

Opinion on Tribal Versus Civil Law

English Translation:

Woman behind camera: Do you think that the tribal system is a good system for the 21st century for Iraq? Or do you think it is somewhat outdated?

Man: In fact the tribal system, I mean, was there because no other law existed, the tribal system was established. People had to live within a tribe because if people live alone as scattered families, they would need protection, they would need to protect their rights, they would need...aaa...There was no law to protect people in the past. In Iraq in the past, there were no laws to reach the countryside or in all places. So people lost their rights.

Woman behind camera: True.

Man: To protect their rights, people started to gather with others in the same tribe; this person belongs to the same tribe; they lived in the same place and supported each other and united their word. They had a tribal head, they had a tribal head; and the head of the tribe or the sheikh of the tribe started to organize matters and put out laws for a tribe.

Woman behind camera: Fine.

Man: And for each tribe, there are written laws; laws are not merely passed by words. Laws are written and a tribe has the right to see them. For example in case a disagreement happens, what should we do? To whom should we go? What is the act? Etc. so, if a conflict happens, it used to be solved in the past. With the authority of the law in present days, the authority of a tribe started, under law, to weaken because there are laws currently that would surpass it with their details.

Woman behind camera: The state's law?

Man: The state's law or civil law, with its details and branches and complications, it dramatically surpasses the simplicity of the tribes' law.

Woman behind camera: True.

Man: Other types of crimes started to emerge, crimes on, for example, a social level, on an economic level. So an economic crime, for instance, has no bar in the tribes' law.

Woman behind camera: Correct.

Man: So an economic crime under civil law is punished. Other crimes, I mean, so many that the tribes' law didn't include them, but they were covered under civil law. So

currently, civil law controls tribes' law. The state always tries in Iraq to interfere with any tribal conflict before it becomes complicated.

Woman behind camera: Expands.

Man: Yes.

Woman behind camera: I mean it gets out of control.

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