



# Interview with Latif Tas on Kurdistan and the Kurdish diaspora

Allegra

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Today we are happy to share with you an interview with [Latif Tas](#) who is a socio-legal researcher currently based in UK. By addressing some relevant issues that certainly deserve further discussions, this conversation opens the week dedicated to Kurdistan and the Kurdish diaspora.

**Latif, thanks for virtually being here with Allegra. The “meeting” occurs as you have recently published a book titled [“Legal Pluralism in Action. Dispute Resolution and the Kurdish Peace Committee”](#). Would you briefly introduce yourself to our readers and present your book?**

Thank you for this invitation and for your interest in my research. I am a socio-legal researcher, but have a background in journalism. My initial academic studies were in journalism and I worked for many years as a newspaper journalist in Istanbul, Turkey. After moving to the UK, I began a PhD in Law at [Queen Mary, University of London](#) in September 2009, upon completion of a second Master’s degree in legal research. My research represented a ground-breaking ethnographic assessment of multiple laws and how these are applied in the alternative, customary dispute resolution practices of Kurds living in London.

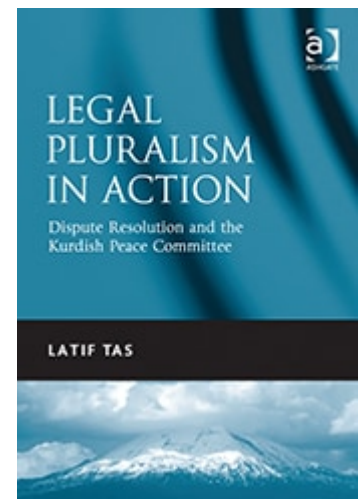
On finishing my PhD in August 2012, I completed a one-year post-doctoral research position at the [Forum Transregionale Studien](#) (Rechtskulturen Program) in Berlin. The Forum, which explores the foundations and contexts of law in a plural world, where competitive and complementary multiplicities of legal and normative orders are part of social reality, provided me with a stimulating



working environment. My research in Berlin represented an extension of my doctoral research in the UK. I examined how the unofficial legal customs of Kurdish, Turkish and Muslim immigrants living in a large urban city operate, and considered these communities' perceptions of and relationship towards the state. My research also explored cultural and religious diversity between and within these different Muslim communities, and how these differences have influenced the way in which they interact with local governance institutions.

Since returning to London, I have been based at the Centre for Ethnic Minority Studies, School of Oriental and African Studies ([SOAS](#)) as a post-doctoral associate under the mentorship of [Werner Menski](#). I am also working with the University of Oxford's diaspora programme. I was recently nominated Editor in Chief for the Review of Social Studies. Any of Allegra's readers who may want to submit an article to this peer review journal would be more than welcome. See our [website](#) for more Details.

My book 'Legal Pluralism in Action: Dispute Resolution and the Kurdish Peace Committee', was based on my PhD research, and explores why and how many Kurds continue to follow their alternative dispute resolution practices when they migrate to a large Western city such as London. As they emerge from the oppression of the official Turkish legal system and embrace many aspects of modern Western life, Kurds in the UK have remained true to many of their traditional norms and values. In their new circumstances, they have adapted their customary practices, developing an innovative approach to dispute resolution, rather than strictly following official UK legal processes. The book focuses specifically on one element within their diversity: the unofficial Kurdish Peace Committee or 'KPC' model of alternative dispute resolution, as developed and practiced by members of the Kurdish community living in London. For the first time the workings of the KPC are closely examined in the context of the customs and practices of the Kurdish community.





In the absence of extensive research on the subject, one can initially suggest at least two reasons for the Kurdish preference for following customary, or alternative, dispute resolution practices as opposed to a formal state-based legal system.

*Firstly, the Kurds constitute a very closed community: they have strong kinship connections, maintaining their way of life within their own community, and establishing boundaries between themselves and others. They usually hide behind their self-imposed barrier, wishing neither to show nor share their ways.*

Secondly, since they have not experienced nation statehood, and have suffered within many nation states, they find it difficult to trust the rule and institutions of any formal state. The case-study reported in my book aims to bring the unofficial secular practices and experiences of Kurdish people into the social, political and legal mainstream.



The cases and KPC processes examined provide support for the idea that a positivist state law, often championed by many, may not be appropriate for everyone in all situations. The state may want to fix, shape or change the practices of others to more nearly approximate to their own ideology and value system, but others - as the empirical evidence discussed in this book demonstrates - prefer to be able to choose from a multiplicity of legal options. The structures of the KPC, along with its approach to mediating cases, also demonstrate how traditional customary practice has continued to be hybridized in favour of increasing gender equality. The [PKK](#), a Kurdish revolutionary movement, has substantially affected the role of Kurdish women in society. Women are now fully involved in the fight for Kurdish freedom. These influences are apparent in how the KPC operates today.

**The category of “legal pluralism” has become a sort of mantra for scholars. Do you see a risk in it being used to celebrate a theoretical version of the world while concrete instances on the ground remain less explored? For example: is it possible, through the lens of legal pluralism,**



**to really understand the forms of injustice suffered by people?**



The words 'legal pluralism' have recently been used by many different groups of people: by politicians, experts, policy makers, even by people who are against legal pluralism and who are very centralistic in their thinking. There are strong pressures from central authorities to assimilate different groups under one unique identity with the help of law. Today in Europe and in many other countries many different types of marriages exist that are not registered. How are we going to protect women (or in some cases maybe men) who are not legally registered as being married? Who is going to protect a woman's legal rights if she is not officially married, and has children, and their father just turns his back and walks away? The state cannot protect individuals in such circumstances and legal pluralism asks how we can address this issue.





Different practices exist in today's multi-ethnic, multi-religious society, for example, the active practice of polygamy. States totally ignore the existence of such practices and ban them. Many people, especially women, are against legal pluralism. However they can be supportive of its principles because its main aim is to protect groups and minorities that are currently discriminated against by centralistic rules under a majority rule. Who are the groups legal pluralism supports? They include weak and small ethnic and religious minority communities, new migrants - women especially, and LGBT communities.

Legal pluralism does not mean chaos. Legal pluralism is actually structured and balanced, and aims to bring marginalized groups into the legal system and to allow them to trust the legal system. Today in many countries, people do not trust the legal system because it is so expensive and takes a long time. The system itself can be so complicated that people cannot understand how it works. For this reason people just find alternative methods, for example, they go to the mafia or local gangs to try to find different ways to solve their problems. Today, the legal systems of modern states are so centralized that they only focus on one group of people's view. For this reason, other aspects of legal practices need to be included.

Importantly, legal pluralism is not just about accepting all different aspects of custom and traditions. There is a limit to legal pluralism and we should understand this limit. The limit is about not damaging any individual or group's right in the name of tolerance between different groups.

**In your book you emphasize the connection between the pluralistic patterns of life of the Kurdish diaspora and the aspiration of a possible Kurdish state. Would you tell us more about this crucial point?**

My research has focused on stateless Kurds and their legal practices, from the Ottoman times to the present. Their statelessness has caused them to follow their own practices for centuries, similar to the experience of the Jewish community and their religious law organized around the Beth Din rabbinical court. For Kurds,



in both the diaspora and at home, they create their own alternative legal solutions for the benefit of their community. Partly this is in preparation for their future state; it represents a training ground for their future state. Although the aim today is to resolve the problems their community face on a daily basis, one day Kurds hope that they will have a state to carry out these legal practices. When a Jewish state was created in Israel, the practices of [Beth Din](#) were very helpful for the creation of the new legal institutions. When the Kurdish regional government was established in Iraq, many of its members came from the Kurdish diaspora in Sweden. Their diaspora experiences shaped the construction of the regional government today. For this reason, the vision of creating legal practices for a future state is important for Kurds.





**Would you like to comment on the recent events in the Middle East, particularly with regard to Kurdish communities?**

Kurds in the Middle East represent a very pluralistic society: from a religious, linguistic and geographic perspective. They are divided between four modern countries - Turkey, Syria, Iran and Iraq - and this pluralism has shaped their political and religious views. But within each host country, they also live in a very pluralistic environment. They are surrounded by Iranians, Arabs, Turks, and many different ethnic groups who live within the neighbouring regions. We know that, historically, the Middle East has been the centre of active conflict for generations, and the Kurdish regions are located right in the centre of this longstanding conflict zone. Even when they are not directly involved in one of the region's conflicts, they still suffer from these conflicts. Kurds did not participate in the Iran-Iraq war during the 1980s and early 1990s, but they still suffered. Chemical weapons were used against them. They did not directly take part in the two [Gulf Wars](#) involving US-led coalitions (1991 and 2003 onwards), but they not only suffered under Iraq's Saddam regime but also under those Gulf Wars.

Today in the Middle East, there is a conflict in Syria against the Assad regime, and still the Kurds are suffering more than the Assad regime. We know that any group of insurgents that attempt to establish power always attack the weakest communities first. By establishing their control over the weakest communities, they are able to demonstrate their power to their stronger enemies. While today ISIS is attempting to exercise its power over the Kurds, tomorrow it may turn its attention to the Assad regime or the Iraqi regime, or indeed Erdogan's regime in Turkey. Establishing control over the Kurds is crucial for ISIS' consolidation of power in the region.





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*Because the Kurdish regions are located between many powerful countries, they have been prevented from establishing their own state. Establishing a Kurdish state will involve taking pieces of land from Iran, Turkey, Iraq and Syria, and this is not an easy thing to do. Even in today's political environment, it is not easy for Kurds to maintain their own autonomous regime within the current borders. Today's Kurdish regional government in Iraq is very fragile and may not survive ISIS' attacks.*

Kurds would like to establish a canton-type style of confederation system throughout the Middle East. Syria was the first place where they tried to develop such a structure. A canton style confederation represents a very pluralistic approach, advocating respect for the beliefs of different ethnic and religious



groups. As with the creation of the European Union, which brought peace between warring nation states in Europe, this approach may represent a good solution for the Middle East. Maybe in 20 or 30 years' time we will see this approach becoming a reality.