders in terms of particular resolution outcomes (de jure) and authorities in charge of its implementation (de facto) decreased ideological rigidity as expected, two framings had divergent effects on preferences for state law: the de jure frame decreased support for state law, while the de facto frame increased it. In order to uncover the mechanisms behind this finding, I relied on the qualitative evidence. Analysis of the interviews highlights two complimentary mechanisms, enforcement and discretion.

One of the central interview questions was what happens when two sides prefer different forums. The most common response was that the stronger side wins. Others, mostly those who work in the legal sphere, disagreed. Said-Magomed, who worked as a lawyer, told me that "when two sides go to different forums, the side that goes to court will always prevail. If there is a court decision, all these talks about what is right and what is wrong are just chatter!"[24] This argument highlights enforcement as the major driver of support for state law. Enforcement in both adat and Sharia is based on social pressure. Mohhamad, a qadi of a district in mountainous Chechnya explained: "If a person agrees for a Sharia trial, but then backs up and does not accept the ruling, I will announce that no imam will show up at his family's funeral or wedding."[25] However, both religious and traditional authorities acknowledged that social pressure is not always effective: quite often parties simply disregard their rulings.

In addition to enforcement, the interviews highlighted the central role of discretion by authorities. The fact that authorities in charge of state law often adopt norms from custom and religion in their practice was not surprising given that judges, prosecutors, and policemen also hold Chechen and Muslim identities that shape their legal consciousness. For example,

[24] Interview 37, a lawyer, Grozny, August 2015.
[25] Interview 35, a qadi (Islamic judge), a rural location, January 2015.

Marha, a thirty-five year old woman who works as a lawyer, told me that that once a judge who was hearing a case of child custody suddenly switched from speaking Russian to 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?" The respondent – this woman’s lawyer – intervened and asked where in the state family code the judge found references to “tradition" and “shame." After that, the judge switched back to Russian, apologized and even ruled in favor of the woman.[26] But not all lawyers are able to force police and courts to follow norms prescribed in Russian state law. For instance, both male and female police officers, did not consider domestic violence a crime and did not think that a police officer had an obligation to intervene in case of wife beating.[27]

Such views were reinforced by the expectations of the disputing sides. For example, Ruslan, a plaintiff in one of the cases, praised the judge who was hearing his case by saying that “he is a good judge. He tries to implement Sharia norms wherever it does not violate Russian law. We have very high respect for him because of that."[28] Qualitative analysis cannot differentiate which of the two mechanisms plays the dominant role in driving support for state justice officials. Most likely these factors are complimentary.

5 Discussion and Conclusion

Legal pluralism has been recognized as an important topic in legal anthropology, sociology, and history (Barkey, 2008; Bowen, 2003; Geertz, 1983; Mamdani, 1996; Merry, 1988); political science, however, has largely ignored it so far. This study provides, for the first time, a general theory and systematic quantitative evidence on how people choose among multiple different legal orders.[29]

[26]Interview 21, a lawyer who works in an NGO, Grozny, January 2015.

[27]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.

[28]Interviews 39, a businessman, Grozny, August 2015

[29]Sandefur and Siddiqi (2013) provided the only other quantitative account of choices under legal pluralism. The authors showed that informal dispute resolution in Liberia was discriminatory, and that lowering cost of

The study captures a wide variation in preferences for alternative legal systems in Chechnya across issues and individuals, as well as across alternative framings of the legal orders proposed in the study. Analysis of the experimental evidence on the framing of choices between legal orders provides support to the main hypotheses (H1 and H2), that focusing on particular resolution outcomes and agents in charge of arbitration will decrease ideological tendencies, i.e. people will become more likely to choose different legal systems in different situations. However, I find that these two elements of legal systems have divergent effects on demand for state law: focusing on particular substantive resolutions (de jure frame) decreases preference for state law, while, in contrast, focusing on authorities (de facto frame) increases it.

The qualitative research suggests that state authorities' advantage in enforcement and discretion are the likely drivers of this puzzle. The inferences from the qualitative analysis are also supported by the survey finding that state officials in Chechnya were more likely to prefer customary law rather than state law. In turn, the large gap between support for the substantive resolutions of state law and the authorities in charge of it, suggests that potential disputants also do not necessarily expect the authorities to follow the letter of the law.

These findings have important implications for our understanding of state building. Given that Russian state law has been recently considered in Chechnya as the "law of the enemy," and reliance on it can still be penalized by community ostracism, as the qualitative analysis suggests, the fact that it nevertheless is often chosen in dispute resolution in Chechnya is striking. These findings imply that the state can penetrate a strong society even without providing procedural fairness, as proposed by Hechter (2009). This finding also 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). I show that state law can penetrate society even in the short run, but societal factors including norms of religions and tradition are also likely to shape how state authorities implement the law. From a policy perspective, these findings provide important insights for designing interventions that aim to

access to state justice though provision of legal aid improved satisfaction with dispute resolution.

promote the rule of law (Blattman et al., 2014; Sandefur and Siddiqi, 2013).

An additional explanation for the increase in support for state law as implemented by authorities in practice is that its main competitor – the religious dispute resolution system – significantly loses its appeal during the implementation process. Support for religious justice is characterized by a large gap in normative and institutional legitimation. Sharia has a very high appeal in Chechen society. As the analysis shows, preference for Sharia can be considered as a political ideology that is shared by a wide segment of Chechen society. However, it significantly loses its support when it is represented by the authorities. Many people consider Sharia as a God-given ideal justice system and apparently fail to recognize contemporary Chechnya's semi-formal qadi courts, which are linked to the state, as a proper expression of Sharia. The difference here is between a vision of perfect justice and an image of a particular imam or qadi who might be poorly educated and corrupt. This highlights another failure of political Islam (Roy, 1994) in the transition from utopia to practical implementation.

The study also speaks to the distinction between normative (ideological) and instrumental motivations behind legal choices. In addition to highlighting the role of framing choices in terms of de jure and de facto components of legal orders, I find several strong observational patterns that directly speak to this debate. First, in line with the ideological approach and H3, the study finds that preferences for the different legal systems vary dramatically across domains. In family law and the dispute about debt, Sharia was the dominant form of dispute resolution. These issues are crucial for religious boundary making and are considered part of the moral domain. Therefore, it is hard for state law to penetrate these spheres. State law in turn dominated in property disputes, car accidents, and murder. These cases are characterized by their relative complexity and less debate about morality. There is also evidence in support of H4, that support for customary law can be attributed to ethnocentric identity.

Second, the findings that women prefer state law, and older people and members of the large clans prefer customary law, support the instrumental approach (H6, H7, H9). Gender

is one of the strongest predictors of legal preferences. At the same time, the fact that a gender gap is present in all ten disputes – both gendered disputes and disputes unrelated to gender such as murder or debt – suggests that women internalize the favorability of state law for them in the family law domain and expand it into preferences for state law in the other domains. Thus a plausibly initially instrumental motivation turns into an attachment that can be considered ideological and conceptualized in terms of sociotropic justice (Mutz and Mondak, 1997). Group interests associated with age and belonging to large clans predict reliance on customary law, as expected. These results suggest that persistence of customary institutions is not necessarily just a cultural artifact (De Juan, 2017), but is also a reflection of powerholders' interests.

Quantitative analysis of the distinction between ideological and instrumental motivation in the study is limited by the fact that the hypothetical vignettes do not incorporate self-interest. Therefore, I focus on group interests, which have a profound impact on legal choices. As a result, the setup of the study precludes distinguishing ideologists from opportunists; instead I can only plausibly identify ideologists. However, previous research on preferences for justice consistently shows that self-interest plays only a marginal role, in contrast to group interests (Gibson, 2009, p. 87). Therefore, this limitation does not threaten the overall argument.

Another important concern is whether patterns of legal attitudes established by analyzing the survey responses translate into legal behavior; for example, whether women indeed rely on state law more often than men. No doubt, in real life, the choice of legal system does not perfectly reflect an individual's perception that the chosen system is proper and just; it ultimately depends on coordination between parties, costs of access, and social pressure (Felstiner et al., 1980). I argue that when individuals are not directly engaged in a dispute, and therefore self-interest motivation is not at play, choice of forum is a good indicator of their legitimating beliefs (Levi et al., 2009): predispositions towards what is a proper way to solve a dispute, readiness to rely on authority that represents it, and willingness to comply with a particular outcome. These attitudinal predispositions may not necessarily translate

into behavioral manifestations; however, they are manifestations of the demand for rule of law, or in the case of legal pluralism, for different rules of laws.

The context of the study imposes important scope conditions for the arguments advanced in this article. As highlighted above, studying legal pluralism in Chechnya has several advantages. On the other hand, the particularities of legal orders in Chechnya potentially restrict the generalizability of the findings. First, formal state law in Chechnya is associated with a dictatorial regime that enjoys strong repressive capacity. Thus, the advantage in enforcement observed in Chechnya may not be present in other places. Second, scholars of legal pluralism distinguish between strong and weak legal pluralism (Merry, 1988). Weak legal pluralism assumes government recognition and regulation of non-state 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 under conditions of pure forms of weak and strong legal pluralism, legal choices might differ from the Chechen hybrid form of legal pluralism.

Despite these potential limits to its generalizability, the study's focus on a single case allows for better understanding of the nature of legal choices and their implications for state-building, political Islam, and legitimacy more generally. In addition to its substantive contributions, the study outlines the benefits of employing a mixed-methods approach for studying legal pluralism from a political science perspective. The combination of interviews with authorities, legal professionals, and experts, and a mass survey of ordinary Chechens provided perspectives on legal pluralism from both potential adjudicators and potential disputants. Furthermore, intensive qualitative fieldwork allowed me to design grounded measures of legal preferences based on modified descriptions of actual legal cases. By relying on vignettes of complicated disputes, the study follows a tradition in legal anthropology that is focused on analyzing "trouble cases" (Llewellyn and Hoebel, 1941). 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 addition, insights from the qualitative part allowed me to unpack the mechanisms behind the quantitative part. Thus, the two methods of inference supplement each other and allow us to better understand how people actually think about law in a competitive normative environment.

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