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Abstract

In post-conflict settings, the state's authority has been undermined and its institutions are struggling to reestablish legitimacy. Such settings create a power vacuum that alternative orders can fill. Where state and non-state legal orders coexist within the same territory, what factors determine individual preferences among alternative providers of justice and order? Systematic, empirical research on this question is lacking, particularly in the Middle East. Through a series of vignette experiments conducted among Sunni Arabs in the Iraqi city of Mosul, where the population has long been exposed to numerous justice systems (state, tribal, and Islamic), this research demonstrates which types of people are most likely to prefer which type of legal systems and provides some insights as to why. The results fill a gap in the extant research by causally identifying factors across dispute cases that drive selection of one type of system over another. Disputes within the family are generally directed towards customary legal orders, though participants prefer that more costly cases go to the state legal system. Sectarian outgroup dynamics are not as impactful as one might expect. Observational data analyses demonstrate that Moslawis face a difficult choice between a highly corrupt, but highly powerful state system and less enforceable, seemingly less corrupt non-state orders. Women and respondents with lower monthly incomes tend to prefer non-state forums.

Six post-survey focus groups reveal that rather than challenging the state, non-state orders play a unique role in local level governance. Customary systems offer citizens a more restorative route for dispute resolution that focuses on the maintenance of social relationships among community members. This may explain why women tend to shun the state system, which is expected by research in other post-conflict contexts to better protect their rights. As the poor may not be able to afford the costs associated with lawyers and state court fees, their preference for customary systems may result from structural inequalities. These findings contribute to ongoing debates over how much prevailing models of peace and statebuilding should be reformed from championing state-centered approaches to encouraging complementarity between customary forms of dispute resolution and state ones. This research has important implications for efforts by governments and development practitioners seeking to maintain peace and order in areas where state legitimacy and sovereignty is limited.

1 Introduction

Proponents of legal pluralism—"a situation in which two or more legal systems coexist in the same social field" (Merry, 1988)—argue that it is necessary for inter-communal tolerance and "peaceful coexistence in a diverse and contentious world" (Berman, 2012). But skeptics and critics fear that legal pluralism is a threat to state sovereignty, a barrier to equal rights among citizens, and a cause of inter-communal conflict in religiously and ethnically divided societies(Turner, 2011; Schmid, 2013). Furthermore, in fragile states there is often a "tension between legitimacy and capacity: Is it better to have tainted institutions that still basically work or purer institutions that essentially do not?" (Gready and Robins, 2014: 345).

This debate arises in post-conflict setting in particular. Violent conflict challenges the state's legitimacy and its ability to maintain law and order. Once the war ends, non-state actors often step into the resulting power vacuum. When state and non-state legal orders coexist within the same space, when and why do citizens choose to resolve disputes through non-state systems of adjudication—whether tribal or religious—rather than turning to state courts? Do some citizens prefer different legal systems for different types of disputes and parties while others resort exclusively to a single legal system? These questions have important implications for states that are seeking to (re)establish legitimacy and social cohesion among citizens divided along social, religious, and ethnic lines. Yet, to date, there has been very little systematic research on what shapes legal preferences in such settings.

The recapture of Mosul by Iraqi forces in 2017 after more than three years of control and governance by the Islamic State (hereafter "IS" but also known by its Arabic acronym, "Daesh"[1]) presented a rare opportunity to assess the preferences of a population that had very recently come out from under rebel rule. Through a series of vignette experiments conducted in the Iraqi city of Mosul, I explore the relationship between state legitimacy and

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[1]The survey questionnaire refers to IS as "Daesh" because this is the term preferred by most Iraqis.

preferences for non-state legal authorities as arbiters of disputes. The experiment presented three vignettes, in random order, in which the respondent and another hypothetical person were in a dispute. Randomized variables of the cases varied the in-group/out-group identity of the disputant, the seriousness of the issue, and whether the respondent was at fault allowing for causal identification of the effect of these factors on forum selection. The experiment begins to unpack the complicated interrelationship between state and non-state orders by mapping preferences for competing providers of justice in post-conflict settings with these randomized factors in mind.

This study contributes to a nascent but growing empirical literature on legal pluralism as well as the relatively more established study of non-state shadow states and governance. Studying preferences over different legal orders is difficult. Reasons to select one system over another are driven by a wide array of observable and unobservable characteristics including varying strengths of state vis-a-vis non-state actors to enforce their will, levels of commitment to religious ideologies, perceptions of corruption of each system and its actors, perceived biases among the arbiters of each system, costs associated with bringing a case forward, etc. No single case study can account for all of this complexity. Yet, what this study offers is a model for studying at least some of these variables more systematically. It is the first to quantitatively test preferences for differing legal systems that I know of in Iraq.

Conflict may increase reliance on non-state legal orders (Carroll, 2011), but some degree of legal pluralism is present in all societies, given the inevitability of rule-making and self-governance by non-state actors (Griffiths, 1986). One of the areas in which non-state leaders can be expected to have the greatest impact is through adjudication of disputes between members of their community or with members of other tribal communities.[2] Scholars demonstrate how tribal and religious leaders serve as important clientelistic linkages between

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[2]In Iraq specifically see Carroll (2011); in-depth works on this topic can also be found in anthropological studies of Jordan (Huges, 2017) and Yemen (Weir, 2007).

the citizenry and the state for access to services and resources (e.g., Lust, 2009; Corstange, 2018; Cammett and Luong, 2014; Lust-Okar, 2009). This increasingly sophisticated body of work has turned the field's attention to the role of chiefs as political brokers for the central state (Koter, 2013) and as important players in rural development (Baldwin, 2016; Honig, 2017). While these are indeed important roles that customary leaders fulfill, the focus on clientelism has obscured other critical services they provide for their communities. Other fields have long asserted that customary leaders are central; writing from legal studies, for example, Von Trotha (1996: 92) underscores that "the pillar of contemporary chieftaincy is its legal function." Political scientists are only now beginning to pay attention to this issue area (e.g., Hartman et al., 2021; Acemoglu et al., 2020). The present study highlights a need for more empirical and systematic studies on the impacts of customary leaders on local governance and importantly, in administering legal services at the local level.

This work begins to get us to think though how citizens evaluate differing legal forums as a function of case-specific factors, plaintiff-defendant social relationships, and structural features of each system. The findings demonstrate that less serious disputes and those involving a family member are more likely to be taken to either tribal or religious legal forums. Six follow-up focus groups suggest that Iraqis think a lot about the importance of maintaining strong social and communal relations before taking a dispute to state forums; they do not want to hurt their fellow community members if avoidable while still seeking some form of justice and reconciliation for their disputes. Yet, when the dispute is over a more serious matter, citizens will turn to the state. Although much media attention is paid to sectarian conflicts within Iraq, at the local level in Mosul, in-group versus out-group sectarian identities did not significantly shift preferences for one type of legal system over another. Observational survey data provides us with an insight into the difficult paradox that Iraqis face when seeking dispute resolution: the legal system deemed the most likely to be enforced (the state system) is also seen as the most corrupt. The focus groups suggest

that it is because of the state's seemingly more rigid rules and harsh punishments that Iraqis seek more restorative solutions to their disputes when the situation is not so serious or they are seeking to preserve a relationship with the other disputant.

Examining the microfoundations of when and why respondents prefer different legal systems also sheds light on the perceived legitimacy of these alternative providers of justice and order. Since preferences for dispute resolution by non-state actors may indicate a lack of buy-in to the state's sovereignty and social contract, this research has important implications for the design of interventions seeking to promote rule of law and foster complementarity between state and customary institutions. The aim of this work goes beyond its contributions to the scholarly literature on transitional justice, legitimacy, and state-building, to informing policymakers and develop practitioners working on the ground in Iraq today to help the government navigate difficult decisions and pathways of complementary rule with traditional authorities to maintain peace and order.

2 Legal Pluralism in the Literature

Hobbesian logic would lead us to conclude that where the state's reach is weak, anarchy, roving bandits, or civil war dominate the landscape. In reality, the social contract simply becomes more localized and often – though not always – dominated by pre-state orders. Understanding why some people choose to resolve disputes through non-state orders, and the conditions under which they would prefer state authorities, sheds light on how state actors may be able to work with local leaders to strengthen the rule of law, good governance, and public trust in institutions. As Murtazashvili (2016: 7) points out, political scientists focused on bringing the state back in long ago, but this turn in the field obscures localized, sub-national understandings of how "legitimacy of the state is achieved or squandered by street-level bureaucrats, systems of public management, or how informal norms shape

attitudes toward the state." In recent years, political scientists have become increasingly interested in the relationship between state and non-state institutions that, depending on the context, may coexist, complement, or compete with one another (Cammett and Luong, 2014; Blair et al., 2019; Helmke and Levitsky, 2004; Henn, 2018; Mustasilta, 2019). A growing literature on governance by religious sects, tribes, and rebel groups explores the ways in which these non-state actors provide order, security, and services to populations living in areas where they exercise partial or complete territorial control (Cammett and Issar, 2010; Cammett and Şaşmaz, 2022; Mampilly, 2011; Arjona, 2016; Stewart, 2017; Hudson et al., 2015; Baldwin, 2016). Although there have been several rich, qualitative studies of "forum shopping" between tribal, state, and Islamic legal systems (e.g., von Benda-Beckmann, 1981; Revkin, 2014; Isser et al., 2009), there has been limited systematic research on legal pluralism with some noteworthy exceptions.

Working in post-conflict Libera, Sandefur and Siddiqi (2013) elucidate a complex formal model of rational choice factors that influence forum-shopping decisions. They collect data on a wide variety of disputes Liberians had within the year previous to their survey and examine various forms of satisfaction with the case's outcome. The focus of this study is on respondent characteristics vis-a-vis their opponent and inherent biases of the traditional system towards certain groups over others in outcomes. Their model relies on the idea that there exists agency to shop between forums among citizens to select the forum they deem most appropriate for their purposes, noting that there is no strict hierarchy between customary and formal systems and that cases can move back and forward between the systems. Yet, it is precisely in real-world cases that those who are more powerful are have the ability to influence forum selection for their cases. Furthermore, myriad actors (e.g., tribal chiefs, religious leaders, national legislators, city mayors, family heads, etc.) who serve as "'gatekeepers' for decisions over forum choice, as well as mediators or adjudicators of the dispute itself" Sandefur and Siddiqi (2013: 6) may play a role. Thus, there are reasons

to doubt the assumption of a citizen's agency to choose between systems in this study. We cannot know whether the socially disadvantaged were coerced into having their case tried by the formal state court system by those more powerful than them or their inability to pay the associated state fees. While data on real-world behaviors offers a more externally valid understanding of where people turn to for help with their disputes under legal pluralism, the isolation of mechanisms behind why citizens choose one forum over another for their disputes is difficult. The present study sacrifices external validity to some extent in favor of a survey experiment that captures citizens' raw preferences over legal systems available to them and more directly taps into their motivations.

Legal pluralism scholars often underscore how there may exist embedded biases in traditional systems. Most modern state legal codes at least purport to be based upon equality of rights among all citizens, whereas customary system (whether tribal or religious) are often expected to be discriminatory towards members of marginalized groups (i.e., women, ethnic minorities, etc.). Customary systems often run under patriarchal and communal norms that may run counter to individual rights enshrined in international human rights law (Isser et al., 2009). The notion that traditional systems bias against women, for example, is claimed to be a mechanism explaining why women prefer state court systems in Liberia Sandefur and Siddiqi (2011, 2013) and Chechnya Lazarev (2019). Yet, these findings beg the question as to whether women and the general public really perceive their state court justices are impervious to gender or other social biases? Particularly in developing contexts where the rule of law may be weak and reach of the state may be limited–as the existence of legal pluralism suggests–state court judges may be susceptible to corruption. In these cases, corruption might plausibly be less common among traditional leaders (i.e., tribal chiefs and religious leaders) who rely more on their legitimacy or "honor" and the power of social pressure to enforce their edicts than physical force (Carroll, 2011; Weir, 2007; Huges, 2017; Lazarev, 2019, 2017). In Iraq specifically, respondents were asked to rank the state, tribal, and sharia

legal systems in terms of corruption. Figure 1 shows that about two-thirds of the sample sees the Iraqi state system as the most corrupt and the religious system as the least corrupt.


(a) Most Corrupt

(b) Least Corrupt
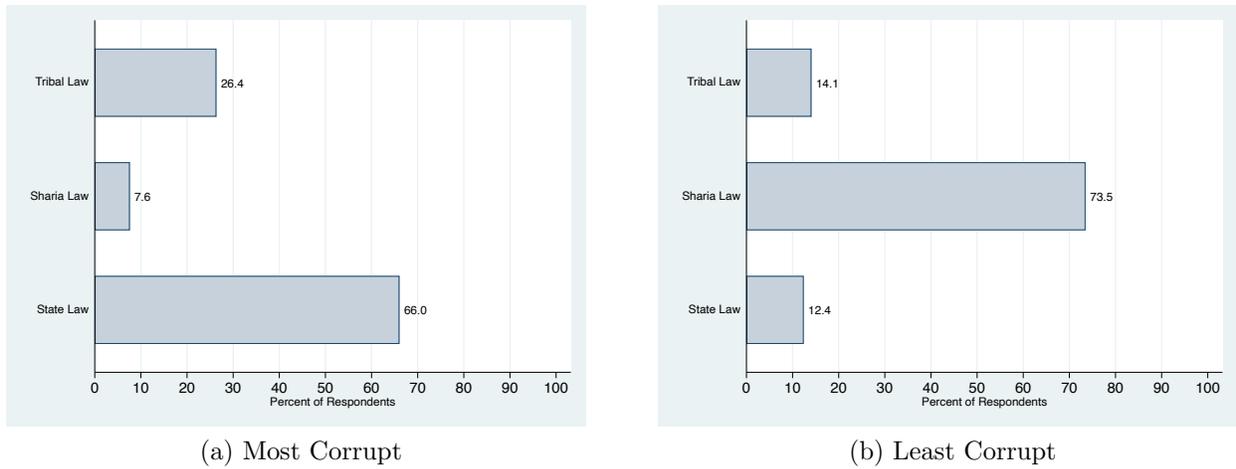
Figure 1: Legal System Corruption

The preceding discussion points to another important factor when considering which legal system to turn to: variations in the ability of each system to enforce its rulings. In the Westphalian model of international order, states are expected to be capable of imposing their decisions through their monopoly on the use of force. In settings where sovereignty is fragmented though, non-state actors may be able to step into the vacuum of power and impose their rule. IS is the most recent example of a such a challenge in Iraq. Moreover, the defeat of IS does not rid the Iraqi state of challenges to its sovereignty, however, as some political parties, religious leaders, and tribes control their own militias. The balance of power between state and non-state actors in such settings is often multidirectional and unstable. Among the legal forums considered in this manuscript though, the state is most likely to use coercive force whereas tribal and religious institutions rely more on social sanctioning to enforce their decisions. Figure 2 depicts Moslawis' perceptions regarding the legal forums in Iraq that expected to be most and least enforced. Most respondents expect the state legal system to have its decisions enforced while the religious legal system is seen as being the

least likely to have its decisions enforced. The state is backed by national security forces and local police. Tribal leaders may have militias that are loyal to them or the ability to influence their community members to sanction those in their community in other ways. Religious leaders, at least among the Sunni population in Iraq, are less likely to have organized armed groups among their followers and may be less able to physically enforce sanctions against community members who violate their edicts.

(a) Most Enforced

(b) Least Enforced
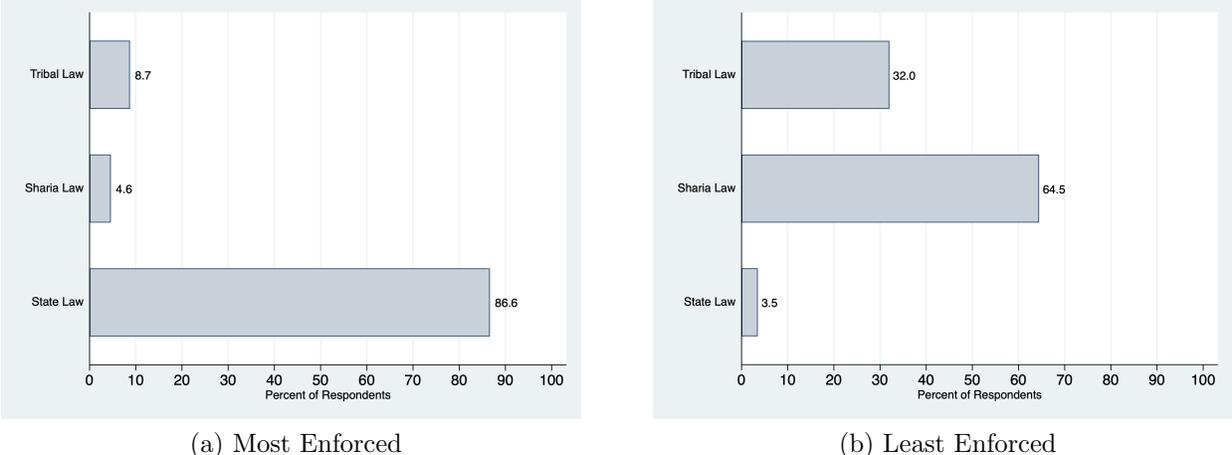
Figure 2: Legal System Enforcement

Finally, among the rather limited empirical scholarship on legal pluralism, Egor Lazarev's work in Chechnya comes closest to the current study. Lazarev presented respondents ten vignettes and randomized the type of frame they received for all of them: the name of the legal system, the decision a judge would be likely to make in the case, and the authority or authorities in charge of administering justice. He finds that respondents were more likely to support sharia when asked about their preferences for legal orders in the abstract, but preferred state law when provided with information about specific dispute resolution outcomes and the identity of law-enforcing authorities (Lazarev, 2019). This finding, while important, remains abstract. The experiment asks respondents to consider the cases of others, not what they themselves would do. Furthermore, it is does not assess the effects of plaintiff ver-

sus defendant identity characteristics, a feature of disputes that was found to be crucial in Sandefur and Siddiqi (2013)'s study. Additional important aspects that are not considered in this study include measures of the seriousness of the dispute and whether the respondent is at fault.

The present study hopes to encourage other scholars to take up the research agenda of examining fragmented sovereignty more systematically by providing a dynamic research design adaptable to other cases and factors. It does so by demonstrating how scholars can use conjoint experiments to examine individual preferences for alternative legal systems. This study does not purport to offer a comprehensive theory explaining why citizens choose one type of legal system to resolve their disputes over another as others claim to do. Instead, it presents the results of a rather simple, elegant experiment designed to interrogate a few important drivers of choice across legal forums at the individual-level that have not been studied before. Treatments randomize aspects of the case at hand (e.g., the issue at stake, the level seriousness, and whether the participant is at fault) and attributes of the opponent (e.g., social relationship and in-group versus out-group membership). This experimental design could be replicated and expanded upon to include other factors in more contexts to help scholars develop a more comprehensive theory of legal pluralism backed up by systematically collected empirical data.

3   Background on Legal Pluralism in Iraq

Legal pluralism is common in the Middle East, where European colonial authorities imposed civil law systems on top of indigenous Islamic and pre-Islamic tribal traditions (Khoury and Kostiner, 1990; Dupret et al., 1999; Sartori and Shahar, 2012; Khoury and Kostiner, 1990). Iraq provides a good case in which to study legal pluralism because state law coexists with two powerful non-state alternatives: tribal law and sharia law. Almost all Iraqis can, at least

in theory, access all three types of legal forums and if they have not themselves faced the need to do so, they are likely to know someone who has.

Iraq has historically been affected by different forms of conflict ranging from foreign interventions to civil war with local leaders remaining divided over which side(s) to support or even switching sides at times. Along with most other state institutions, Iraq's formal legal system disintegrated in the aftermath of the U.S.-led invasion and overthrow of Saddam Hussein in 2003. The current Constitution of Iraq was approved in a national referendum in 2005, although certain provinces such as Ninewa—where the data for this study come from—rejected it. Iraqi civil code was largely established in the 1950s, based on Egyptian and French codes at the time, with subsequent modifications including those by the Coalition Provisional Authority led by Paul Bremer in 2003.

Currently, corruption, gaps in the state's ability to impose rule of law, and sectarianism continue to distort the political process in Iraq. Public opinion polling indicates that Iraqis overwhelmingly distrust Parliament, the police, and the judiciary.[3] Regarding state institutions, Figures 1 and 2 illustrate how Moslawis are placed *"bain narain"* (an Arabic idiom meaning being faced with a conundrum literally translated as between two fires) when choosing among legal systems: the system that is seen as most likely to be enforced is also the most corrupt.

3.0.1 Tribal Law

Clan-based governance, which could be considered to closely equate to tribal law, exists to varying extents in more than 100 countries worldwide (Hudson et al., 2015). Tribalism is an integral part of the fabric of Iraqi society, where tribes have been important providers of justice, security, and a variety of other social services since the founding of the modern Iraqi state in 1921 (Hamoudi et al., 2015). Estimates of the proportion of Iraqis who identify with

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[3]Munqith Dagher, "Public Opinion Towards Terrorist Organizations in Iraq, Syria, Yemen, and Libya," Presentation at CSIS (March 4, 2015).

one of the country's approximately 150 tribes range from 75 (Hassan, 2008) to 100 percent (Hamoudi et al., 2015). Almost all of the survey sample identify with a tribal group (99% of the survey respondents).

Tribal aspirations for self-governance have been tolerated and in some cases supported by the Iraqi government, as evidenced by a controversial draft law first proposed in 2013 and still under consideration that would provide for the creation of a "Council of Tribes and Clans" with financial and administrative independence to "advise state institutions... on tribal affairs" and "facilitate the implementation of the rulings of the judiciary."[4] The draft law has been criticized by Iraqi sociologists and political scientists for devolving too much power to tribal authorities,[5] and was the subject of a petition warning that the Council, if established, "would hinder Iraq's transformation into a civil state in which all citizens enjoy equal citizenship, and would harm the rule of law."[6]

Anecdotal evidence indicates that demand for dispute resolution by tribal sheikhs increases during periods of heightened violent conflict. For instance, the sectarian strife resulting from the bombing of the al-Askari mosque in 2006 and with ISIS in subsequent years may have led more Iraqis to use tribal forums.[7] As Iraq's former Minister for Tribal Affairs explained, the relationship between state weakness and demand for tribal justice in 2011, "When the state is strong and capable of imposing the letter of the law, every person feels that his rights are respected. But when the state is weak for one reason or the other, and is incapable of enforcing the law throughout the entire country, then tribal associations become

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[4]House of Representatives, "Law on the Council of Tribes and Clans of Iraq" (2016). Text of draft law available at: http://www.nrttv.com/AR/Detail.aspx?Jimare=36010.

[5]The first three articles of Volume 356 (2013) of the Iraqi journal, *The New Culture*, warn that the draft law, if implemented would have negative consequences for Iraqi society: http://archive.sakhrit.co/contents.aspx?CID=17081.

[6]Petition dated December 3, 2016, available at: https://secure.avaaz.org/ar/petition/lsyd_ryys_jmhwry_lrq_sHb_mshrw_qnwn_mjls_lqbyl_w_lshyr_lrqy_mn_mjls_lnwb_lrqy/?pv=0.

[7]See Carroll (2011) for an analysis of two sheikh's case loads. See also: UN High Commissioner for Refugees (UNHCR), "Tribal Conflict Resolution in Iraq," (Jan. 15, 2018), http://www.refworld.org/docid/5a66f84f4.html.

stronger and tribal laws are applied more frequently."[8]

3.0.2 Sharia

Sharia refers to the body of divinely revealed Islamic law that is expressed in the Quran
and the sayings (Hadith) and practices (Sunnah) of the Prophet Mohamed.[9] Most Muslim
countries include at least some provisions of Islamic jurisprudence within their legal codes.
In Iraq, sharia is found both in state legislation and in non-state legal systems. Iraq's
Constitution identifies Islam as "the official religion of the State and ... a foundational
source of legislation."[10] Article 1 of Civil Code identifies Islamic law as a main source of
legislation. The Penal Code and Personal Status Code also incorporate elements of sharia
in 1959 (Brown, 2005).

Since the overthrow of Saddam Hussein in 2003, some Sunni and Shia groups have at-
tempted to "Islamize" Iraq's legal system in different ways. In 2003, for example, the leader
of the Supreme Council for Islamic Revolution in Iraq (a Shia political party) proposed Res-
olution 137, which would have repealed Iraq's Personal Status Code (which is itself based on
Sharia merging Shia and Sunni schools of thought), devolving power to clerics and allowing
for a stricter interpretation of sharia in family law matters. The resolution was enacted but
later repealed by Paul Bremer, the administrator of the Coalition Provisional Authority of
Iraq. In the years since, there have been several attempts to introduce legislation similar to
Resolution 137, most recently in November 2017 when the ruling National Iraqi Alliance (a
primarily Shia party) backed a new amendment to the Personal Status Law that has been
widely criticized for legalizing marriage for children as young as nine.[12]

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[8]Haider Najim, "Justice Served: Tribal Law Trumping Civil in Modern Iraq," *Niqash* (May 12, 2011),
http://www.niqash.org/en/articles/society/2836/.

[9]M. Cherif Bassiouni, "Islamic Law - The Shariah," Middle East Institute (Jan. 24, 2012), http://www.
mei.edu/content/islamic-law-shariah.

[10]Constitution of Iraq, Article 2 (2005), https://iraqmission.us/wp-content/uploads/2014/11/
iraqi_constitution.pdf. However, the Constitution also embraces legal pluralism by allowing Muslims
and non-Muslims to adjudicate personal status matters according to their respective laws in religious courts.[11]

[12]Omar Sattar, "Iraqi Islamists MPs' proposal would allow child marriages," *Mon-*

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While Shia proponents of Islamization have focused primarily on reforming state institutions and laws, the political marginalization of Sunnis and their exclusion from positions of power as a result of the post-2003 De-Ba'athification Policy has led Sunni proponents of Islamization to turn to non-state religious authorities. The Sunni and Shia communities have their own state religious establishments: the Sunni Waqf and the Shia Waqf, created in 2003 to oversee the management of mosques and appointment of imams (Talmon, 2013). As a result of the weakness of the Sunni state-ordained religious establishment, non-state Sunni clerics have played an important role in spiritual and political leadership of the Sunni community. For example, a prominent Sunni sheikh, Mounir Hashim Obeid, led anti-government protests during the eight years in which former Prime Minister Nouri al-Maliki was in power (2006-2014).

Although many Sunnis engaged in peaceful protests and activism against the Shia-dominated government, others were drawn into the insurgency waged by al-Qaeda in Iraq and later by its successor, IS. Whereas Shia attempted to Islamize the state, it has been argued that "the primary feature of Sunni Islamization is insurgency" (Milton-Edwards, 2006). IS and its predecessor, al-Qaeda in Iraq, both exploited Sunni grievances with the Shia-dominated government. Over the course of 2014 and 2015, IS captured 20 major Iraqi cities—with a total population greater than 5 million.[13] In the territory it controlled, IS and its predecessor, al-Qaeda in Iraq, set up and operated sharia courts IS established non-state sharia courts and religious police departments that implemented its extreme interpretation of Islamic law.[14]

Iraqis living in Mosul have therefore been exposed to two forms of sharia: (1) elements of

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itor (Nov. 16, 2017), http://www.al-monitor.com/pulse/originals/2017/11/iraq-personal-status-law-child-marriage.html#ixzz57IU7Ruo4.

[13]Eric Robinson et al., "When the Islamic State Comes to Town: The Economic Impact of Islamic State Governance in Iraq and Syria," RAND (Sept. 2017), https://www.rand.org/pubs/research_reports/RR1970.html, 192-195.

[14]Bill Roggio, "Targeting al Qaeda in Iraq's network, March-April 2008," *Long War Journal* (Apr. 16, 2008), https://www.longwarjournal.org/archives/2008/04/targeting_al_qaeda_i.php.

sharia that have been incorporated into Iraqi state laws and (2) the interpretation of sharia by non-state actors including IS but also non-violent independent Sunni clerics who operate outside of the Waqf religious establishment. Given the different forms that sharia has taken in Iraq's recent history, sharia may mean different things to different Iraqis—consistent with research on different understandings of sharia in Pakistan (Fair et al., 2018). However, at the time of the survey, IS courts were no longer standing.

3.0.3   Are Religious, State, and Tribal Law Perceived to be Different?

Although these three different legal systems differ, they overlap, complement, and interact with one another in important ways. For example, Iraqi police sometimes refer disputants to the tribal justice system when they feel that the matter could be resolved more effectively in that forum (Bobseine, 2019). To what extent are these systems are seen as distinct? As discussed above, the three systems borrow from one another to varying extents.

Respondents were asked the extent to which they think each of the three systems presented in the experiment is consistent with sharia on a four-point scale ranging from not consistent at all to very consistent. Unsurprisingly, the description of sharia interpreted by a religious scholar obtains highest perceptions of consistency with sharia law: 47 percent of the sample perceived the description to be very consistent with sharia while another 40 percent saw it as somewhat consistent. Compare this to Iraqi state law interpreted by a government-appointed judge, which just 28 percent of respondents thought was very consistent with sharia; yet another 56 percent saw it as somewhat consistent with sharia. Only 11 percent of sample considered tribal law to be very consistent, but 57 percent thought it to be somewhat consistent with sharia.

Predicting which system is likely to be the most popular among Iraqis is complicated. Respondents perceived significant overlap between these three systems, which should bias against finding different preferences between them in the experiment. Adding to this, Iraqi

state court judges tend to be local (Revkin, 2018), and often local tribes dominate state institutions, including the judiciary (Bobseine, 2019). However, the earlier discussion of de-Baathification policies and distrust of the central government suggests that the state system should be the least preferred, though this may depend on whether an individual places great value on enforcement of outcomes or incorruptibility of arbiter. Worth mentioning as well is the effect of recent rule by IS in the area, which led some interlocutors to report increased suspicion of those who claim religious authority, especially concerning interpretations of sharia.[15] Given this, one might expect strong individual variations in legal system preferences.

4   Studying Legal Pluralism in Mosul

Mosul provides an good case for studying legal pluralism in a post-conflict society. Moslawis, like many Iraqis and Middle Easterners more broadly, have deep experience with the three systems asked about in this experiment. This survey was run just 8 months after the territorial defeat of IS, a radical Sunni Islamist group that claimed to be establishing an Islamic caliphate modeled after the Prophet Mohammed's system of rule in the sixth century (March and Revkin, 2015). As in many other conflicts where an enemy has taken over territory, the state had to re-establish its legitimacy as well as reconstruct its institutions in Mosul. When the Iraqi state took back control of the city, its population had experienced the loss of control of the Iraqi state over their communities and the implementation of a radically different rule of law. Yet, answers to the questions considered in the previous section suggest that when participants were considering sharia law interpreted by a religious scholar they were not thinking of Daesh courts. Only 1% of the sample saw Daesh's legal system interpreted by a Daesh-appointed judge as very consistent with sharia as very consistent and just 5%

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[15]Male focus group, Anbar, 12/9/2021; Male focus group Mosul, 12/9/2021).

saw it as somewhat consistent.[16]

Some international organizations view tribal law as necessary to fill what would otherwise be a legal vacuum in areas where Iraqi state institutions are weak, and others are promoting a strong role for tribal leaders in negotiating peace agreements to allow the return of Iraqis with family ties to the Islamic State.[17] Yet, legal pluralism has implications for transitional justice and human rights because tribal and sharia law, in some cases, conflict with Iraq's constitution or other domestic Iraqi laws.

Although in other cases, as described above, it is often implicitly assumed that the state judiciary and the trained lawyers that accompany it provide a more rights-based for of justice, all three systems in Iraq could be accused of violating international human rights law either due to de jure content of the formalized law or de facto features of its implementation. Sharia law and some tribal codes have *de jure* provisions that undermine the constitutional principle of equal rights among Iraqi citizens.[18] For example, one tribe may force women to marry members of another tribe "as a means of resolving a dispute between the two groups"—a practice that is prohibited by Iraq's Personal Status Law.[19] Islamic jurisprudence prohibits Muslim women from marrying non-Muslim men, while allowing Muslim men this freedom in addition to polygamy. Women cannot serve in tribal or religious leadership roles nor can they represent themselves in disputes adjudicated by tribal sheikhs or religious scholars. State law maintains that husbands have the legal right to punish their wives and provides for the mitigation of sentences for violent acts based on "honorable motives" (Iraqi

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[16]There is some chance that this question was affected by social desirablity bias. Mara Revkin and I ran a list experiment to test for sensitivity surrounding answers concerning preference for governance under IS and found that little bias exists. See Kao and Revkin (2021) for more information about this experiment.

[17]See, for example, the United Nations Development Programme's program supporting tribal-led "Local Peace Committees" in Iraq (United Nations Development Programme–Iraq, 2021).

[18]Iraq's Constitution states, "Iraqis are equal before the law without discrimination because of sex, ethnicity, nationality, origin, color, religion, sect, belief, opinion or social or economic status." Constitution of Iraq, Article 14 (2005), https://iraqmission.us/wp-content/uploads/2014/11/iraqi_constitution.pdf.

[19]Oumayma Omar, "Iraqi tribes take law and justice into their own hands," *The Arab Weekly*, (Jan. 22 2016), http://www.thearabweekly.com/News-&-Analysis/3486/Iraqi-tribes-take-law-and-justice-into-their-own-hands.

Criminal Code, Article 41). An overly broad anti-terrorism law has allowed for both *de jure* and *de facto* violations of international human rights norms including the prosecution of children, the meting out of disproportionately harsh punishments—including the death penalty—for nonviolent crimes, court hearings lasting 10 minutes or less, and limited or circumstantial evidence.[20] Beyond those accused of collaboration with IS, the state system is notorious for turning a blind eye to confessions obtained through torture.[21] As these examples illustrate, we should avoid tendencies to grant a more Western grounded law—as some of the foundations of Iraqi law are based on French legal codes—a normative preference and realize that for Iraqi citizens on the ground there is not necessarily a clear hierarchy concerning which system will protect their civil rights.

Each of the three legal systems I study here is also associated with a different set of decision-making authorities: government-appointed judges for Iraqi state law, sheikhs (who inherited their positions through birthright) for tribal law, and religious scholars (who spent years studying religious texts) for sharia law. I acknowledge that decisions concerning where to turn to for dispute resolution may be influenced by the expected outcomes of the case in each system and perceptions of the actors governing the system including their integrity and ability to enforce their rulings(Lazarev, 2017); however the *de jure* application of the law is clearer in the state and sharia systems compared to tribal law[22] and, in practice at

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[20]United Nations Assistance Mission for Iraq, Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL (2020), https://www.ecoi.net/en/file/local/2025174/Iraq$_-_ISIL_trials_under_the_anti-terrorism_laws_and_the_implications_for_justice_2$8012020.pdf; $HumanRightsWatch, FlawedJustice$: $AccountabilityforISISCrimesinIraq$(2017), $https$: $//www.hrw.org/report/$2017/12/05/$flawed-justice/accountability-isis-crimes-iraq.; MargaretCokerFalihHassan, A10-MinuteTrial, aDeathSentence$: $IraqiJusticeforISISSuspects, N.Y.TIMES(Apr.$17, 2018)$, https$: $//www.nytimes.com/$2018/04/17/$world/middleeast/iraq-isis-trials.html$.

[21]Amnesty International, New Order, Same Abuses: Unlawful Detentions And Torture In Iraq (2010), https://www.amnesty.org/en/documents/MDE14/006/2010/en/; Human Rights Watch, Submission by Human Rights Watch to the UN Human Rights Committee in advance of its review of Iraq (Aug. 2020), https://www.hrw.org/news/2020/08/07/submission-human-rights-watch-un-human-rights-committee-advance-its-review-iraq; United Nations Assistance Mission for Iraq, Human Rights in the Administration of Justice in Iraq 4 (Aug. 2021), https://www.ohchr.org/Documents/Countries/IQ/UNAMI$_Report_Administration_of Justice_E$N.pdf.

[22]Tribal legal codes, in particular, are often unwritten and can vary from tribe to tribe although Carroll

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least, the arbiter maintains quite a lot of agency in determining the outcome of cases across all three systems. Thus, it is not clear that a given case will always elicit the same decision. The existence of legal pluralism in Iraq provides an opportunity to experimentally identify the conditions under which survey respondents faced with hypothetical dispute resolution scenarios would prefer to adjudicate these problems through state or non-state legal forums.

5   Research Design

Through a face-to-face survey of 1,458 residents of Mosul conducted in March-April 2018,[23] I assess variation in preferences for different legal systems using a vignette experiment. The three vignettes are designed to help us better understand determinants of whom one turns to for justice in times of dispute in a situation of legal pluralism. One vignette describes a dispute over the ownership of a home, a common problem in Mosul today as many property deeds have been lost or destroyed,[24] varying the identity of the other party as either a member of the respondent's family or a stranger. Another vignette describes a car accident with either a Sunni or Shia resident of Mosul in which either the respondent or the other party is at fault. This vignette allows for analysis of how sectarian identity of the other party in the dispute and fault for the dispute determines selection of different providers of justices. A third vignette describes a debt owed to the respondent but varies the amount and the identity of the person who owes the debt between a family member and a stranger. This vignette helps identify whether the seriousness of the case affects which justice provider respondents turn to for adjudication of their dispute.

Though it is difficult to know how common such disputes are in Iraq and I did not

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(2011: 12) underscores that there "appears to be little variation in the structure, specifics, or processes of [tribal] law from tribe to tribe."

[23]This survey experiment could not have been carried out without Mara Revkin's tireless work in the field.
[24]United Nations Habitat, "City Profile of Mosul, Iraq," (Oct. 2016), https://reliefweb.int/sites/reliefweb.int/files/resources/UN-Habitat_MosulCityProfile_V5.pdf.

ask about this in the survey, data from a World Bank Household Socio-Economic Survey (IHSES) in 2012 offers some insights. The survey about 21 different types of disputes a household might have had in the last five years and found that traffic accidents were the most common type of dispute faced (about 28% of the sample), while property disputes or inheritance made up another 13% of the cases reported, and compensation (which was the closest category to a debt) account for about 5% of all cases.[25]

Of these reported disputes, about one-third of them was with a family member while other individuals made up around half of the cases and the rest were spread among various authorities, employers, or unspecified. Households sought formal/official legal help in resolving these disputes less than half of the time (41%). When asked why they did not seek official legal help, 24% solved the issue through tribal mediation and another 5% solved the problem the mediation of relatives, neighbors, or friends (religious authority mediation was not an option). Another 32% managed to solve their dispute through direct negotiations with the other party. Among the other reasons for not turning to state institutions, respondents cited lack of evidence (12%), it would cause problems for the respondent or her family (7%), the other party is more powerful/no chance of winning (7%), or other. Only 3% reported it would cost too much money and 2% reported that it take too much time. Unfortunately, the survey was done at the household level so it cannot be used to suss out individual factors linked with preferences for varying legal systems. However, we can use it to understand whether Mosul is very different from other sites around Iraq. In particular, 58% of households located in Ninewa, the governorate where Mosul is, reported that they took their disputes to formal/official legal institutions which is a quite high proportion by comparison: only two of the 18 governorates in total reported higher tendencies to turn to

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[25]Theft, divorce, and physical abuse came before compensation at 12%, 8%, and 7% respectively (Organization for Statistics and Information Technology (COSIT), Kurdistan Regional Statistics Office (KRSO). Iraq Household Socio-Economic Survey 2012. Ref. IRQ_2012_IHSES_v02_M. Dataset downloaded from https://microdata.worldbank.org/index.php/catalog/2334 on April 20, 2022).

the state system. For comparison, 44% of the households in the governorate of Baghdad took their disputes to the state system.

This study is interested in understanding cases where the perceived appropriate arbitrator may vary according to aspects of the dispute, disputants, and individual perceptions of structural factors of each legal system. To do so, I chose three areas of conflict that are not naturally suited to be dealt with by one arbitrator over another in the post-conflict setting of Mosul and were realistic disputes that people have on the ground in Iraq in Mosul when the survey was run. Respondents received each of the three scenarios in a random order, with experimental factors randomized in and out independently of one another. The cases I chose are civil rather than criminal matters, as I did not want to favor one type of legal system over another and I suspected that most serious criminal acts are dealt with by the Iraqi government because its coercive capacity exceeds that of the two non-state legal systems. However, more research is needed to confirm this assumption. In the response options, I included both the system of law and the associated leader type of each system as some Iraqis may perceive some of these systems to be more strongly guided by a code (and presumed impartiality of the arbitrator) versus others that may be seen as subjective and based upon the arbitrator's whims or wisdom.

I expected that decisions of whom to turn to will depend largely on the nature of the conflict. The experimental vignettes randomly varied components of disputes that tap into some of the basic cost-benefit analyses individuals conduct when faced with the need for mediation. These factors include: 1) the identity of the hypothetical party with whom the respondent is in a dispute (e.g. sectarian identity, a personal connection versus a stranger); 2) the party at fault; and 3) the seriousness of the dispute (i.e. a larger debt vs. a smaller debt). These factors tap into some of the fundamental concerns a citizen grapples with when selecting a system. First, social relationships with the opponent may matter. A citizen is likely to ask: "Is the relationship with this person worth maintaining? Could this

person benefit or harm me in the future?" Second, citizens may perceive there to be biases embedded within certain legal systems either for or against people like them (Sandefur and Siddiqi, 2011). If the other person is associated with an outgroup that is seen as favored by a certain court system, rational choice theory predicts they will avoid that court system. Fault also increases the likelihood that a given court will convict the respondent; citizens may prefer the types of punishments issued by one legal system over another. Seriousness of the dispute may also trigger thoughts about the self-interested, material costs associated with the case; there is more on the line to lose (or potentially gain) when the case is more serious.

After a description of a hypothetical dispute scenario with characteristics varied according to Table 1), the respondent is asked to choose which of three legal systems and their associated authorities—a tribal sheikh, a religious scholar, or an Iraqi government-appointed judge—he/she would prefer to resolve the dispute. This design allows us to statistically back out the effects of the identity of the other party, the nature of the dispute, who is at fault, and the severity of the dispute on respondents' preferences among these three different legal systems. As there is some overlap between the substantive rules of these three different legal systems—for example, Iraq's Personal Status Law incorporates elements of sharia— these three different systems would not necessarily result in different decisions for the same dispute. However, since these three systems are associated with different decision-making authorities, I expect that the perceived legitimacy and fairness of the adjudicator will influence the respondent's choice. In addition to pre-treatment questions on the corruptness and enforceability of each system,[26] the respondents were asked a variety of post-treatment questions on standard demographics, movement in and out of the city when IS took control, employment with the Iraqi government, discrimination at the hands of the Iraqi government,

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[26]Unfortunately, follow-up questions probing reasons for selected each system suffered a programming glitch that makes it impossible for me to draw useful conclusions from them.

and religiosity.[27]

Table 1: Vignettes

Note: Randomized components are shown in {}.

I am going to read you a description of a dispute between you and another person that requires adjudication. Then I will ask you to choose between tribal law interpreted by a tribal sheikh, sharia interpreted by a religious scholar, and Iraqi state law by a government-appointed judge to resolve this dispute.

Vignette 1:

The other person with whom you are in a dispute is {*a Shia resident of Mosul/a Sunni resident of Mosul*} and the dispute is about a car accident in which {*the other was at fault/in which you are at fault*}.

Vignette 2:

The other person with whom you are in a dispute is {*your family member/a stranger*} and the dispute is about an unpaid debt in which this person owes you {*5 million Iraqi dinars/1 million Iraqi dinars*}.[28]

Vignette 3:

The other person with whom you are in a dispute is {*your family member/a stranger/a Shia resident of Mosul/a Sunni resident of Mosul*} and the dispute is about the ownership of a house in Mosul.

Dependent Variable:

If you could choose one of the three following legal systems to settle this dispute, which would you prefer?

-Tribal law interpreted by a tribal sheikh.
-Islamic law interpreted by a religious scholar.
-Iraqi state law interpreted by a government-appointed judge.
-I don't know/Refuse to answer.

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[27]I did not ask about outright support for IS as it would have been dangerous for my enumerators to do so and for there to be a known dataset of IS supporters in Iraq.

Note that the outcome question puts the respondent in a situation where he or she *could* choose any of the three systems. In reality, the great majority of disputes are likely to go unreported, as other work has found (Sandefur and Siddiqi, 2013). In doing so, the randomized factors of the cases are more directly linked to decision-making without the noise of certain real-world circumstances.

5.1 Hypotheses Employing Causal Inference

Although sectarian identity is important in Iraq, the survey sample purposely excludes non-Sunnis and non-Arabs. Given massive out-migration from IS-controlled areas by non-Sunnis and non-Arabs due to persecution by the group, the numbers of respondents belonging to these groups would have been too small to draw any conclusions about the larger populations to which they belong or significantly more funding to oversample these groups would have been required. I am limited, therefore, to understanding how varying the ingroup versus outgroup identity of opposing parties to a dispute may affect which legal system is preferred to adjudicate the issue among Sunni Arab Moslawis only.

Vignette 1 asks respondents about disputes with members of their ingroup (Sunni) versus outgroup (Shia) where either the respondent or the other person is at fault. Since the survey sample is limited to Sunnis, I expect that many respondents may be suspicious or distrustful of the current Iraqi government, which has been led by Shia-dominated governments since the "de-Baathification" policy implemented after the overthrow of Saddam Hussein in 2003, which required the permanent exclusion of many former members of the Sunni Baath party from government service. Interviews conducted in Mosul in April 2018 indicate that some Sunni residents of the city perceive the Iraqi judiciary to be biased in favor of Shia plaintiffs. For example, one Sunni resident of Mosul said, "The Iraqi judiciary is characterized by a lack of justice and integrity ... This is because the courts are accountable to the Shia political

parties and not to the Iraqi people."[29] Thus, the expectation is that respondents prefer not to go to the state court when the dispute is with a Shia. Vignette 2 varies how the social relationship between the disputant and the defendant matters as well as the seriousness of the dispute. To do so, the vignette describes a conflict with a stranger or a member of the respondent's family over a sum of money with higher and lower values. The third vignette examines an issue that many Mosul residents were likely grappling with at the time of my survey. IS took away and burned many deeds to homes. In post-IS Mosul many different authorities stepped in to try to claim the power to bestow home ownership. This vignette varies who the dispute was with, combining the identities of disputants of vignettes 1 and 2. I group my pre-registered hypotheses by broad theoretical category of treatment:[30]

5.2   Identity of the Disputant

Hypothesis 1: *Respondents will be less likely to choose Iraqi state law to resolve disputes in which the opposing party is a Shia in comparison with disputes in which the opposing party is a Sunni.*

Hypothesis 2: *Respondents will be more likely to choose the tribal legal system or the religious legal system to resolve disputes with a family member than with a stranger.*

5.3   Nature of the Dispute Factors

Hypothesis 2: *Respondents will be more likely to choose the tribal or religious legal system to resolve disputes when they are at fault.*

Hypothesis 3: *Respondents will be more likely to choose the state legal system over tribal or religious legal systems to resolve disputes involving larger sums of money.*

In Vignette 1 specifically where I manipulate both ingroup/outgroup status and fault, I

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[29]Personal interview by Mara Revkin with Khaled (38, accountant) in East Mosul (April 14, 2017).

[30]My analyses and hypotheses were pre-registered with EGAP.[31]

expect one heterogeneous effect:

5.4 Observational Analyses: Propensity to the State Legal System

For the following hypotheses, I pool outcomes across the three vignettes. I developed a number of exploratory hypotheses grounded in theory and previous research for these analyses. These hypotheses were pre-registered along with the causal ones above.

As noted above, residents of fragile states are often confronted with the paradox of turning to a system that can enforce its will versus one that is perceived to be fair. These structural factors embedded within systems of governance are likely to drive decisions to turn to one system over another to resolve a dispute.

Hypothesis 4: *Respondents who believe the Iraqi state system is the most likely to be able to enforce its decisions will have a higher propensity to choose the Iraqi state system over tribal or religious systems.*

Hypothesis 5: *Respondents who believe the Iraqi state system is the most corrupt will have a lower propensity to choose the Iraqi state system over tribal or religious systems.*

First, although Iraqi state law is not always favorable to women, I expected tribal and religious law to be perceived as being even more unfavorable when it comes to women's rights. For instance, attempts to repeal the Iraq's 1959 Personal Status Code in 2003 and 2014 in order to replace it with one that would allow clerics more control to interpret it according to sharia have been strongly opposed by women's rights groupsColeman (2006); Al-Salhy (2014). Under tribal law as well, women are legally subordinate to men and have no right to represent themselves in court or serve in leadership positions (Jacobson, 2012: pps. 115-116). Additionally, in another setting where legal pluralism similar to the situation in Iraq exists, Chechnya, Lazarev (2019) found that women strongly preferred state law over traditional and sharia law. Likewise, Sandefur and Siddiqi (2011) demonstrate that in Liberia, women are more likely to choose state law. Based on these insights, I expected that:

Hypothesis 6: *Female participants will have a higher propensity to prefer the Iraqi state system over tribal or religious systems.*

Costs associated with a given legal system may deter citizens from turning to that system for help. Taking a case to the Iraqi court involves numerous fees to the state and to lawyers. It may also be more expensive to travel to where a state court is located. Tribal and religious forums are often more local and the fees are lower according to my focus group participants. I measure wealth in two ways: 1) a standard question on the combined monthly income of the household in Iraqi dinars; and 2) agreement with a statement on whether the household faces significant difficulties, some difficulties, or no notable difficulties in meeting the household's financial needs.

Hypothesis 7: *Participants who report higher household incomes will have a higher propensity to prefer the Iraqi state system over tribal or religious systems.*

Hypothesis 8: *Participants who report higher wealth will have a higher propensity to prefer the Iraqi state system over tribal or religious systems.*

As noted above, respondents who are less likely to turn to the Iraqi legal system for assistance in disputes may be influenced by negative personal experiences with state legal institutions (such as corruption, bribery, and harassment by police). To assess this hypothesis, I ask an additional question to assess whether preferences for legal mechanisms other than Iraqi state law are driven by negative experiences with state institutions:

Under the Iraqi government that was in power from 2006-2014, did you ever feel that you were personally discriminated against by an Iraqi government employee for being Sunni?

Hypothesis 9: *Respondents who report having experienced sectarian discrimination in their dealings with the Iraqi state authorities and institutions will have a lower propensity to choose the state legal forum over customary forums.*

On the contrary,

Hypothesis 10: *Respondents who are employed by the Iraqi government will have a higher propensity to choose the state forum over customary forums.*

I also expect to find a positive relationship between religiosity and preferences for dispute resolution. I measure religiosity using a question on how often a person prays at *fajr* (dawn), an act of religious devotion that takes dedication to achieve.

Hypothesis 11: *Respondents who report higher levels of religiosity will have a lower propensity to choose the state legal system over tribal or religious systems.*

6 Results

6.1 Analyses by Vignette Employing Causal Inference

I conducted both independent and pooled analyses of my factorial vignettes to answer different questions surrounding legal pluralism. The independent analyses treat each vignette as a separate factorial experiment. Then, following Lazarev (2019), I pool the responses to all three vignettes. For these analyses, I created separate indices for each legal system capturing respondent propensity to choose Iraqi state law, tribal law, or sharia to resolve their disputes. I include demographic controls as well as attitudinal characteristics of my respondents in these models to understand associations between these variables and propensity to select one system over the others.

6.2 Is There a Threat to Iraqi State Law?

In this section I demonstrate why analyzing the data as both independent vignettes and pooled outcomes is important. At first glance, the independent vignette results suggest

appears that Iraqis that we might not be overly concerned about the legitimacy of the Iraqi state. Overall, respondents in my sample tended to prefer the Iraqi state legal system to solve the disputes in my vignettes over tribal or sharia law. Table 2 shows that there is some variation in the preference for different types of legals systems across vignettes, however.

Table 2: Preferences for Legal Systems Across Vignettes

	Frequency	Proportion
Vignette 1		
Tribal Legal System	227	16%
Religious Legal System	31	2%
State Legal System	1,196	82%
Vignette 2		
Tribal Legal System	321	22%
Religious Legal System	84	6%
State Legal System	1,038	72%
Vignette 3		
Tribal Legal System	159	11%
Religious Legal System	54	4%
State Legal System	1,239	85%

By pooling the responses from the three vignettes, we can interrogate a different question: are Moslawis legal monists or pluralists? Based on secondary sources of local customary governance in the Middle East (e.g., Carroll, 2011; Weir, 2007; Alon, 2007), the population of Mosul can be expected to include both legal monists—citizens who prefer to resolve all of their disputes through a single legal system, whether state, sharia, or tribal—and legal pluralists—citizens who bring different disputes to different legal systems (Juenger, 1988). A little less than two-thirds of the sample are legal monists, meaning they chose the same type of legal system to adjudicate all three vignettes.[32]

An important take-away emerges from this pooled analysis: the strength of legal pluralism in Iraq. While the majority of respondents chose state law in each vignette, a rather large

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[32]About 94% of legal monists chose state law for all three vignettes; just 6% of the sample selected tribal law and less than 1% selected religious law for all three cases. There were no significant correlations between respondent demographics and being a legal monist versus pluralist.

proportion (38%) will deviate from this preference some of the time in civil cases. Correlations between selections of a given system across the three vignettes vary between $r=0.23$) and $r=0.33$. This second analysis casts serious doubt on the monopoly of the Iraqi state over legitimate justice. Demonstrating this variance, in focus groups conducted some time after the survey, one respondent made his position clear: "I would say that tribal leaders should intervene in everything, they should be the reference in everything."[33] In another group, a woman stated: "I am far from tribe matters. There is no better solution than the judiciary to resolve any dispute."[34] A third perspective is provided by a woman whose explanation of a sort of hierarchy between the systems many of my focus group participants alluded to: "I go to the religious leader and the Sheikh of the tribe, and if they cannot find a solution, then I go to the [state] law."[35] Another legal pluralist outlined a different reasoning in response to a hypothetical debt scenario: "If I am the one being asked for money, I will go to my tribe to take the money from the tribe's fund; and if I am the one who asks the person for money, I will go to the [state] law."[36] These responses demonstrate that from the perspective of citizens, there is a mix of competition and complementarity between alternative legal systems.

6.3   Vignette Analyses

In the following analyses I combine legal orders into state versus non-state groupings and employ Ordinary Least Squares (OLS) regression analysis.[37] Although combining tribal and religious legal orders together into a non-state category risks conflating these two systems with one another, I chose to do so for sake of clarity of results and discussion. Furthermore,

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[33]Male Focus Group, Mosul, 12/8/2021).

[34]Female Focus Group, Mosul, 12/9/2021).

[35]Female Focus Group, Mosul, 12/9/2021).

[36]Female Focus Group, Mosul, 12/9/2021).

[37]Analyses separated out by legal order using multinomial logistic regression are presented in Appendix X.

all of my formal hypotheses put religious and tribal legal forums together. The substantive outcomes are robust to the use of binary logistical regression analyses employing the state-non-state dichotomy.

Vignette 1 asked about a car accident and randomized ingroup/outgroup sectarian membership (Sunni/Shia)[38] and the respondent either being or not being at fault. Surprisingly, neither of these factors caused respondents to shift their choice of legal forum.

Figure 3: Effects of In-Group/Out-Group and Fault on Legal System Preference
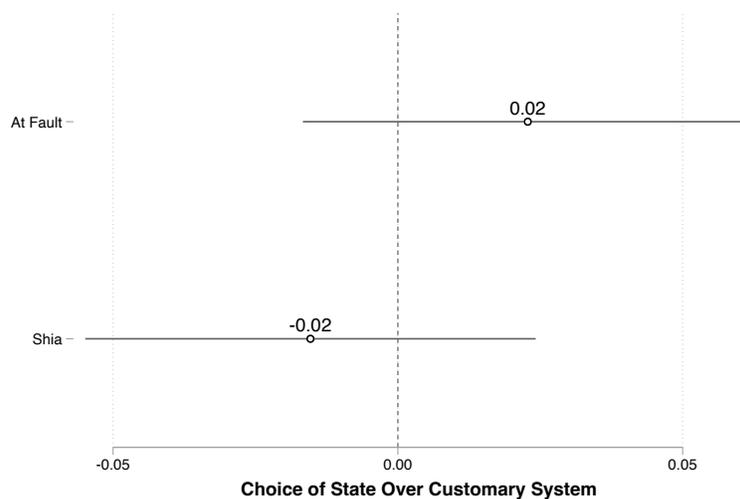
Note: OLS regression with robust standard errors was employed. Horizontal lines show 95% confidence intervals around point estimates shown as circles.

Vignette 2 was a dispute over a debt owed to the respondent in which the disputant was a stranger versus a family member and the debt was of a higher or lower value. The most striking finding is that respondents will opt for tribal or religious legal systems when the dispute is with a family member compared to a stranger ($p<0.00$) by a large margin (23 percentage points). Figure 4 also demonstrates that when the debt is higher, respondents are more likely to choose the state legal system than customary systems ($p<0.10$).

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[38] Although Shia were likely a minority of the population at the time of the survey, Shias were still living in and around the city of Mosul as they are the dominant group in Iraq.

Figure 4: Effects of Stranger/Family Member and Debt Level on Legal System Preference
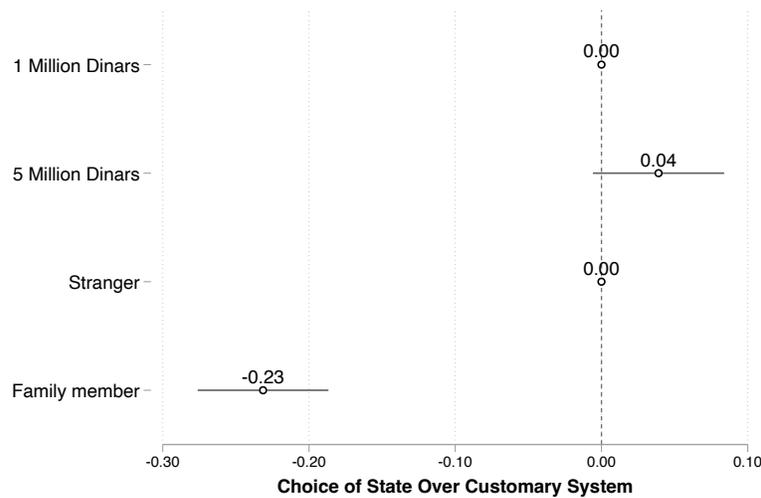

Note: OLS regression with robust standard errors was employed. Horizontal lines show 95% confidence intervals around point estimates shown as circles.

The third vignette in this study presented a dispute over home ownership in which the disputant is either an ingroup/outgroup sectarian member or a stranger/family member. The first set of point estimates (shown as circles) in Figure 5 provides additional evidence that Moslawis prefer non-state legal forums when dealing with disputes with family members compared to strangers ($p<0.00$) and the effect is quite large at about 17 percentage points. However, Model 2 changes the comparison to an ingroup member (a Sunni) to demonstrate robustness of the previous finding that out-group sectarian membership does not have a significant direct effect on legal system preference.

6.4   Pooled Analyses by Propensity to Choose Legal System

The previous section considered how aspects of the cases and the disputants involved affect decisions of which legal forum one turns to. This section pools the results across the vignettes to examine patterns in the types of people who tend to turn to the state system over cus-

Figure 5: Effects of Stranger/Family Ingroup/Outgroup Member on Legal System Preference
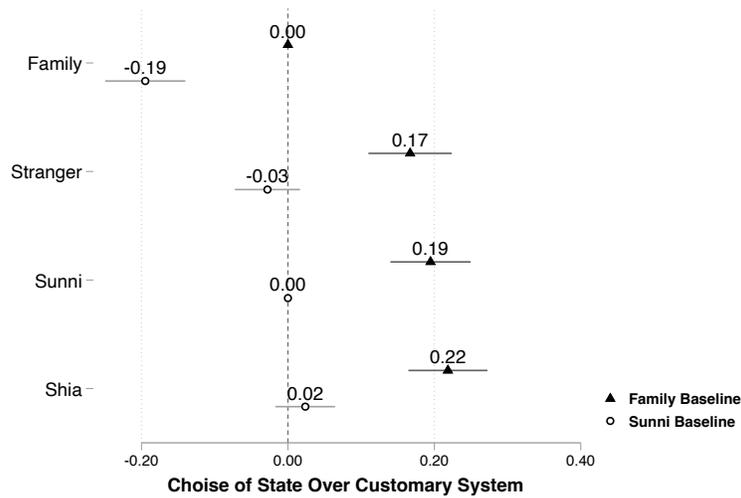
tomary systems.[39] Although the outcomes presented in this section cannot be characterized as causal relationships, they provide us some further descriptive insights concerning the the propensity of different types of people to choose the state to solve their disputes.

For the following analyses, I created an index measuring the propensity of a respondent to chose the state system across all three vignettes.[40] I do so by adding up the number of times a respondent chose the state legal system and dividing the results by three (for each of the vignettes). Thus, for example, a respondent who chose the state legal system across all three vignettes would score a "1" for the index of the selected system and a "0" if she never chose the state system.

Results of the state law propensity index analysis are presented in Figure 6. It reveals that structural factors associated with each system highly influence propensities to turn to the state for dispute resolution. Those who expect the state system's decisions to be enforced

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[39]Only 19 respondents refused to answer or said they did not know in response to any of the three vignettes. These respondents are dropped from the analyses.

[40]Given that the characteristics of each case are randomly selected, we can expect case-specific effects to be neutral, on average, across respondent demographics.

Figure 6: Propensity to Choose State System Index
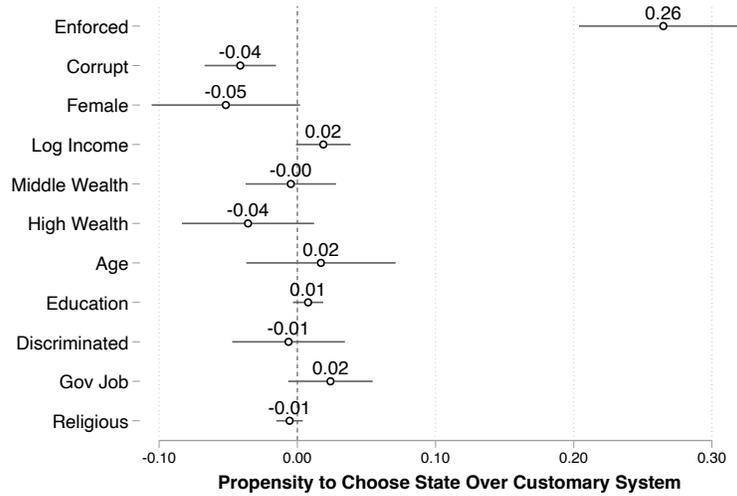
Note: OLS regression with robust standard errors was employed. Horizontal lines show 95% confidence intervals around point estimates shown as circles.

are 26 percentage points ($p<0.00$) more likely to choose the state system for disputes, lending support to Hypothesis 6. Fairness of the system matters as well, though the effect is weaker compared to enforcement: belief that the state is the most corrupt is associated with a 4 percentage points ($p<0.01$) drop in propensity to select this system to resolve disputes in support of Hypothesis 7.

With regards to demographics, only two factors were marginally significant: gender and logged income. In contradiction of Hypothesis 7, females are less likely to choose state law by 5 percentage points ($p<0.10$). Respondents who report higher household incomes have a higher propensity to select the state legal system for their disputes by 2 percentage points ($p<0.10$).

6.5   Discussion of Results

First, I summarize my findings. For Vignette 1, effects of in-group/out-group identities or being at fault in contradiction of Hypotheses 1 and 3. Vignette 2 revealed that disputes with family members lead to preferences for customary law in support of Hypothesis 2; higher

debts are less likely to be taken to customary legal forums, demonstrating a preference for state law when disputes are more serious in line with Hypothesis 3. Finally, Vignette 3 reinforced that disputes with family members increase choice of customary law, bolstering Hypothesis 2, but again Shias are no more likely than Sunnis to be taken to non-state venues in contradiction of Hypothesis 1.

I draw a number of conclusions from these results. First, Moslawis prefer to take family matters to customary institutions. In this situation, it should first be recognized that taking family to *any* of the three legal systems is akin to a "nuclear option." But once this difficult decision has been made, selection of a non-state system is highly likely and the effects are large: 23 percentage points more likely than when the dispute is with a stranger for vignette 2 ($p<0.00$) and 17 percentage points more likely for vignette 3 ($p<0.00$). The tendency for citizens to prefer non-state institutions for disputes within the family has been described in Iraq and other contexts (e.g., Carroll, 2011; Sandefur and Siddiqi, 2011), but not causally demonstrated. This finding complements Lazarev (2017)'s work, which divides experimental vignettes into family domains (issues like domestic violence and polygamy) versus non-family domains (e.g., car accident or property disputes) finding that the former are much less likely to be taken to state law. Isolating the causal mechanism is difficult in this case though: is it that respondents expect family *issues* to be better resolved by the customary system or that they are in a dispute with a family member that drives this finding? In my study, all three vignette issues would not be categorized as exclusively family issues. The outcomes from vignettes 2 and 3 demonstrate that it is when the dispute is with a family member specifically that it is unlikely to be taken to the state system.

I posit that when the dispute is between family members, the future of the social relationship with the other disputant and with others in the community whom she may be socially linked to is crucially important.[41] Non-state systems in Iraq are expected to take a

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[41]See (Petersen et al., 2012) for a similar argument concerning consideration of the future relationship

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more restorative approach. Restorative approaches to justice allow both sides to negotiate with one another concerning the outcome of the case and employing mechanisms aimed at accomplishing reconciliation, rather than focusing on punitive measures that may not benefit the plaintiff such as jail time or fines paid to the state (de Greiff, 2014: 18). When asked if she had a problem getting a debt repaid, a Moslawi focus group participant explained that she would go to the tribal sheikh who, "...has to pay for the son of their tribe, because the [state] law will put the person in prison and therefore I will not get my money. I want my money, so I go to the Sheikh."[42] Although this outcome might seem self-serving, a part of reconciliation is allowing victims to define and gain justice (Zehr, 2015).

Many focus group participants reported that they would approach non-state authorities with their problems first in order to minimize problems that could occur among the broader community. As one Moslawi explained in response to a question about a hypothetical dispute: "No, I will not pass the matter on to an outside party, especially if a brother or sister is unwilling to do so. Harm will happen because there are laws for the tribes, and I don't want to tarnish the tribe's reputation."[43] The participant is very concerned about the opinions of her brothers and sisters and how the case will reflect upon her tribe. Another reported: "If the problem is with a family member, I don't like to [go to the tribal sheikh]. But I can go to the religious leader... because I don't want to harm him [the family member]. The Sheikh of the tribe will separate him from the tribe and the [state] law will imprison him, and I don't want to harm any of my family members.[44] In response to the debt scenario, another pointed out that the other disputant "remains a member of my family, and I will not put him in a tough position with the state."[45] As Katherine Blue Carroll finds from her in-depth fieldwork in Iraq: "The state receives its 'rights' through the court system,

with defendants in criminal cases.
  [42]Female focus group, Mosul, 12/8/21.
  [43]Female focus group, Mosul, 12/8/21.
  [44]Female focus group, Mosul, 12/8/21.
  [45]Female focus group, Mosul, 12/8/21.

but only the tribal system can create forgiveness and communal reconciliation" (Carroll, 2011: 21). In other regional contexts, including the United States, proponents of alternative dispute resolution (ADR)—practiced by non-state adjudicators—argue that ADR can help to preserve the relationship between the parties, whereas litigation in state courts tends to exacerbate the conflict.[46] Such findings underscore the importance of understanding how social norms interact with legal institutions and affect governance. In this way, customary forums can be seen as complementary to the state system by resolving some cases before they escalate to the level of the state.

Second, surprisingly, in-group versus out-group identity of disputants does not seem to significantly affect legal system preference, unless the respondent is at fault in the dispute. That in-group versus out-group identity does not affect preferences for different systems in either the first or third vignettes suggests that respondents do not necessarily expect the state court system to be biased against them based purely on sectarian identity. It may also be that tribal and religious systems are percieved as even less able to enforce their decisions when it comes to dealing with a Shia.

Finally, more serious disputes are more likely to be taken to the state legal system. This finding is in line with work on legal dualism in Liberia, where violent crimes were reported to the formal justice system while civil cases were much more likely to be taken to customary legal institutions (Sandefur and Siddiqi, 2013, 2011). In tribal societies in the Middle East, sheikhs rely on their reputation and their ability to command social pressure among tribal members to enforce their decisions. Almost all focus group participants agreed that tribal leaders will not resort to violence to enforce their decisions. Instead, expulsion from the tribe is the leader's greatest power. Many discussed the tribal sheikh's ability to withdraw support and tarnish the reputations of his enemies so that "all the tribe would boycott this person

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[46]Interagency Alternative Dispute Resolution Working Group, "ADR Is Effective," https://www.adr.gov/adrguide/ch03.html.

and avoid interacting with him."[47] Tribal leaders gain power through bloodlines, inheriting their positions from fathers or uncles, for the most part; some tribal leaders are elected by a gathering of male tribal members, but this seems to be more rare. Local religious leaders, like imams or religious elders, gain their positions through education and scholarly studies of the sharia, although some are also said to inherit their positions from their family members. Religious leaders are mainly seen as advisers, although they do resolve disputes at times. As already noted, they have the least power but could potentially appeal to the conscience of a disputant. One Moslawi noted that if a religious gets involved, "he will have a social impact on that person, without escalating the situation to a fight or something."[48] Tribal and religious leaders were characterized as being "always fully aware of all kinds of problems that occur [in the neighborhood]"[49] and having "greater knowledge and perception of things and are closer to us." [50] Finally, as shown above, the state—while far from having a monopoly on the means of force in Iraq—is widely considered to be the most powerful actor in the area. The state's power relies not only on its coercive apparatus, but also its vast modern-state system of bureaucratic agents who keep track of all official information and have codified procedural rules to follow. One participant explained that he would head "straight to the court, because they know everything about the citizens, how much money he has, whether he can pay or not, they'll do the right procedures."[51]

Some important findings were revealed by the observational analyses on propensity to select the state system that allow us to better understand the causal findings. First, the coefficients on the two broader structural mechanisms of enforcement and corruption suggest that enforcement of decisions is of utmost concern for Moslawis in forum shopping and that this favors selection of the state system. One female discussed how her father passed away

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[47]Male focus group, Mosul, 12/9/2021; Female focus group, Mosul, 12/8/21.
[48]Male focus group, Mosul, 12/9/2021).
[49]Female focus group, Mosul, 12/8/21.
[50]Female focus group, Mosul, 12/8/21.
[51]Male focus group, Mosul, 12/9/2021).

before her grandfather and the family took the matter to a religious leader to solve. His ruling was that her family should inherit her father's estate, but to do this day the decision has remained unenforced and the grandfather still controls all of his son's wealth.[52] Another explained a case where her family "we went to several tribal Sheikhs, and none of them ever solved the issue."[53] When another respondent was asked why she turns to the state law, she explained that "the [state] law is more powerful than all!" Many respondents explained how they turn to the state when they feel their customary leaders would be unable to enforce a decision in a case.[54] Corruption also matters. About 22% of the sample reports having been asked to pay a bribe by an Iraqi government official of some sort. For now, it seems that corruption in Iraq is not so out of hand that it drives citizens away from seeking state solutions to their disputes. But these findings underscore the importance of the state never allowing corruption to become so rampant that it overtakes preferences for enforcement of the law.

Two further associations emerged that warrant discussion: females and higher income respondents had differing propensities to choose the state system. Females in particular seemed to be concerned with preservation of social relationships. When probed about why they would not turn to the state, female focus group participants pointed out that "we do not want to exaggerate things" and "the [state] law will imprison [the disputant]."[55]. Most of the focus group quotes provided above concerning social relationships come from female participants. This finding contradicts studies that have come before suggesting that women should prefer the state because it should offer them more equal rights (Lazarev, 2017; Sandefur and Siddiqi, 2013). As noted above however, women may not feel that in the context of Iraq, the state protects their rights. Other work in this context show how women

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[52]Female focus group, Mosul, 12/8/21.

[53]Female Focus Group, Mosul, 12/9/2021.

[54]Female focus group, Mosul, 12/9/2021; Male focus group, Mosul, 12/8/2021.

[55]Female focus group, Mosul, 12/9/2021

fear brutality of state police officers, for example (Revkin and Aymerich, 2020). Further research is needed to further understand why women have a lower propensity to choose the state system in Iraq and to test how generalizable this finding is. Finally, with regards to the finding on income, the state system may simply be beyond their means. Tribes are also involved in helping out their poor by organizing funding initiatives for them in times of need. Focus group participants described how tribes collect fees from their members to help tribal members, especially poor families[56] This finding highlights inequalities in access to state justice.

7   Conclusions and Future Research

In this paper, I demonstrate that legal pluralism is impactful for the everyday lives of populations living in areas where the state allows for (either intentionally or unintentionally) multiple actors to determine the outcomes of disputes at some level. Customary legal forums allow citizens to solve at least some of their problems without having to resort to often overburdened, expensive, and corrupt state systems. Yet, contradictions between non-state legal systems and human rights law caution us to dig further into how customary systems can complement those of the state. Legal pluralism is common in the developing world and in post-conflict situations in particular, warranting further research.

The results of this research confirm that a substantial proportion of Iraqis are legal pluralists (38%). One might suspect that this finding is driven by self-interest: forum shoppers (pluralists) may be simply selecting the system which is most likely to benefit themselves in a given case. Yet, being at fault and facing a member of the majority group in charge of the government (a Shia) did not drive decisions and even being owed a higher debt was only weakly correlated with a preference for state law over tribal law. That more material as-

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[56]Female Focus Group, Mosul, 12/9/2021.

pects of decision-making seem to play a weaker role than social concerns in decision-making suggests that rational choice cannot fully explain decisions to turn to state versus customary institutions.

The most consistent and strongest finding of the factorialized vignettes was the respondent's social tie with the opponent in the dispute. Where social relationships matter for the future, non-state law is preferred. It could be likely that the more restorative nature of tribal and sharia law, in which the costs and benefits to both sides of a dispute are considered, drives this preference. This outcome highlights the importance of considering the effects of social norms on local governance.

There are components of dispute resolution decision-making that these vignettes are unable to assess experimentally. Some types of cases may seem "naturally" suited to one system over another (i.e., sharia is usually chosen to decide matters of inheritance or divorce/marriage); topics chosen in this study were specifically selected to avoid this issue. Likelihood of decision enforcement and the potential for corruption, as mentioned above, are observationally evaluated in this study. These factors were not significant when interacted with the experimental components nor through causal mediation analyses. To better understand the potential causal effects of these factors on preferences between legal forums, future studies could consider randomizing whether the cases of a given legal system or its arbiter were enforced in the past or some signal that they will be enforced in the future as well as whether the system has recently been accused of corruption in the past. From a state building, state-centric perspective in post-war environments though, the current study suggests are potentially huge gains to be made in the judicial sector by cleaning up corruption and making sure rulings are enforced, especially in restive opposition areas.

A limitation of this study is that these were specific cases of a car accident, a housing title dispute, and a debt. There are many other disputes that Moslawis likely faced during this time which are unaccounted for. The pilot study suggests that more serious cases, like

violent crimes, would be likely to go to the formal state justice system. However, more work needs to be carried out to understand for example if more serious cases involving close social relations, like the murder of a family member, would be more likely to go to the state forum versus the traditional ones. It is notable that among my sample in Iraq, 39 percent reported a preference for tribal law in cases where a son of their tribe (*ibn asheeratak/qabilatak*) were to be killed by the son of another tribe, and another 39 percent preferred a mix of tribal and state law. A national survey I ran in Jordan in 2014 found that 28 percent of Jordanians preferred tribal law in such cases, and 56 percent would like a mix of tribal and state law to handle the issue (the de facto system in Jordan today) (Lust et al., 2014). Thus, in both cases, legal pluralism remains strong.

I cannot verify how generalizable these results are either, since I am working in a specifically post-conflict context where non-state actors have a long tradition of solving local disputes. I suspect though that these findings would travel to other parts of the Arab world, at least, and likely to much of the developing world where states are still struggling to gain a monopoly over dispute resolution. Other scholars describe the ability of citizens to forum shop across state and non-state legal systems in contexts as varied as Sub-Saharan Africa (Baldwin, 2016; Blair et al., 2019; Isser et al., 2009) and Central Asia (Murtazashvili, 2016; Lazarev, 2019). The findings may not be exactly the same if this study were carried out in these other places, but the factors studied here are likely to matter in forum shopping decisions elsewhere suggesting further scholarship along these lines is warranted.

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8 Appendix

8.1 Survey Methodology and Sampling Strategy

The survey was administered in Mosul in March-April 2018 by an experienced Iraqi research firm, the Independent Institute for Administration and Civil Society Studies (IIACSS), that has previously administered the Arab Barometer and World Values surveys in Iraq. IIACSS has successfully conducted four large-scale surveys in Mosul since the city was retaken by Iraqi forces in 2017 at the time of this research. Mara Revkin conducted fieldwork in Mosul in April and December 2017 to preliminarily test the survey questions and to ensure their appropriateness for the context. She also conducted training with the field managers, based on training materials provided by Kristen Kao, Ellen Lust and the researchers with the Program on Governance and Local Development at the University of Gothenburg. Kristen Kao downloaded the data every evening during fielding and ran monitoring checks on it to ensure that the data was of the highest quality (for more information on best practices using computer-assisted surveys, see Benstead et al. (2017)).

An initial sample of around 1,000 respondents were randomly drawn from Mosul city neighborhoods. Filter questions intentionally limited the sample to Sunni Arab Iraqis. Given massive out-migration from IS-controlled areas by non-Sunnis and non-Arabs due to their persecution by the group, the numbers of respondents belonging to these groups would have been too small to draw any conclusions about the larger populations to which they belong.

Neighborhoods that had been severely affected by the recent military operations were excluded for ethical and security reasons. Within each neighborhood, blocks were selected based on probability proportional to size (PPS) according to census data updated with IIACSS's recent survey data from Mosul to reflect conflict-related changes in population and demography. Within each block, streets were randomly selected, and enumerators selected households using a random-walk method. The tablets were programmed with Kish grids that

enabled enumerators to randomly select a respondent from the pool of eligible household members (Kish, 1949). A team of 10 Iraqi enumerators (male and female Sunni Arabs from Mosul) conducted the survey.[57] A pilot test of 100 respondents was conducted in January 2018 to improve the design and translation of the survey instrument.

This experiment was embedded in a larger survey that aims to compare and contrast "stayers" (people who stayed in Mosul for an extended period of time after IS captured the city) with "leavers" (people who left relatively soon after IS's arrival)."Stayers" are defined as people who were still living in Mosul on March 10, 2015, and "leavers" are defined as people who left Mosul before March 10, 2015. This date is significant because it is the day on which an IS official in Mosul gave a speech broadcast over loudspeakers warning that anyone who left Mosul would be considered an "apostate"—the equivalent of a travel ban. Filter questions at the beginning of the survey will determine whether the respondent is a "Stayer" or a "leaver." Respondents who are unable to unwilling to answer these filter questions will be excluded from the sample. Since I expect that virtually all of the current residents of Mosul will be able to identify themselves as either "stayers" or "leavers" based on the definitions above, my sample will be a very representative one. Since "stayers" currently outnumber "leavers" in Mosul by a significant margin, some oversampling of the latter was necessary to enable statistically significant comparisons between these two groups.

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[57]With all survey research, there is a possibility that the observed effects are being driven by human error or the characteristics and biases of individual enumerators. Previous research indicates that the perceived religiosity of an enumerator—based on visible indicators of religious identity such as the hijab and cross—impacts respondents' expressions of personal piety and adherence to Islamic cultural norms (Blaydes and Gillum, 2013; ?). For this reason, the female enumerators recruited for this project all wore a hijab. Another concern is that religiously conservative men and women may not be comfortable speaking with an enumerator of the opposite gender. IIACSS has developed a protocol for such situations. Although enumerators work individually, if a female or male respondent requested to be interviewed by an enumerator of the same gender, the opposite—gender enumerator called a colleague to conduct the interview.

8.1.1 Map of the Sampling Frame

Figure A1. shows the sampling frame of 209 Primary Sampling Units (PSUs) in light green and the 47 randomly selected PSUs in dark green. Eight PSUs in West Mosul were excluded from the sampling frame (marked in red) because these areas experienced severe collateral damage during the recent military operation and were largely uninhabited.[58]

Figure A1: Map of the Sampling Frame
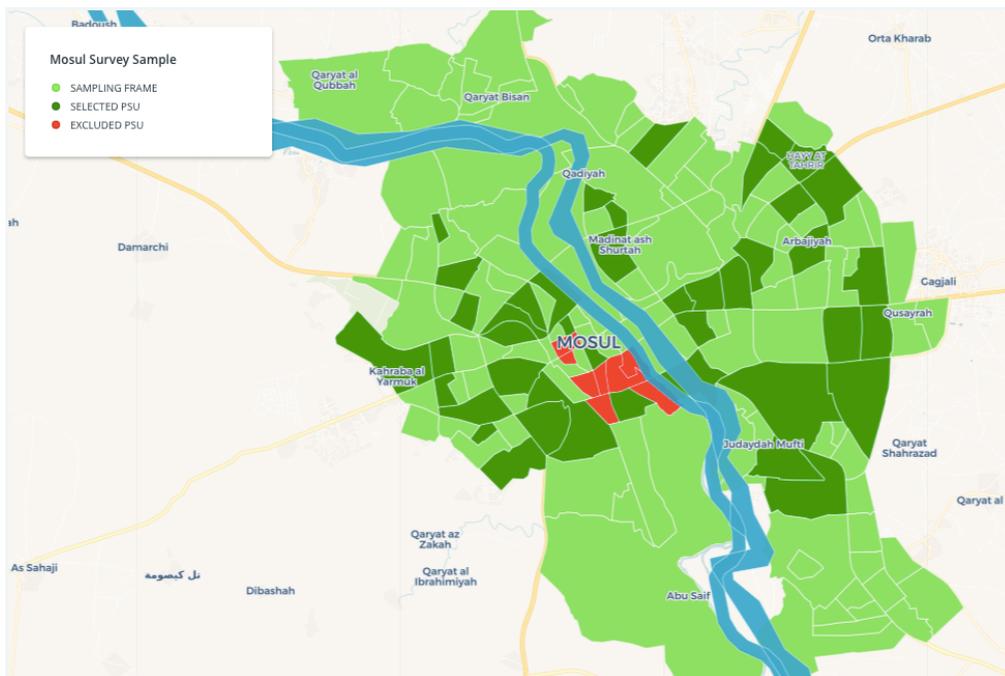
8.1.2 Non-Response

Mosul's current population was almost entirely Sunni Arab due to massive out-migration by other religious and ethnic groups who were persecuted by IS. Through the filter questions

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[58]This map was generated with CARTO using shapefiles provided by provided by Ivan Thung, Program Manager of the Recovery and Resilience Platform at the United Nations Human Settlements Programme in Iraq.

that were designed to limit the sample to Sunni Arab Iraqis who were living in Mosul in June 2014, only 4 people were excluded for not being Iraqi, 4 were excluded for not being Sunni Arab, and 9 were excluded because they were not living in Mosul in June 2014. The refusal rate was 15%. After piloting the survey, the research team agreed that the survey should take at least 25 minutes to complete, to ensure that all questions were read thoroughly and slowly. Six surveys were dropped from the final dataset because they were completed in less than 25 minutes.

8.2 Descriptive Statistics

Demographics and Descriptive Statistics

The sample is evenly balanced between men and women. Reflecting the youth bulge of Iraq, the sample is relatively young (38% are between 18 and 34 years old). More than 50% have an elementary-school education or less, 31% were unemployed at the time of the survey (nearly three times the national unemployment rate),[59] and 70% reported facing significant difficulties in meeting their household's needs with their current income. 85% of the sample have lived in Mosul since birth.

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[59]United Nations Development Programme. 2014. "About Iraq".

Table A1: Demographics

	Number of Respondents	Percentage
Gender		
Male	734	50%
Female	724	50%
Age		
25 or below	426	29%
26 to 50	765	53%
51 or above	265	18%
Education		
Primary or lower	1,014	70%
Secondary	237	16%
Diploma or higher	204	14%
Current Employment Status		
Unemployed	456	31%
Housewife	592	41%
Student	134	9%
Retired	84	6%
Part-time (<20 hours/week)	71	5%
Full-time (> 20 hours/week)	121	8%
Current Income / Household's Needs		
Significant difficulties meeting needs	967	67%
Some difficulties meeting needs	303	21%
Expenses covered without notable difficulties	165	11%
Expenses covered and able to save	21	1%

Table A2: Identity and History

	Number of Respondents	Percentage
Years Lived in Mosul Before June 2014		
Less than 2	46	3%
2-5	19	1%
6-10	19	1%
More than 10	127	9%
Since birth	1,246	86%
Tribal Identity		
Identifies with a tribe	1,452	99%
Does not identify with a tribe	5	<1%
Leaver/Stayer (March 10, 2015 Cut-Point)		
Leavers	403	28%
Stayers	1,055	72%

Table A3: Victimization

	Number of Respondents	Percentage
Violence During IS Rule		
House seriously damaged	411	28%
House confiscated by IS	294	20%
Member of household injured	156	11%
Member of household killed	122	8%
Violence During Battle for Mosul		
House seriously damaged during the battle	739	51%
Member of household injured	316	22%
Member of household killed	190	13%

8.3   Ordered Logistical Regression Analyses of Vignettes

The experimental analyses within the main text use OLS regression to assess preferences for state law over customary laws, and these analyses are double checked against logit regression to ensure the reported results are robust to a statistical model that is more suited for binary outcomes. I ran my analyses in this way because my hypotheses did not expect explicity differences between tribal and religious systems, but rather focused on the state versus customary system divide. However, the original experiment presented respondents with three options for their disputes: state, religious, or tribal legal forums. The analyses below provide ordered logistical regression analyses of each vignette to provide transparency in how the results would look different when considering the two customary systems apart from one another. I lose power when I do this since respondents overwhelmingly chose the state system, but the substantive findings hold across these analyses.

Vignette 1 asked about a car accident and randomized ingroup/outgroup sectarian membership (Sunni/Shia)[60] and the respondent either being or not being at fault. Model 1 in Table 3 shows that there were no straightforward significant effects; however, Model 2 shows that the interaction between the other disputant being a member of the Shia outgroup and the respondent being at fault for the car accident is marginally significant; in this case, respondents are more likely to choose the tribal legal system. That the main effects are insignificant suggests that there is a cross-over interaction effect taking place.

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[60]Although Shia were likely a minority of the population at the time of the survey, Shias were still living in and around the city of Mosul as they are the dominant group in Iraq.

Table 3: Effects of In-Group/Out-Group and Fault on Legal System Preference

	Model 1	Model 2
Tribal Law		
At Fault	-0.1465	-0.4343*
	(0.1466)	(0.2122)
Shia	0.1097	-0.1377
	(0.1459)	(0.1948)
Shia × At Fault		0.5541+
		(0.2926)
Constant	-1.6504***	-1.5213***
	(0.1291)	(0.1380)
Sharia Law		
At Fault	-0.2347	-0.4651
	(0.3707)	(0.5335)
Shia	0.0729	-0.1219
	(0.3662)	(0.4783)
Shia × At Fault		0.4514
		(0.7386)
Constant	-3.5843***	-3.4829***
	(0.3178)	(0.3385)
N	1454	1454

Note: + 0.10 *** p<0.05, ** p<0.01, * p<0.001. Multinomial logistic regression was employed. Baseline comparison is the Iraqi state legal system. Robust standard errors are employed.

Vignette 2 was a dispute over a debt owed to the respondent in which the disputant was a stranger versus a family member and the debt was of a higher or lower value. Table 4 provides evidence that respondents will choose either the tribal or religious legal system when the dispute is with a family member compared to a stranger. Table 4 also demonstrates that when the debt is higher, respondents are less likely to choose the tribal legal system than the state legal system; although this does not hold for the religious legal system.

Table 4: Effects of Stranger/Family Member and Debt Level on Legal System Preference

	Model 1	Model 2
Tribal Law		
Higher Debt	-0.2580+	-0.3239*
	(0.1322)	(0.1630)
Stranger	-1.2503***	-1.3417***
	(0.1396)	(0.1940)
Higher Debt × Stranger		0.1914
		(0.2790)
Constant	-0.5172***	-0.4849***
	(0.1045)	(0.1137)
Sharia Law		
Higher Debt	-0.0161	-0.0537
	(0.2290)	(0.2821)
Stranger	-1.0504***	-1.0944**
	(0.2421)	(0.3499)
Higher Debt × Stranger		0.0843
		(0.4845)
Constant	-2.0375***	-2.0174***
	(0.1863)	(0.2049)
N	1443	1443

Note: + 0.10 *** p<0.05, ** p<0.01, * p<0.001. Multinomial logistic regression was employed. Baseline comparison is the Iraqi state legal system. Robust standard errors are employed.

The third vignette in this study presented a dispute over home ownership in which the disputant is either an ingroup/outgroup sectarian member or a stranger/family member. Model 1 in Table 5 illustrates provides additional evidence that Moslawis prefer non-state legal forums when dealing with disputes with family members compared to strangers. Compared to strangers, they are also less likely to take a Sunni or Shia to a tribal or religious court. However, Model 2 changes the comparison to an ingroup member (a Sunni) and demonstrates that again out-group sectarian membership does not have a significant direct effect on legal system preference among my sample.

Table 5: Effects of Stranger/Family Ingroup/Outgroup Member on Legal System Preference

	Baseline Family Member	Baseline Sunni
Tribal Law		
Family member	BASELINE	1.1364***
		(0.2322)
Stranger	-0.8041***	0.3323
	(0.2139)	(0.2536)
Sunni	-1.1364***	BASELINE
	(0.2322)	
Shia	-1.5708***	-0.4345
	(0.2826)	(0.3138)
Constant	-1.3031***	-2.4394***
	(0.1329)	(0.1904)
Sharia Law		
Family member	BASELINE	2.0527***
		(0.4486)
Stranger	-2.0081***	0.0446
	(0.4488)	(0.5827)
Sunni	-2.0527***	BASELINE
	(0.4486)	
Shia	-1.9191***	0.1335
	(0.4491)	(0.5829)
Constant	-1.9962***	-4.0489***
	(0.1777)	(0.4119)
N	1452	1452

Note: + 0.10 *** p<0.05, ** p<0.01, * p<0.001. Multinomial logistic regression was employed. Baseline comparison is the Iraqi state legal system. Robust standard errors are employed.

Table 6 presents ordinal logistical regression of the three legal system outcomes with respondent characteristics of note and demographics included.

Table 6: Outcomes by Vignette including respondent characteristics

	Vignette 1: Accident	Vignette 2: Debt	Vignette 3: Home
Tribal Law			
At Fault	-0.1149		
	(0.1476)		
Shia	0.1060		-1.5803***
	(0.1475)		(0.2839)
Higher Debt		-0.2510+	
		(0.1334)	
Stranger		-1.2618***	-0.8013***
		(0.1406)	(0.2149)
Sunni			-1.1428***
			(0.2333)
R_Female	0.6034	-0.1741	0.1639
	(0.3760)	(0.3341)	(0.4432)
R_Age	-0.1389	0.1031	-0.3212
	(0.3768)	(0.3352)	(0.4448)
R_Middle Wealth	-0.0452	0.0095	-0.1973
	(0.1907)	(0.1666)	(0.2341)
R_High Wealth	0.3471	0.1044	0.2986
	(0.2238)	(0.2117)	(0.2570)
R_Education Level	-0.0856	0.0474	-0.0740
	(0.0627)	(0.0560)	(0.0739)
R_Stayer	0.1351	-0.3356*	-0.1929
	(0.1651)	(0.1423)	(0.1856)
R_Gov Job	-0.2741	-0.1156	-0.1121
	(0.1801)	(0.1592)	(0.2057)
R_Discriminated	0.0956	-0.0388	0.2658
	(0.2303)	(0.2084)	(0.2496)
R_Religious	-0.0377	-0.0321	-0.0255
	(0.0552)	(0.0496)	(0.0649)
Constant	-1.4829**	-0.3578	-0.4850
	(0.5225)	(0.4623)	(0.6062)
Sharia Law			
At Fault	-0.2235		
	(0.3724)		
Shia	0.0509		-1.8876***
	(0.3688)		(0.4568)
Higher Debt		-0.0534	
		(0.2347)	
Stranger		-1.0198***	-2.1753***
		(0.2471)	(0.4900)
Sunni			-2.0260***
			(0.4562)
R_Female	2.1648**	0.9630+	0.3524
	(0.7795)	(0.5553)	(0.7179)
R_Age	-1.1279	-0.4392	-0.0632
	(0.7384)	(0.5519)	(0.7230)
R_Middle Wealth	0.2735	0.0041	1.2535***
	(0.4335)	(0.3135)	(0.3178)
R_High Wealth	-0.1051	0.8264**	0.1846
	(0.6487)	(0.3087)	(0.5247)
R_Education Level	-0.0235	0.1501	0.1056
	(0.1532)	(0.0945)	(0.1219)
R_Stayer	0.0064	0.7597*	1.1433**
	(0.4118)	(0.3100)	(0.4224)
R_Gov Job	0.1354	0.2615	0.2293
	(0.4149)	(0.2543)	(0.3178)
R_Discriminated	0.6463	-0.0675	0.3323
	(0.5191)	(0.3833)	(0.4255)
R_Religious	0.2382	0.2562**	0.2458+
	(0.1616)	(0.0994)	(0.1256)
Constant	-4.1575**	-4.1180***	-4.7797***
	(1.2772)	(0.8751)	(1.1051)
R-squared			
N	1447	1437	1445

Note: + 0.10 *** p<0.05, ** p<0.01, * p<0.001. Multinomial logistic regression was employed. R_ indicates the variable is a respondent characteristic, not a randomized treatment. Baseline comparison is the Iraqi state legal system. Robust standard errors are employed.

8.4 Data Security Procedures

The 10 enumerators, working under the supervision of two Iraqi field managers, administered the survey with Android tablets that have been programmed with a mobile software application, SurveyToGo. The GPS-equipped tablets will collect locational data on the movements of the enumerators and length of each survey in order to identify irregularities including deviations from the random sampling procedure or data fabrication. Surveys that contain any such irregularities were discarded. The GPS coordinate data was only retained for as long as is necessary to verify the quality of the enumerators' work and was regularly discarded on a daily basis as each enumerator's responses were checked over the course of the survey administration. Less granular locational data (neighborhood level) was retained to generate a map of the sampled areas of Mosul for publications.

In the event that a tablet was stolen, or an enumerator encountered another security problem while fielding the survey, the SurveyToGo software enabled the immediate deletion of all data contained on the table. This did not occur during my fielding. The deletion could be initiated either by the enumerator, a field manager, or the survey firm's office in Erbil. IIACSS did not clean or handle the incoming data before it reached the project implementers, who had direct access to the data through a SurveyToGo administrator account.

8.5 Institutional Review Board (IRB) and Funding Disclosure

Blinding needed, add back in later!

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Yale University's Human Subjects Committee approved this study on December 14, 2017

(Protocol #2000022022).

8.6 Focus Groups

Six focus groups were conducted in Iraq between December 5-12, 2021. The focus groups with a total of 56 Iraqis were conducted in the provinces of Baghdad, Anbar, and Ninewa. Baghdad provides a very diverse, mostly urban setting where the Islamic State never ruled. Anbar is largely rural, dominated by Sunni tribes, and has some areas where the Islamic State ruled and others where it did not. Finally, Ninewa is a mix of urban and rural areas and is somewhat diverse with many areas having been ruled by the Islamic State at some point. The participants were recruited as randomly as possible, yet seeking diversity in terms of ages and education levels. A quality control was done to make sure respondents did not know each other previously. Women and men were interviewed separately. The focus groups were recorded and then English transcripts as well as the recordings in Arabic were provided to the researchers by the local partners on the ground (IIACSS). All focus groups were moderated by a local research assistant, who was trained in part by the researchers. Consent was gained for participation in the groups and anonymity of respondents was ensured.

Table 7: Focus Group Participants

Age	Occupation	Ethnicity	Family Income (IQD)	Education	Marital Status	Province	Gender	Date
38	Teacher	Shia	600,000-799,999	Bachelors	Married	Baghdad	Make	12/5/22
38	Teacher	Muslim	less than 600,000	Bachelors	Married	Baghdad	Make	12/6/22
30	Employed	Muslim	600,000-799,999	Bachelors	Married	Baghdad	Make	12/7/22
31	Employed	Muslim	600,000-799,999	Bachelors	Married	Baghdad	Make	12/8/22
26	Self-employed	Muslim	1,000,000 and more	Diploma	Single	Baghdad	Make	12/9/22
24	Self-employed	Muslim	600,000-799,999	Bachelors	Single	Baghdad	Make	12/10/22
40	School Principal	Muslim	800,000-999,999	Bachelors	Married	Baghdad	Make	12/11/22
40	Teacher	Shia	1,000,000 and more	Bachelors	Married	Baghdad	Make	12/12/22
21	Self-employed	Shia	less than 600,000	Highschool	Single	Baghdad	Make	12/13/22
29	Barber	Shia	less than 600,000	Highschool	Single	Baghdad	Make	12/14/22
33	Not working	Sunni	less than 600,000	Finished Secondary	Married	Mosul	Female	12/8/22
26	Student	Muslim	600,000-799,999	Master	Married	Mosul	Female	12/9/22
29	Student	Muslim	less than 600,000	Some Secondary	Married	Mosul	Female	12/10/22
30	Housewife	Sunni	800,000-999,999	Bachelors	Married	Mosul	Female	12/11/22
20	Not working	Sunni	799,999-800,000	Finished Secondary	Single	Mosul	Female	12/12/22
27	Student	Muslim	600,000-799,999	Some University	Single	Mosul	Female	12/13/22
21	Daily Worker	Sunni	less than 600,000	Finished Secondary	Divorced	Mosul	Female	12/14/22
25	Not working	Muslim	less than 600,000	Bachelors	Single	Mosul	Female	12/15/22
23	Student	Sunni	600,000-799,999	Some University	Single	Mosul	Female	12/16/22
35	Not working	Muslim	less than 600,000	Bachelors	Married	Mosul	Female	12/17/22
20	Student	Sunni	less than 600,000	Secondary	Single	Ninawa	Male	12/9/22
22	Student	Sunni	less than 600,000	Some Secondary	Single	Ninawa	Male	12/10/22
23	Not working	Muslim	less than 600,000	Some Secondary	Single	Ninawa	Male	12/11/22
38	Part Time	Sunni	600,000-799,999	Some Secondary	Married	Ninawa	Male	12/12/22
24	Student	Muslim	600,000-799,999	Some University	Single	Ninawa	Male	12/13/22
30	Part Time	Sunni	600,000-799,999	University	Single	Ninawa	Male	12/14/22
28	Student	Muslim	less than 600,000	Some University	Single	Ninawa	Male	12/15/22
26	Not working	Muslim	less than 600,000	University	Single	Ninawa	Male	12/16/22
31	Part Time	Sunni	less than 600,000	University	Married	Ninawa	Male	12/17/22
21	Full Time	Sunni	less than 600,000	High School	Single	Ninawa	Male	12/18/22
25	Part Time	No Answer	600,000-799,000	University	Single	Baghdad	Female	12/6/22
29	Not working	Sunni	1,000,000 and more	University	Married	Baghdad	Female	12/7/22
33	Not working	Sunni	No answer	University	Married	Baghdad	Female	12/8/22
36	Full-time	Shia	600,000-799,000	University	Married	Baghdad	Female	12/9/22
40	Full-time	Shia	1,000,000 and more	Some University	Married	Baghdad	Female	12/10/22
19	Student	Shia	800,000-999,999	Some University	Single	Baghdad	Female	12/11/22
27	Not working	No Answer	800,000-999,999	High School	Single	Baghdad	Female	12/12/22
30	Not working	Shia	1,000,000 and more	University	Single	Baghdad	Female	12/13/22
24	Student	Sunni	1,000,000 and more	Bachelor	Single	Anbar	Female	12/12/22
40	Teacher	Sunni	800,000 -999,999	Secondary	Married	Anbar	Female	12/13/22
25	Not working	Sunni	less than 600,000	Bachelor	Single	Anbar	Female	12/14/22
28	Teacher	Sunni	1,000,000 and more	Bachelor	Married	Anbar	Female	12/15/22
21	Student	Sunni	1,000,000 and more	Secondary	Single	Anbar	Female	12/16/22
26	Student	Sunni	800,000 -999,999	Secondary	Single	Ramadi	Female	12/17/22
23	Full time	Sunni	600,000-799,999	Secondary	Married	Ramadi	Female	12/18/22
27	Full time	Sunni	1,000,000 and more	Bachelor	Married	Anbar	Female	12/19/22
36	Housewife	Sunni	less than 600,000	Secondary	Married	Anbar	Female	12/20/22
20	Daily worker	Sunni	1,000,000 and more	Secondary	Single	Anbar	Male	12/9/22
29	Daily worker	Sunni	less than 600,000	High School	Married	Anbar	Male	12/10/22
30	Full-time	Sunni	600,000-799,999	Primary	Single	Anbar	Male	12/11/22
30	Teacher	Sunni	600,000-799,999	Primary	Married	Anbar	Male	12/12/22
26	Not working	Sunni	600,000-799,999	Secondary	Single	Anbar	Male	12/13/22
26	Teacher	Sunni	less than 600,000	Bachelor	Married	Anbar	Male	12/14/22
27	Student	Sunni	less than 600,000	Bachelor	Married	Anbar	Male	12/15/22
24	Student	Sunni	less than 600,000	Bachelor	Single	Anbar	Male	12/16/22
40	Not working	Sunni	less than 600,000	Secondary	Married	Anbar	Male	12/17/22