

BOOK REVIEW

Lazarev, Egor. *State-building as Lawfare: Custom, Sharia, and State Law in Postwar Chechnya*

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Egor Lazarev's book focuses on Chechnya, a small autonomous republic within the Russian Federation, in order to explore state-building strategies and the permutations of lawfare, conflict, and nation-building that constitute them. Central to this attempt is the concept of "nested sovereignty," wherein "both central and peripheral rulers in these peripheries may pursue their own state-building projects and lawfare based on manipulation of the plural systems of justice" (p. 5). Lazarev correctly claims that while much effort has been spent in analyzing the coercive and extractive activities in which modern states engage (p. 10), less attention has been paid to the regulatory – legislative and judicial – practices of the state. Lazarev's intervention to draw out the importance and implications of this domain builds on key propositions of state theory, particularly the work of Charles Tilly, Max Weber, and Joel Migdal.

Chechnya is presented as an instance of lawfare as state-building in that, with Tilly, Lazarev sees conflict as a pivotal moment in state-making. At the same time, contra Tilly, conflict needs not be necessarily external warfare; it may also be civil or secessionist war, as happened in the mountainous Caucasian region in two different instances (1994–6 and 1999–2001). Conflict opens spaces for competitive state projects to emerge. The issue, ultimately, is one of social and political control – the Weberian preoccupation with state legitimacy. In a context of nested sovereignty, both the rulers of the center (read also metropole) and the leaders in the periphery (read also colony) strive for it. Actors may use conflict as an opportunity to craft an emergent (quasi) state within the bounds of an existing one. As the ethnic and national texture of the conflict plays out, a fabric of alternate legitimation is being woven, not under the guise of a unified legal and jurisdictional system, but instead as legal pluralism, whereby (Russian) State law, customary law ("Adat") and Islamic law (Shari'a) coexist. Law makes the state, and the state makes the law, but here we find multiple laws.

In explaining why Russian authorities in Moscow and Chechen rulers (under the notorious Ramzan Kadyrov) accept and promote this state of affairs, Lazarev appeals to Migdal's state-in-society approach. Within Chechnya, rulers deploy coterminously State Law, Adat, and Shari'a to bolster their legitimacy in relation to specific societal actors (such as tribal leaders and former rebels), catering to tradition and religion. They thus enact a regime that features three legal-juridical systems, fundamentally at odds with one another, and that is both contained within and autonomous from the sovereignty of the Federation. There are three main implications. First, legal pluralism has been utilized by the local leaders to further both their goals of social control and autonomy from the center. Second, members of society have been able to "shop" (p. 5) between state and non-state legal systems depending on the issue at hand. Third and last, from the perspective of the central government, legal pluralism has permitted the crafting of a political arrangement not unlike indirect rule in colonial setting – ending the war and retaining Chechnya within the bosom of the Federation (or empire, as the author hints at).

Lazarev combines deep ethnography and statistical analysis (based on survey questionnaires and court cases archival datasets). This methodological choice affirms neither positivism nor interpretivism, instead adopting critical realism in order to glean at the conditions of possibility of (political) practices on the part of political and societal actors. The author accomplishes this, among other ways, by focusing on the domain of gender relations, practice, and codes, where the encounter of multiple legalities and political projects is staged and enacted.

While Lazarev's treatment of the interaction of the three legal and jurisdictional apparatuses is vivid and detailed, not all are unpacked for the reader, as the complexities of Islamic law are addressed rather swiftly. Wael Hallaq's appearance in the conversation certainly signals the author's awareness of the overwhelming number of issues to consider, but he does not and cannot possibly plumb all of those. He compensates for this lack with sharp insights into relations between subjects in the empire-metropole and those in the periphery-colony. Once the author compellingly links contemporary realities of nested sovereignty with colonial inheritance, his theory seems immediately capable of venturing beyond Chechnya towards other instances of post-colonial and post-conflict regions nested in wider polities. In post-colonial societies, the relation between colonially bequeathed secular legal and jurisprudential regulations must contend with customary and religious rules. For instance, the Khyber-Pakhtunkhwa region of Pakistan, where traditional customs ("Pashtunwali") continue existing together with local interpretations of Shari'a and a Westminster-inspired legal system emanating from Islamabad. Lazarev warns us not to look at situations of legal pluralism as an undue aberration, nor should we rush in attributing its presence to indigenous cultures, a perilous opening to essentialist arguments. Rather, they represent lawfare as a form of state making under specific circumstances – however normatively questionable they may be. They are situations where the image of a supposedly coherent, unified state is severely challenged by the plurality of its legal and jurisdictional practices (to use the language of Migdal, often adopted by Lazarev).

As Lazarev's theoretical architecture pivots on the concept of nested sovereignty, the reader may ask for more clarity on the specific contours of such a concept. Indeed, the idea of state-building can pertain only to Russia, and not to Chechnya, which is

not a state in any legal sense. It does enjoy a great degree of autonomy – but autonomy is not independence. It is plausible to assume that the political arrangements of nested sovereignty as articulated by the author (“local rulers’ political autonomy [which] approximates the imperial setup of indirect rule”, p. 10) did make Chechnya a quasi-state, but the creation, via legal pluralism, of such political entity served to shore up Russian state-building, too. Is Russian state-building coterminous or equivalent to Chechnya’s (quasi) state-building? Perhaps the author could have dedicated more attention to this issue. In a similar vein, if we pursue this line of reasoning, the insertion of other cases in the research design could have strengthened Lazarev’s claims. He does provide some remarks *vis à vis* the other two Muslim Caucasian republics that border Chechnya to the east (Dagestan) and west (Ingushetia) yet the absence of conflict has them fall outside the scope conditions of his theory, as he readily admits.

Regardless, Lazarev’s work is a most valuable contribution to our understanding of state-building via lawfare in post-colonial contexts, especially as it explores fractured and contested sovereignty, legal pluralism, and issues of religion and politics.

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