

## **BOOK REVIEWS**

***Legal Pluralism in Action: Dispute Resolution and the Kurdish Peace Committee.*** By Latif Tas. Farnham: Ashgate, 2014, 222 pp., £70.

With the book 'Legal Pluralism in Action: Dispute Resolution and the Kurdish Peace Committee', Latif Tas, uniquely puts the explanation of one of the most topical theories within legal studies, namely, legal pluralism, into theoretical and practical examination by observing how 'legal pluralism' plays out in dispute resolution methods used by the Kurdish community in the UK. By doing so, he not only elaborates upon the theory's academic explanations, but through his extensive field research, demonstrates that legal pluralism, which is a combination and interaction between customary and religious laws (unofficial laws) and state laws (official laws) is indeed a 'living' reality and practice in state-centric legal systems, particularly in communities with a rich history of customs and norms, such as the Kurdish community. This research book offers much to be learned, both in theory and practice, particularly for law enthusiasts insisting that rule of law is strictly found by observing state laws.

This research book is an organised, coherently structured and fluid read, which begins with a clear introduction explaining the larger importance of the topic at hand, and a breakdown of the book's ideas and chapters to come. It consists of five main chapters, starting with a thorough explanation of legal pluralism as a theory that considers the analysis of personal law, customary law, natural law and other ways of life equally important as official state law (p. 15). The first chapter covers an array of legal pluralism scholars' work ranging from Ehrlich (1913) to Chiba (1989), Menski (2006, 2011) and Shah (2005). The second chapter presents a historical background of Kurds in Turkey. Tas states that a historical discussion of Kurdish history contains important factors for understanding "why Kurds choose to follow their own alternative legal systems" as one of the well-known 'stateless nations' in modern history (p. 29). The third chapter elucidates the settlement affairs and adjustments of Kurds as migrants in the UK. It discusses how they have transplanted their customs and identity codes as they have settled and assimilated into their new homes. "They developed unique hybrid institutions, mixing traditional village ideas with some of the British values they chose to adopt." (p.65). Most significantly, this chapter discusses how and why many Kurds in the UK still choose to rely on their customary practices and often resolve legal disputes through the Kurdish Peace Committee (KPC), a community organisation set up for legal disputes, often sought out instead of official British legal processes. In cases of high crime or transnational issues, the KPC and British legal institutions are sought as a dual remedy. Importantly, Tas sheds light on why the Kurds

do not trust formal state laws and where this derives from in the case of Kurds, tying their historical displacements from their 'homeland' to their sense of isolation in their new 'home nation'. Tas also states that during his interviews, it became quite clear how important it was for Kurds living in the UK to form an organisation dedicated to solving community problems. They told him that "without something of this kind it would have been very difficult to maintain either a group or individual identity or to provide the support necessary for life in gurbet" (Kurdish and Turkish word for diaspora, implying sadness while away from the homeland) (p.76). Hence, the KPC was set up in 2001 to help Kurdish community members during times of dispute. In order to demonstrate Legal Pluralism in Action (in the context of Kurds in the UK), marriage and divorce in Kurdish communities is discussed in chapter four. Similarly, Chapter five highlights business and criminal disputes and their according customary solutions as witnessed by the KPC and/or a combination of KPC and British institutions.

As a reader of comparative law, I was particularly interested in chapters four and five, which offer socio-legal and statistical explanations of Kurdish customary laws and practices in Turkey and the UK, and (with emphasis) examine legal case facts and outcomes (as observed by the KPC) on such topics as marriage and marriage processes (including official registration), adjudication of different types of marriage including endogamy and polygamy, divorce, business dispute resolutions, criminal injury, and transnational cases of business and crime. The fact that these cases and the KPC's approach which can be described as 'customary' exist demonstrate the "long-established if unwritten legal system" Kurds have been following, and the inevitable hybridity of these customary laws and procedures while living in the UK (p. 102). With relation to marriage and divorce cases, Tas tells us "the compromises the KPC often recommend are similar to a bargaining process in business - no one party loses out altogether" (p. 127). Other cases discussed, such as the Tulay Gören murder case, as widely reported by UK media, demonstrate "how things can go wrong" when Kurdish family disputes are brought to British institutions for remedy and a lack of cultural understanding of societal "shame" and "honour", when combined with inflexible legal requirements of the state may contribute to a young girl's death (p.130). While Tas mentions this lack of cultural understanding and a slow growth by British institutions to learn cultural norms and the risk taken, it does not delve into this critical topic long enough for lawyers and avid law-makers to gain a critical understanding which will help them become more aware and sensitive to the shortfalls of the British legal system in accepting 'unofficial' laws and organisations, and the pluralistic laws which are practiced by necessity outside of the state's legal radar. Indeed, it would have been interesting for the book to include another chapter following chapter four and five's case examinations, in

order to analyse the dangers of British institutions not understanding ethnic minority groups' customary laws with enough sensitivity, rejecting community organisations such as KPC as official legal and mediating institutions, and being blind to plurality in practice.

Overall, 'Legal Pluralism in Action: Dispute Resolution and the Kurdish Peace Committee' is a very important research book that tells us many legal truths. It is a vital read for lawyers, scholars and graduate students of law, politics, Kurdish diaspora and transnational studies, and equally for communities and activists who are concerned with and/or deal with the rights of ethnic minorities and migrants.

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