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To cite this article: Maryam Sugaipova & Julie Wilhelmsen (2021): The Chechen post-war diaspora in Norway and their visions of legal models, *Caucasus Survey*, DOI: [10.1080/23761199.2021.1872242](https://doi.org/10.1080/23761199.2021.1872242)

To link to this article: <https://doi.org/10.1080/23761199.2021.1872242>



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Published online: 25 Jan 2021.



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# The Chechen post-war diaspora in Norway and their visions of legal models

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## ABSTRACT

This article examines how understandings of the rule of law are shaped in the Chechen diaspora in Norway. Taking as our point of departure studies of *legal pluralism* and the co-existence of traditional *Adat*, religious *Sharia* and Russian secular law in Chechnya, we examine the effect of living in a host country by asking: How do members of the Chechen diaspora, here defined as conflict-generated diaspora, view and internalize legal models in Norway? What type of state governance do they see as ideal for themselves and for Chechnya in the future? Further: what might the underlying explanation for their choices be? We assume that just as different waves of violence in Chechnya created different diaspora communities that today exhibit specific social, cultural and political traits, the latest wave of forced emigration to Europe after the post-Soviet Russo-Chechen wars may have made specific imprints on the legal preferences of this diaspora. The picture that emerges from our in-depth individual interviews and surveys is one of gradual adaptation and adjustment to Norwegian state governance and rule of law, demonstrating the complex and co-constitutive relationships between changing identities and legal preferences.

## ARTICLE HISTORY

Received 22 June 2020


Accepted 27 December 2020

## KEYWORDS

Chechens; legal pluralism; diaspora; liberal democracy; *Sharia*; *Adat*

## Introduction

During a discussion with members of the Chechen diaspora, we realized that Chechens in Norway have, in the course of some 20 years of living in this country, become highly sceptical towards Norwegian government institutions through their encounters with one specific institution, *Barnevernet*, the Norwegian Child Welfare System. *Barnevernet* is seen as a threat among the Chechen diaspora in Norway, which counts some 15 000 individuals, according to the diaspora leadership (authors' interview, May 2019). Diaspora representatives have heard of 50 children from Chechen families that have been placed in foster families or institutions, but believe the number to be much higher (authors' interview, 2019). In a room full of men and women intensely recounting their personal experiences with *Barnevernet*, it was especially one older woman's outcry that caught our attention and prompted the research question and approach in

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this article. “If we can get our children back, we should all go back to Chechnya. Despite the repressions, we could raise our children in line with our cultural and religious norms and not lose them to Western norms and values” (authors’ notes from a meeting with Chechen diaspora, May 2019). We were surprised to find that this was immediately dismissed by everyone else present: not even the prospect of getting their children back from *Barnevernet* would induce them to return to Chechnya. Despite the strained relationship with this particular government agency and a clear discrepancy in some values with the Norwegian society, the Chechen diaspora in Norway exhibits a positive attitude towards their host country and is reluctant to return to their homeland (authors’ notes from a meeting with Chechen diaspora, May 2019).

There can be many reasons why diaspora Chechens wish to stay in Norway: this article focuses on their views of and experiences with Norwegian state governance and rule of law. By taking the literature on conflict-generated diasporas and that of legal pluralism as our point of departure, we probe into the perceptions that members of the Chechen community in Norway have of various legal models (coming from a society where legal pluralism is prevalent). Do they want to stay in Norway because they think that overall the liberal, democratic Norwegian state offers better and more just governance and protection? How do they look upon the role of *Adat*<sup>1</sup> in regulating their lives in the host country? Do they, as practising Muslims, hold that Islamic Sharia law<sup>2</sup> should regulate relations between people and shape state governance – as most Chechens in today’s Chechnya seem to think (Lazarev 2018)? Are there any generational differences in legal preferences? Finally: what model of law and what kind of state governance do they consider best for Chechnya in the future, should they ever be able to return and build their “ideal” Chechnya?

Our initial assumption was, that after 20 years in Norway, members of the Chechen diaspora would be inclined to prefer the Western liberal model of state governance and rule of law. We also wanted to find out why alternative legal models of customary and religious laws might be important for Chechens in Norway. Potential rejection of the Norwegian legal model might hinge on the discrepancy between Norwegian and Chechen cultural norms and values. For a conflict-generated diaspora as the Chechen, where collective trauma and memory are an epicentre of group identity (Hirschberger 2018), loss of family members, for example through the *Barnevern* interventions, could be construed as existentially threatening, fuelling the desire for other, more “just”, legal orders in which the state does not intervene in the lives and private affairs of the family unit.

Based on a case and context sensitive approach and by inquiring into the empirical questions listed above, this article will contribute to the steadily growing literature on legal pluralism among immigrants and to studies on conflict-generated diasporas in three ways. First, by interrogating the ways in which the religious and ethnic identities of Chechens in Norway shape their attitudes to different legal models, we test and broaden the application of the “identity school” within legal consciousness studies, which posits that questions of law and identity are mutually constitutive (Chua and Engel 2019). Second, turning to diaspora studies, our article contributes to the field of conflict-generated diasporas and their relations to and possible impact on their home country (Sheffer 2003; Lyons 2006, 2007; Koinova 2018; Féron and Lefort 2019). Several studies of such diasporas have nuanced the dichotomy of diasporas as either

“warriors” or “peace-makers” (Kleist 2008; Orjuela 2008; Koinova 2018), and moved beyond the “securitization trope” in research on diasporas and conflict (Féron and Lefort 2019, 34). Recent contributions in this field focus on the range of mechanisms through which diasporas mobilise in processes of transitional justice (Koinova and Karabegovic 2019) or unpack how conflict-generated diasporas’ embeddedness in different contexts is related to diaspora mobilisation (Koinova 2018). This article offers nuance by zooming in on diasporas’ attitudes to law and institutions, drawing on the concepts of legal pluralism and legal consciousness to study the Chechen diaspora in Norway as embedded in multiple legal and normative contexts.

Finally, the article adds to the literature on the particularities of the Chechen diaspora *sui generis*. It does so by providing a thorough empirical investigation of legal consciousness and adaptation in a group not previously studied by scholars in the field, namely the Chechen post-war diaspora in Norway. As such, it nuances earlier accounts of the Chechen diaspora in Europe (Vinatier 2005; Szczepanikova 2012, 2014; Le Huérou et al. 2014; Molodikova 2015; Iliysov 2017; Sipos 2020) and opens up the field of researching legal pluralism and legal adaptation within this diaspora community. It does not engage in comparison but lays the ground for such work in the future.

The article opens by presenting Chechens in forced emigration as a particular type of *diaspora* and contextualizing the Norwegian state and society in which they live today. We then turn to legal pluralism and legal consciousness and explain how we understand and apply it as our theoretical lens in this case study. We also present our research methods and data. In the third section, we outline empirical results from fieldwork in Chechnya and in Norway, with individual analyses of the cases, followed by a comparative analysis. Here the choices between various official and non-official legal models and forms of state governance are presented, and the gradual legal adaptation of the Chechen diaspora in Norway towards a liberal democratic order is explained. We conclude with some suggestions for future research.

## **A conflict-generated diaspora in a liberal state governed by the rule of law**

Chechen refugees did not arrive in Europe in large numbers until the unofficial end of the Second Russo-Chechen War in the early 2000s. The overall size of the Chechen diaspora in Europe has been variously estimated as comprising at least 200 000 individuals, but no official and precise figures exist (Caucasian Knot 2016). The French intelligence services estimate that more than 60 000 Chechens reside in France – the largest Chechen diaspora in Europe (Birchem 2018). The Chechen historian Mairbek Vatchagaev (2016) estimates that there are 30 000 Chechens living in Austria and 20 000 in Belgium. As noted, there are approximately 15 000 Chechens now living in Norway.

We consider this latter community – the focus of this study – as being a *diaspora*: “displaced people who feel (maintain, revive, invent) a connection with a prior home” (Clifford 1994). As Clifford (1994) argues, diasporas are distinct from immigrant communities: not only do diasporas maintain and nurture “important allegiances and practical connections to a homeland”, they also tend to demonstrate and exercise resistance to assimilation in the host society. A diaspora is assumed to be especially resilient to cultural erasure in the new place of residence and to processes of forgetting, integration and

estrangement.<sup>3</sup> We find it reasonable to recognize the Chechens in Norway as a specific *diaspora* and not simply an immigrant community. Additionally, turning to the more specific criteria that a group must meet in order to be classified as a diaspora in ethnic and racial studies, we find that the Chechens in Norway “qualify” (Safran 1991; Clifford 1994; Cohen 1997; Brubaker 2005).

Furthermore, scholars of ethnic and racial studies (Sheffer 2003; Lyons 2006, 2007; Koinova 2018; Féron and Lefort 2019 and others) define a *conflict-generated diaspora* as a diaspora exhibiting a strong sense of emotional attachment to the homeland, driven by collective grievances and joint experiences of violent, forced separation from their homeland (rather than voluntary economic or other personal pursuits). Chechens comprise such a diaspora: they bear grievances of the past traumas and conflicts with them wherever they go, and they have been forced into exile because of conflicts in their homeland.

Of the many severe consequences of war, the impact on mental health of the civilian population has been shown to be among the most significant (Murthy and Lakshminarayana 2006). As a tragic consequence of traumatic events, collective trauma becomes a psychological reaction that affects an entire society (Hirschberger 2018). Further, the memory of collective trauma is established by victims by passing down culturally derived teachings and traditions about threat. These promote group preservation, which subsequently increases the motivation to embed the trauma into a symbolic system of meaning. The same meaning helps the group to (re-)define who they are and where they are going. And, with time, the collective trauma and memory of it becomes the epicentre of group identity, the lens through which group members understand their social environment (Hirschberger 2018, 2).

When meeting with representatives from the Chechen diaspora in Norway (fieldnotes 2019), we saw how the memory of collective trauma has become a driving force in their attempts to define and redefine themselves in a new place. It seems difficult for some of them to let go of the past and move towards “full integration” into their host (Norwegian) society. The trauma of violent displacement is especially evident among the first generation. It is important for Chechens to retain and uphold their identity, to promote and preserve their community.

In addition to the historic grievances and experiences of violence that set the Chechen community apart from most Norwegians, there is arguably a cultural/normative mismatch between Chechen and Norwegian societies. This can make the integration process difficult and is relevant for the framing of this study. Chechens historically adhere to traditional family values; the population is divided into *teips*, formed by individual families, although these structures have become radically transformed and diluted today. There is a culture where divorce is rare, birth rates are high and the government, as oppressive as it is, rarely interferes in private relationships in matters between parents and their children.

Today’s Norwegian society is arguably one of the most liberal and egalitarian societies in the world. The country ranks as the world’s second most gender-equal country (World Economic Forum 2019). Homosexuality has been legal since 1972. In 2019, there were half as many divorces as contracted marriages, and the birth rate was 1,53 per woman, according to the Statistics Norway (SSB) website as of November 2020. There are 9,7 abortions per 1000 women aged 15–49; abortion is legal on request up until the 12th

week of pregnancy (Norwegian Institute of Public Health). Additionally, the above-mentioned Norwegian Child Welfare System (*Barnevernet*) has unlimited power to judge what is in the best interest of a child. This is held as a fundamental consideration in actions and decisions that affect children in Norway.<sup>4</sup>

In sum, today's Norwegian liberal values do not seem well-aligned with cultural and religious codes and values that dominate Chechen society. Moreover, with the traumas of war and loss so central to Chechen group identity, it is hardly surprisingly that a state which intervenes and takes children away from families can be seen as an existential threat, influencing the view of the Norwegian state as a whole. All this provides an important backdrop for our enquiry into the Chechen conflict-generated diaspora in Norway and their views on different legal models.

### Filling a gap on conflict-generated diasporas and legal pluralism

Most research on conflict-generated diasporas has focused on diaspora remittances and their effect on the homeland economy and politics (Horst 2008) or on the role of these diasporas in framing conflict issues back home (Shain and Barth 2003; Fair 2005; Lyons 2006, 2007; Horst 2008). Koinova (2011), for example, defines the Chechen diaspora in Europe and Russia as a diaspora generated by conflict and argues that there is a link between this diaspora and the secessionist conflicts in the place of origin. She holds that the Chechen diaspora contributes to radicalization in Chechnya and thereby to conflict escalation. These radicalizing influences from the diaspora allegedly surge either when grave violations of human rights occur or when local elites begin to lose authority among the population – a situation in which the diaspora can advance their secessionist goal.

Here we do not dismiss the idea that a conflict-generated diaspora may contribute to conflict escalation at home or in the host societies. Rather, we aim to nuance the existent literature on conflict-generated diasporas beyond diasporas as either peace workers or warriors. In this we align with recent calls by prominent scholars in the field (Kleist 2008; Orjuela 2008; Koinova 2018; Féron and Lefort 2019). Acknowledging that the Chechen diaspora in Europe is indeed one generated by conflict and driven by collective grievances, we agree that such a diaspora is more likely to exhibit and maintain the trauma of displacement than diasporas generated by voluntary migration, but we choose not to focus on the *current* political engagement of this diaspora and its effects on (potential) conflicts. Rather, we want to study the impact of life in the host country on Chechens' legal preferences – as well as considering their possible *future* engagement in politics and state-building in Chechnya, if and when democratic processes are reinforced. As such, we examine the “in-between advantage” (Brinkerhoff 2016) of diasporas (as both endogenous and external actors) and their potency to envision a different future for state-building and rule of law in Chechnya.

To unpack and scrutinize a conflict-generated diaspora's embeddedness in different contexts and how this may shape future mobilisation (Koinova 2018) we zoom in on “legal pluralism” among Chechens. We explore how this group's legal consciousness has been affected by the experience of living in a Western liberal democracy (Norway). By combining the insights on legal pluralism into the study of conflict-generated diasporas in this way, the article offers new perspectives on how the transfer of pluralistic and institutional norms back to the homeland may occur.

Legal pluralism, as opposed to legal centralism, is a system where several normative, legal orders operate in one and the same social field. Here we take as our point of departure Egor Lazarev's *Laws in Conflict: Legacies of War and Legal Pluralism in Chechnya* (2018), with its in-depth analysis of how legal pluralism has emerged and functions in the modern Chechen state. He hypothesizes how conflicts shape the demand for law on the part of society and the supply of law by the government and law enforcement agencies. We complement Lazarev's assessment of the theory and his findings in Chechnya with our own data on legal pluralism from fieldwork in Chechnya. Then we take a step further, moving his study of legal pluralism in Chechen society outside of Chechnya to the diaspora in Norway, looking more specifically into the demand for ideal models of law and governance among its members. In a context of multiple existing legal orders, i.e. legal pluralism, people's attitudes towards law itself becomes crucial. The concept of "legal consciousness" points to the way people understand and act vis-à-vis legal systems, including how their identity shapes their attitudes.

Studied in the context of Chechen society in Chechnya, it is traditional customary law (*Adat*), religious law (*Sharia*) and secular legal institutions (Russian law) we have in mind when framing legal pluralism. Whether weak or strong, legal pluralism is common in weak states and postcolonial societies, where formal state institutions must compete for jurisdiction with powerful informal normative orders entrenched in religion and tradition (Merry 1988; Peletz 2002; Mahmood, Khan, and Sarwar 2018; Lazarev 2018, 5). These non-traditional (to the contemporary Western world) forms of legal orders have historically been practised in tribal societies with either no centralized state, or a weak state.

The concept of legal pluralism offers valuable insights into how we understand law and how differing interpretations of law affect a person's life, inside and outside formal legal institutions. In practice, traditional or religious laws (or a fusion of the two) are applied in the everyday lives of people living in societies where they cannot expect protection and administration from a centralized political state. These societies may not have a system of third-party enforcement of rules that we associate with a modern legal system – because the centralized source of authority is weak or authoritarian. In general, given the legacy of colonialism and bad governance, most contemporary Muslim-majority states can be described as having a dual legal system in which the state and its laws are secular, but where individual Muslims tend to bring family and financial disputes to *Sharia* courts (Turner 2011).

This insight helps us understand the legal consciousness of immigrants who stem from diverse and legally heterogeneous parts of the world, here represented by Chechens. Armed with a better understanding of these aspects, we can try to identify the social implications of these preferences and examine what meaning people attach to the overall concept of law, what expectations they have towards it, and how they behave towards it in everyday life (Kurkchiyan 2010). Again, the context of our case is important: Norway ranks second best in the in WJP's rule of law index for 2019 (as reported by The Nordic Page n.d.) and has a unified legal system: there is only one recognized system of law, and religion and law are seen and treated as separate matters. For Chechens who found themselves forced to migrate and who have settled in Norway since the early 2000s, and who came from a society characterized by legal pluralism, this may have intensified the cultural and normative mismatch with Norwegian society. No longer

could they legally exercise *Adat* and/or *Sharia* law in personal matters, as they had largely done previously. The question, then, is how the experience of the Norwegian legal context has shaped the legal consciousness of the Chechen diaspora?

The article's move from the study of legal pluralism in Chechen society to the Chechen diaspora in Norway necessitates some engagement with the broader scholarship on the legal adaptation among immigrants. This scholarship has come to view adaptation in pluralist terms, moving beyond questions of assimilation towards analytical perspectives of legal pluralism and legal consciousness (Kubal 2013). The literature on legal pluralism among immigrants in the West is rich with empirical evidence of legal adaptation. Menski (1988) showed how Asians in Britain followed their traditional laws as well as English law; this eventually led to the emergence of new forms of Hindu, Muslim and Sikh laws in Britain (Menski 1993). In his study of Asian Muslims in Britain, Ballard (1994) found that, even after years of residence in Britain, British Muslims had not abandoned Islam, as predicted by some scholars (Poulter 1986; Nielsen 1992), but that they reconstructed Islam "on their own terms" (Ballard 1994, 8).

In order to understand the plurality in diaspora legal adaptation and the Chechen diaspora's attitudes towards the law in this study, we employ the legal consciousness school which focuses on questions of law and identity as mutually constitutive (Engel and Munger 2003; Abrego 2008; Chua and Engel 2019). This allows us to study legal preferences and interpretations of legality as shaped by experience and identity and as adaptable and changing (Kubal 2013). We interrogate the ways in which the religious and ethnic identities of Chechens in Norway shape their attitudes to different legal models, and also understand these processes by comparing the diaspora with Chechens living in Chechnya. With this, the article contributes by testing and broadening the relevance of the identity school by applying it to a new case, the Chechen.

### **Research methods**

The focus of this study is on the Chechen diaspora in Norway. In addition, several in-depth interviews and a survey were conducted during a two-week fieldtrip to Chechnya in July 2019. We wanted to examine the concept of legal pluralism in Chechnya in order to understand the functioning of plurality in Chechen society. That would enable us to inquire into whether and why Chechens residing in a Western state governed by the rule of law have continued to practise their traditional legal plurality in their everyday lives. The main empirical contribution of this study is to shed light on preferences and ideas regarding the rule of law and state governance within the Chechen community in Norway.

We employ a mixed-methods approach. In order to gain a detailed, in-depth perspective we used semi-structured interviews with open-ended questions. Questions were prepared in advance and the interviews were conducted in a form of semi-regulated dialogues between researcher and respondents. In all, 31 semi-structured interviews were conducted – 18 in mainland Chechnya in the capital Grozny and 13 in Norway. Additionally, 126 survey responses were collected in Chechnya, 150 in Norway. Respondents were recruited for interviewing from existing networks in both countries. The sample within the Chechen community in Norway consisted of persons who had emigrated as refugees after the beginning of the second Russo–Chechen war in 1999.



Interviews were conducted during summer and autumn 2019. Respondents were asked questions about what *type of state governance* they would ideally prefer to live under, and what kind of state governance they imagined for Chechnya in the future. In the survey answers were restricted to the choice between a religious state and a liberal state in which religion is kept separate from the state. In addition, we asked which *type of legal order* the respondent would prefer, among four possibilities, framing the legal pluralism in question. Several more personal questions were asked in order to contextualize their responses and reveal the reasoning behind their choices.

## Fieldwork: results and analysis

### Chechnya

As initially expected, and in line with Lazarev's findings (2018), the majority of interviewees and respondents in Chechnya held what could be termed "conservative" views on state governance and the rule of law. Indeed, 61% of our respondents chose a *religious state* as their ideal government. That is, given an opportunity to democratically choose a form of governance, the majority of our respondents would endorse a state in which executive authority was balanced by a religious establishment. In contrast, 36% of respondents indicated that they would like to live in a liberal, secular state.

"I would always choose religious state. I am a Muslim and I want to live according to my religion." (interview # 3).

"A religious state according to *Sharia*, by the laws of Allah – that would be better and fairer. What is happening now would not happen, when the current government is profiting everywhere" (interview #1).

However, it was not immediately apparent exactly what type of legal order was seen as ideal in such a religious state. We had restricted the choice of official and non-official legal orders to four options: 1) liberal, secular laws, 2) traditional laws of *Adat*, 3) religious laws of *Sharia* and 4) a combination of *Sharia* and *Adat*. Almost half of the survey respondents – 47% – chose the fourth alternative, the combination of religious and traditional laws, as their ideal legal framework in a future Chechnya. Further, 20% of respondents opted for secular laws; 18% noted *Sharia* as their preferred legal model; only 3% wanted to see a pure form of *Adat* as the dominant legal framework, while the rest abstained from answering. This interesting majority preference indicates that for Chechens, who are experiencing a growing religious identity, their national ethnic belonging is equally vital.

Two conclusions can be drawn from this. First, that religion obviously plays a central role. The majority of respondents wish to see Chechnya as a religious state, where Islam is incorporated into politics, economy, jurisprudence. The laws of God have precedence over the laws of men. However, among our interview respondents, the choice of *Sharia* law in combination with *Adat* as the ideal legal model was followed by a further qualification: "only if *Sharia* is by the Book (the Quran) and not interpreted differently from what it actually says" (interview # 6). In this way, our respondents sought to reserve themselves against "bad" versions of *Sharia*, where the focus is mainly on punishment and restrictions, and is seen as violent in the eyes of the

Western world. “If everything was as it should be, then I would certainly prefer to live in a religious state under *Sharia* rules. But only the just *Sharia*, the worthy and fair *Sharia*, executed by fair rulers” (interview # 13).

In fact, the demand for “fair and worthy” *Sharia* reflects the views of much of the Muslim world today. As Noah Feldman (2012) argues, the demand for *Sharia* throughout Muslim majority countries should not be seen as simply a reactionary turning of the clock back to medieval Islam, but rather a demand for a more balanced political regime in which the executive authority would act within predictable rules. In the eyes of many Chechens, only *Sharia* in its “true” form is the guarantor of worldly justice, the justice which reflects a demand for equal treatment under laws.

Second, the choice of a combination of *Sharia* and *Adat* indicates the imperative of ethnic, Chechen belonging. In the understanding of these respondents, *Sharia* and *Adat* can complement each other – one is a religious set of specific, written rules which are to be followed; the other is a moral code of conduct, a compilation of cultural norms, which characterizes Chechen ethnicity. Thus, the laws of God are complemented by man-made rules of conduct, together shaping an ethnic identity dominated by religious adherence.

“*Adat* is not a law, it is a tradition, rules of conduct. Sometimes *Adat* and *Sharia* coincide and intersect” (interview # 16). “*Adats* do not exist, they are unwritten rules. Ever since Chechens converted to Islam, a lot of what we do is according to *Sharia*. I see *Adats* as etiquette rather than laws” (interview # 15).

The fact that a majority of the respondents chose a combination of religious and customary laws, while generally discarding secular, liberal laws, illustrates how previously tribal and war-torn conservative societies, such as Chechen society, are accustomed to relying on a non-state system of checks and balances. It was evident from our conversations with interview respondents that they do not believe that the authorities of the Chechen Republic today, as part of the Russian Federation, can provide them with security, good governance and the rule of law, a finding consistent with the literature (Wilhelmsen 2018; Wilhelmsen 2019; see also Le Huérou et al. 2014). Experiences from war, conflicts, constant violations of their fundamental human rights and freedoms, the government’s non-compliance with national and international standards of the rule of law – these are among the reasons why Chechens in today’s Chechnya are in favour of a combination of *Sharia* and *Adat* as an alternative to official state laws. This reflects deep dissatisfaction with the government, indicating not so much a demand for social equality, as for equal treatment under the law, which they believe can be found in *Sharia* and *Adat*.

Simultaneously, the findings from fieldwork in Chechnya speak loudly of how identity (here: religious and ethnic) is co-constitutive of legal consciousness, in line with the identity strand of legal consciousness studies (Chua and Engel 2019).

### ***Identity and legal preference – a generational divide***

Identity and belonging have characterized Chechen nation-building for the past 30 years. After the fall of the Soviet Union, Chechen leaders sought independence from Russia. The war which broke out in 1994 ended with victory for the Chechens and eventually OSCE-monitored democratic elections for a Chechen president in 1997. In this weak state in the making, the newly elected president Aslan Maskhadov had to decide what

path this new and de facto independent state would take. Various forces wanted different types of laws and governance to dominate the newly established Ichkeria (Vatchagaev 2019). Some wanted to use European constitutions as the blueprint for the new Republic of Ichkeria, whereas others pressed for an Islamic state and *Sharia* law. Already then it was clear that Chechens are not a homogeneous group in terms of legal preferences although the majority favoured independence.

According to Tyler (2006), individual beliefs about legitimacy are driven by identification with groups. Thus, if a person has strong ethnic identity (he/she is a Chechen) then customary laws (*Adat*) are observed. By contrast, if a person has solid religious identity (“I am a Muslim”), he or she might choose religious laws (*Sharia*), irrespective of practical or territorial considerations. When asked an open question, “Who do you consider yourself to be, first and foremost?”, 7 out of 18 interview respondents immediately labelled themselves as Muslims; 6 answered that they were Chechens, and the remaining 5 said they identified themselves simply as individuals. No response alternatives were provided: the distinction between being Chechen and/or Muslim was made on their own initiative. In the survey, however, three options were provided – Muslim, Chechen or Russian. A full 80% of survey respondents answered that they were Muslim, first and foremost.

We suggest that this is because the majority of survey respondents were a young cohort – 47% of them were aged 18–24, and 44% were between 25 and 39 years old. Further, 72% of those who identified themselves as Muslims also chose either *Sharia* or a combination of *Sharia* and *Adat* as their ideal legal model. When we view the choices of legal model and identity together, the result is indicative of a generational divide between those who were adults during the times of the Soviet Union and can remember that epoch; and those who were born in 1980 or later, who remember the conflict and wars of the 1990s. Members of the elder generation, who usually identify themselves primarily as Chechens, lived under communist secular laws but followed *Adat*, while moderately adhering to *Sharia*. Today, they say, “This younger generation comes and tries to teach us life. Wearing their hijabs and saying that we are not Muslim enough. We have been Muslim enough for many years and we lived happily then” (field notes from Chechnya, July 2019).

The younger generation of Chechens cultivate their Muslim identity, often in contradiction to their parents and grandparents. A generational divide emerges. Perhaps young Chechens find it more appealing to connect with their Muslim brothers and sisters, among other things due to their experiences of social and physical exclusion from Russian society more generally (Wilhelmsen 2020). “Traditions and culture are not as important as Islam. We should strive to preserve dignity, honour, I would not want to depart from that (...). But nonetheless, our lives should be according to Islam” (interview # 1).

Working from a gender perspective, Szczepanikova (2012) also distinguishes between the older Soviet generation and the younger generation. In her study, she divides Chechen women into two cohorts: those born between 1950 and 1965, whom she defines as the Soviet generation, and those born between 1982 and 1992, whom she refers to as the War generation. The Soviet generation lived in the “golden era” of education, work and rich social life; by contrast, the War generation never had a chance to get a proper education, and disruption as well as displacement were the main forces of

their socialization (Szczepanikova 2012, 480–482). Further, she argues that Soviet-era Chechen women conformed to the secular social norms of the Soviet Union to the degree that was possible, and practised their religion only moderately, whereas the devastating experiences of the War generation have led them to adhere more to their faith, seeking comfort and spiritual protection. Szczepanikova (2012, 482) concludes that “conditions of prolonged instability produce a tendency to cling to institutions that are most resilient at times of crisis” – in this case, religious institutions and the general religious identity.

The generational divide studied by Szczepanikova (2012, see also 2014, 2015) is reflected in our results. This finding underscores that identity and legal consciousness must be understood as one nexus, as the identity divide between “Soviet” and “War” generations seems to spill over to a generational divide in legal preferences. Identity-oriented scholars of legal consciousness have also found substantial generational differences in legal consciousness (Abrego 2011). There clearly is a generational divide between the Soviet and War cohorts of Chechens generated through identification: young Chechens, both men and women, will to a larger extent identify with Islam and family, basically because they lack other sources to draw on. This can explain why the overwhelming majority of our survey respondents (80%) identified themselves as Muslims, where also those aged 18–39 would prefer either *Sharia* laws or a combination of *Sharia* and *Adat* (72%).

Overall, our qualitative and quantitative analyses show considerable variation in preferences for the alternative legal orders: as such, legal pluralism prevails in today’s Chechnya. Conservative views of state governance and laws predominate, but other legal preferences are also evident, albeit marginally. Strong Muslim and ethnic Chechen identities that have been shaped and amplified by the harsh experiences of war and unjust legal governance under the current Russian and Chechen rule might explain these preferences.

Next, we ask: has forced emigration to a Western country (here: Norway) had an effect on the preferences of Chechens regarding the law and the legal system? Are there traces of the generational divide similar to those we found in Chechnya? And does living in a liberal society governed by the rule of law produce trust in liberal democratic institutions within the Chechen community in Norway?

## Norway

Findings from our survey and interviews in Norway show almost equally divided camps of proponents of a democratic, secular state, and a religious state. Fully 54% of the survey sample answered that they would like to live (or continue to live) in a *democratic, secular state* such as Norway. By contrast, 41% of the survey sample chose a *religious state* as their ideal government. Compared to the results from fieldwork in Chechnya, where 61% opted for a religious state, the results from Norway do indicate changing preferences, but not as significantly as initially expected.

“I prefer to live under Norwegian state laws, because I consider them to be fair and just” (interview # 2).

“Freedom of speech, freedom to exercise our religion, and ability to enhance our Chechen national cultural and traditional norms – we have that in Norway. Why would I not want to live in a country which provides me with all that?” (interview # 4).

In addition, 45% of the survey sample answered that they would prefer to live under *liberal, secular laws* such as those operating in Norway.<sup>5</sup> Only 23% of the survey sample would opt for the laws of *Sharia*; 11% saw the customary *Adat* as the best solution in their ideal state, while 12% of the sample favoured a combination of *Sharia* and *Adat*. These results are indicative of a gradual adaptation of members of the Chechen diaspora to the legal system of their host country.

An explanation of this gradual adaptation is that it is natural for people to be shaped by the social, legal, cultural and economic conditions where they live (Abrego 2008; Kubal 2013; Turner 2015; Chua and Engel 2019). When we asked Norwegian Chechens whether they would prefer customary, religious or secular laws, our respondents revealed their insight and reflection on this issue. As residents of Norway, Chechens benefit from such human rights as freedom of speech – a prerequisite for religious freedom and being able to practise their religion in everyday life. That can explain why Norwegian Chechens' adherence to democracy differs from the response of Chechens in Chechnya, who live under political repression and who have rarely experienced political or social freedom. Indeed, it would be odd if Chechens living in Chechnya under today's Russian constitutional law (a democracy only in theory) should opt for secular democracy as their preferred political system. It is something they have never experienced and have no relationship with; by contrast, *Sharia* and/or *Adat* are recognizable entities.

I think the choice is fairly simple. If you want pure Islam, be surrounded by Muslims – then you should move to a Muslim country, where there is *Sharia*. But if you want to live in a fair and just country – you should stay here [Norway]. You need to recognize what is it you want and how you want to live your life. And then just stick by that choice (interview # 6).

*Sharia* is the same concept of rule of law as in Norway, as exemplified by liberal, democratic law. The principles of boundaries of what is permissible and not permissible, they are the same as in the liberal democracy and the *Sharia*. Norway is a country where the rule of law exists, where every citizen is subject to the laws and must abide them. *Sharia* says the same things as the Norwegian laws – do not steal, do not kill, pay your taxes, be a good citizen (interview # 6).

Despite the observable gradual legal adaptation, which can be explained by the concrete experiences this group have with Norwegian government, there is still a significant proportion (41%) of respondents who see a religious state as their ideal state; 23% are proponents of *Sharia*. For Chechens in Norway, the demand for *Sharia*, even in a well-functioning democratic state governed by the rule of law, does not necessarily stand in contradiction to democracy, as the above quote also testifies to. Most importantly, these choices parallel their strong Muslim identity. According to a World Gallup Poll, the majority of Muslims in the world say that their Muslim identity is the most important identity for them, and a source of life inspiration (Esposito and Mogahed 2007, 6). Further, according to a Pew Research Center (2012) poll, solid majorities in Muslim countries such as Lebanon, Turkey, Egypt, Tunisia and Jordan believe that democracy is the best form of government. Additionally, there is a strong desire for Islam to play a significant role in the public and political life of these nations, and most want Islam to have at least some influence on their country's laws. Thus, in the opinion of most Muslims, Islam and democracy do not contradict each

other. Regardless of religious confession, people prefer fundamental democratic values including human rights and freedoms. This is also the case in the wider Muslim world.

Altogether, these results indicate the persistence of legal pluralism among the Chechen diaspora in Norway. *Sharia* and *Adat* have a special place in the private lives of Chechens in Norway. Some even wish to see one of these or a combination of both incorporated not only in private matters, but ideally in legal and government structures as well. That leads to another question: dispute resolution within the diaspora community. When asked “How are conflicts and disputes resolved among Chechens in Norway?”, 45% of our respondents answered that the solution was found in reconciliation according to traditional *Adats*, with help from the elders and in accordance with Norwegian law.

I think we are able to resolve things among ourselves. Bringing the law in, such as the police, is a sign of bad brotherhood. I haven’t heard of any incidents which were resolved through the police or the courts. I do know that the police are in constant contact with the diaspora leadership, and they hold information meetings for the community frequently. The police can sometimes act as advisors, together with the elders involved (interview # 8).

This indicates that the Chechen community in Norway is adjusting customary legal principles to the host society’s official legal framework. In line with the new surroundings, these principles are re-articulated and re-negotiated in the form of non-official legal principles. Further, as one respondent wanted to make clear, these principles are in line with Norwegian laws, “so that no one can accuse us of acting against the law” (interview #5).

The responses testify to a legal consciousness mediated through ethnic identity, in which *Adat* has a privileged position, but its practice is contingent on the limits set by state law, and this balance is struck under the leadership of the Elders. This finding also aligns with legal pluralism research on the adaptation of migrants to the legal systems of their host countries, which emphasizes that migrants retain their legal practices and attitudes to law while simultaneously adapting these to their new legal environment (Kubal 2013). By incorporating the laws of their host state into their traditional laws, they construct new forms within the legal framework of the host country.

Additionally, 21% of our survey respondents said that any intra-community disputes would be resolved in accordance solely with Norwegian law; the remaining 12% said that disputes were resolved through *Sharia*, with help from an Imam. 22% abstained from answering.<sup>6</sup> On the whole, responses to questions about conflict resolution gave clear indications of continued legal pluralism within the Chechen diaspora in Norway, while also revealing a gradual legal adaptation to the legal framework of their host country.

### *Identity and belonging*

Whether there is a generational divide as regards identity, legal preferences and consciousness is less evident in Norway, compared to Chechnya. To the question “Who do you consider yourself to be?”, of the total sample (respondents varying between the ages of 18 and 69), 50% characterized themselves as “Muslim”, 46% answered “Chechen”, and the remaining 4% answered “European-Chechen”. In contrast to the Chechnya case, the Muslim identity is cultivated across generations among Chechens in Norway – whereas in Chechnya, Muslim identification was stronger among the young. And even though almost half of our sample say they are inclined towards the secular, democratic laws, and more than half want to live in a liberal, democratic state,

a total of 94% indicate that they are practising Muslims. “Religious belonging is important here. I think even more so than in Chechnya, because here there are so many Muslim brothers and sisters from all around the world. We are all Muslims trying to integrate ourselves in a Christian society” (interview # 8).

When asked how they like living in Norway, 59% of our sample replied that they are satisfied and thankful for everything Norway has done for them. Earlier in the summer of 2019, the percentage share was much higher, but fell after an attempted terrorist attack on a mosque in August (Klesty and Karagiannopoulos 2019). Far-rightist, anti-immigration views are on the rise in Norway; together with growing Islamophobia and degrading stereotypes of immigrants this is probably among the main reasons why 26% of our respondents answered that not everything was as good as it might seem in Norway, and the remainder abstained from answering altogether. Such social developments in turn lead Chechens (and other immigrant Muslim minorities) away from the host society and closer to their Muslim brothers and sisters. This enhances the Muslim identity further.

Needless to say, Chechens as Muslims will not stop being Muslims simply because they live in a secular Western country. For them religion is a crucial part of their identity. The question is thus how they interpret and apply their religious and cultural norms in their everyday life in the host country. The new patterns of minority behaviour favour pluralism over uniformity, ethnic diversities over national stratification. Our study aligns with earlier findings of legal pluralism and consciousness in the West, showcasing the pluralist attitude of Norwegian Chechens; preserving their Muslim identity and practices while adjusting to Norwegian secular laws. The question of how Chechen diasporas reconcile and reinterpret their Muslim identity and traditional norms with secular, liberal host societies is highly pertinent for future research on the Chechen diaspora in Norway specifically, and in Europe generally.

### *Ideal Chechnya and the future*

When asked whether they planned to return to Chechnya, 43% of our respondents answered that they had not decided yet. Although many members of the older generation have a deep longing for the homeland, today’s insecure and volatile situation in the republic has led many of them to remain in Norway. Tellingly, “I went back home this summer” is something those over 35–40 years say, whereas “I went to Chechnya this summer” is how members of the younger cohort would express it. Still, 30% of our respondents say that they definitely plan to return to Chechnya in the future, whereas 23% answer with certainty that they do not have any plans to return. Those who have already decided that their future lies in Norway are primarily aged 18–29. “Obviously, we are not planning to leave Norway in the near future, we wish to stay here. But we also wish to preserve our religion and culture in our children, so that we can be certain that the next generation will be just as Muslim and Chechen as we believe we are today” (Diaspora leader).

As for their vision of ideal Chechnya in the future, 40% of members of the diaspora in Norway answered that they see their homeland as an independent, *democratic state*; by contrast, 26% see Chechnya as an independent, *religious state*. The rest refrain from answering. In comparison, only 21% of the Chechnya sample wished to see the country as an independent democratic state, while 30% want it governed as an

independent, religious state. Again, in line with research on legal adaptation of minorities, the high percentage share of Chechens in Norway, compared to the Chechnya sample (40% to 21%), who wish independence and democracy for Chechnya in the future is indicative of changing legal preferences and adaptation to the Western structure of governance.

Nor is this surprising. Throughout history, the originally tribal, war-torn Chechen community has traditionally drawn on cultural and religious norms and rules when the centralized state was non-existent, weak or unwilling to exercise its protective role. These rules have long served as protection of property and family rights (Zelkina 2000). However, when the members of this Chechen community found themselves forced to seek protection in the West, and that protection was granted to them, there was simply less need to uphold these cultural and religious rules. That said, the general finding of a strong and growing Muslim identity among Chechens in our material could pose challenges for the imagined future democracy in Chechnya if it does not cater to normative pluralism and religious freedom.

### **Conclusions and suggestions for future research**

The conflict-generated Chechen diaspora in Norway is in the process of reinventing itself. After almost 20 years of living in a democratic state where the rule of law prevails and human rights and freedoms are ensured, the members of this group show clear signs of adjustment and reshaping their legal views. The Chechen diaspora is certainly not homogeneous, and preferences are formed by societal contexts and identities that are contingent and shifting. Also, their visions of ideal government and legal models are changing. These results of our research should be studied in a larger context, preferably European, so that they can be further contrasted and generalized.

What is evident thus far is that the majority of Chechens in Norway want to continue to live in a democratic state with liberal democratic laws, and have aspirations of reinventing their homeland as a democratic state governed by the rule of law, if and once democratic processes are reinforced. Much of the literature on conflict-generated diasporas has centred on remittances and their effect on the homeland economy and politics, or on the role played by this type of diaspora in framing secessionist conflict back home. Our study expands the focus by providing insights into how such diasporas might define *future* political aspirations in the country of origin. Further, we wish to emphasize that the Chechen diaspora can become a positive force for change in Chechnya, in terms of political development and institutional reforms.

Legal pluralism is still highly prevalent in Chechnya, and society is largely inclined towards conservative views on legal models and state governance. Unlike the case of Russia, the Norwegian system ranks very high in terms of rule of law and offers Chechens a different experience. Thus, it is not surprising that minorities who previously followed plurality in legal orders will be more inclined to demand and trust the official state law in Norway. Although members of the Chechen diaspora in Norway have strong negative feelings about the Norwegian Child Welfare System, they are still positively disposed towards the Norwegian legal system and governance as such. At the same time, the experiences of living in a just and law-based state is clearly not the only rationale guiding legal inclinations in the diaspora. Identity and belonging must be studied



carefully if we are to understand such preferences. By contextualising our study and formulating our interviews broadly to encompass questions of ethnic and religious belonging we have managed to capture the dynamic and co-constitutive relation between shifting identities and legal preferences among immigrants, in line with the ideas of the identity school on legal consciousness (Chua and Engel 2019). The identity dimension has a generational component. In our study, the young cohort of Chechens living in Chechnya gravitate more towards Islam and *Sharia* than the older generation, while among Chechens in Norway Muslim identification is even higher, but *Sharia* preference is lower across age groups. As such, this study adds to and nuances Szczepanikova's (2012, 2014, 2015) valuable accounts of the generational differences among Chechens.

The cultivation of the Muslim identity by Chechens in Norway might be due to the fact that it is easy to connect to Muslims from other parts of the world and that Islamophobia and far-right movements seem to be growing, thus reinforcing the feeling of being a part of a threatened Islamic community. This dynamic is crucial and remains to be studied and observed further. Particularly because if Muslim identity is such an important factor in the diaspora's legal preferences and the recent wave of intolerance toward Islam picks up speed leading to Chechen estrangement from Norwegian society, it could constitute a challenge for Norwegian authorities in the future. It is essential to approach the Chechen diaspora community in a way that respects and encourages their current intent and efforts to practise their legal pluralism within the confines of Norwegian law.

In approaching such potential challenges, we want to restate that support for democracy and Norwegian law exceeds support for *Sharia* within the Chechen diaspora. This hinges on the belief, expressed among our respondents, that Islamic laws can go hand in hand with Western laws, and that they see no contradiction between their Muslim identity and democracy. Indeed, Chechens in Norway appear to move towards viewing the Norwegian rule of law as a modern realization of *Sharia*'s overall message of justice.

## Notes

1. *Adat* – describes a system of customary laws and norms practices in the North Caucasus amongst ethnic *Vainakh* people (Chechens and Ingush).
2. *Sharia* – Islamic religious law. It is a combination of religious precepts of Islam, derived particularly from the Quran and the hadiths, governing Islamic religious rituals and aspects of day-to-day life.
3. The term “diaspora” in this study is also limited to ethno-national groups residing outside territories adjacent to the homeland, whom Anderson (1998) calls “long-distance nationalists”.
4. The Norwegian Child Welfare Service has been subjected to considerable scrutiny, accused of overreach in its efforts to protect children from potentially abusive situations (Whewell 2018). The European Court on Human Rights is currently judging several cases and has ruled that Norway had violated human rights in seven specific cases (Council of Europe 2018).
5. The question of legal preference was framed in accordance with the concept of legal pluralism in both the Norwegian and Chechen samples – to choose between religious *Sharia*, secular laws exemplified as the Norwegian state laws, customary *Adats* and as a fourth option – a combination of religious *Sharia* and customary *Adats*.
6. We recognize the weakness of the survey questions in measuring how successful the legal adaptation might have been, as designing vignettes would have given more in-depth understanding of the choices between different ways of solving intra-community disputes.

## Acknowledgements

The authors are grateful to Anni Roth Hjermann for her excellent research assistance and overall contribution to this article.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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