

Vernacular Peace: Research Agenda on Indigenous Peace Strategies¹

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The seriousness of the conflict in some areas of Mindanao demands that we engage in what a well-known peace advocate calls a “constant shaping and reshaping of understandings, situations, and behaviors” (Boulding 2000). To do this, we need to explore all possible resources for peace, especially the voices that are not often heard, such as that of the Lumad. It is a pity that even in the most recent survey of peace initiatives, the Lumads’ contribution is not recognized (e.g., INFOS 2001). In response to this, we have started a research on the ‘vernacular peace strategies’ among the Lumads. The research aims at recognizing and documenting indigenous peace practices, with a view to utilizing them for peace education and conflict transformation.

We believe that this objective resonates with the Lumad collective aims as well. The recent *Indigenous Peoples Peace Statement* confirms this eagerness of the Lumad peoples themselves to “review and revive the sacred agreements of old” for the sake of Mindanao peace and development (Mindanao Indigenous Peoples Peace Forum, 17-19 February 2001, GSP Camp Alano, Davao City).

This bibliographic essay has two parts. The first serves as an initial survey of literature focused on the methods of resolving conflicts employed by the different ethnolinguistic groups in Mindanao. The last portion offers a research agenda based on the gaps in the existing literature and advocacy needs.

While the ongoing conflict has attracted students of culture and society to tackle various aspects of the problem, tracking them down has not been simple. Collecting these materials has made the researchers inspect resource centers from Zamboanga to Butuan, from Marbel to Marawi, from Davao to Cagayan de Oro, and even to Manila. We have had to collect them from different libraries, academic departments, files of nongovernmental organizations (NGOs), and personal collections. Some of the articles have been published either as separate essays or as

chapters of books. The rest of this essay reflects the result of the bibliographic survey.

Vernacular Peace Strategies

One of the early works which deal exhaustively on indigenous methods of conflict resolution is the classic 1970 book, *Tiruray justice: Traditional Tiruray law and morality* written by Stuart A. Schlegel. The book, which is often quoted by social scientists and researchers studying the topic, stands out as an excellent source of prevailing tribal concepts of law, morality and justice. Owing mainly perhaps to the length of fieldwork time and extent of interaction devoted by Schlegel among the Tedurays, his work is able to chronicle and document their customs and traditions focusing on dispute settlement proceedings, albeit written from the vantage point of a Westerner. A whole chapter is devoted to the *kefeduwan*, a moral leader embodying the legal authority, and the *tiyawan*, described as "a formal adjudicatory process, which is the setting for the formal negotiation of agreements, and for the nonviolent settlement of disputes." The *tiyawan* stands as the primary Teduray alternative to bloody feuding.

In the final chapter entitled "Tiyawan as Law," Schlegel successfully argues the existence of a system of rules in the Tiyawan process that is akin to a legal system. Departing from the traditional understanding of law as a codified array of rules, rights and obligations by which members of a society abide under pain of sanctions and penalties, and operating within a regime of complex judicial structures, he returns to the basic premise on *What (indeed) is law?* Corollary to this is the question What is indisputably a legal system? Following the analysis presented by H.L.A. Hart in *The concept of law*, Schlegel concludes that "the Tiruray *tiyawan* system is a manifestation of law."

Although devoid of adversarial proceedings that characterize other legal systems and a legislative authority that enacts codified laws, the Tiyawan system is legitimate in that it is operated by officials accepted by the tribe for that function. A council of elders also stands with absolute adjudicatory and punitive powers, which may in another society be a complex judicial structure of trial and appellate courts. It has a source of rules—the general moral code—from which it derives what is right and what is wrong. Schlegel however concludes on a warning note that the "elegant *tiyawan* system of their traditional world seems destined to disappear."

Ethnographic studies on the indigenous peoples of Mindanao are scarce and are mostly descriptions of the people's cultural life. Only a few deal with the indigenous political and legal systems. Schlegel describes the intricacies of the Tiyawan system; Frake (1963) analyzes Subanon law as part of the people's social life; Garvan (1931) investigates the Manobo political system of the early 1900s, including an intricate procedure of conflict settlement (Burton and Canoy 1991).

Seeking to delve deeper into the concept of justice among the indigenous communities, and to understand their system of jurisprudence (law and concept of justice), Erlinda M. Burton, PhD, and Easterluna S. Canoy did a 1991 comparative study of customary laws and resolution of conflicts among the Mamanuas, the Manobos and the Talaandigs of Northeastern Mindanao. Entitled *The concept of justice among the indigenous communities of Northeastern Mindanao*, the study delves into their political system, customary laws, and the process of conflict and dispute settlements. Its focus however is the definition and perception of justice among indigenous cultures.

The study notes the possible collision between two legal systems: the Western-styled national legal system and the actual practices in Philippine communities that have their own mechanisms for adjudicating and settling disputes. It makes a distinction between industrial societies that have elaborate and formal institutions with clearly delineated roles (legislative, judicial and executive), and non-industrial societies that lack specialized institutions for dealing with conflict. Nonetheless, Burton states that this does not indicate an absence of a system of social control of which law is a part.

Among the recommendations presented by Burton are (1) the need for an expanded study into custom laws and the intricacies of the resolution of conflict and the execution of justice; (2) an investigation into the effects of the Katarungang Pambarangay Law on the political structure and dispute settlement processes and the law's acceptability among the indigenous communities; and (3) possible integration of the *datu* system in the community into the national legal system.

A more specific study which sought to compare a government-sanctioned system and a traditional/indigenous system of conflict resolution has been made by Antonio San Agustin Segovia. His masteral thesis looks into both the Katarungang Pambarangay and the *Bong Fulong* as systems of dispute settlement. A *Bong Fulong* is a respected elderly B'laan who is entrusted and empowered to settle disputes. The research problems center on the following areas: (1) the kind of disputes brought

to the attention of the Bong Fulong and the Katarungang Pambarangay; and (2) the procedure, speed, costs entailed, monitoring and evaluation of, and difficulties encountered in settling disputes. Among his major findings are that all kind of disputes can be brought before the Bong Fulong and not all can be brought before the Katarungang Pambarangay (because of its limited jurisdiction as mandated by law). In a survey he said he conducted, majority of the B'laan respondents allegedly prefer the Katarungang Pambarangay as a mode of settling disputes.

E. Arsenio Manuel's book, *Manuvu' social organization* (2000a) carries detailed descriptions, insights and analysis on the Manuvu's family system, kinship system, the community and local organization, social control and the datuship and tribal hegemony. As in other tribal groups perhaps, it is the datu who wields a judicial function by conducting a hearing whenever a dispute arises. There are different kinds of datu performing these functions: the *ta:ukum* datu who hear the cases, *ta:usay* datu who settle cases with reparations, and the *bahani'* datu who are military leaders. Although there is a brief explanation of the role of datu in settling disputes, the book however has a limited discussion on conflict resolution strategies.

Manuel later released a paper rendering a more particular treatment on the subject of *Retaliation in Manuvu' custom law: Key to Tagalog behavior of pagtatanim* (2000b). Retaliation or *suli'*, he says, is a tool for restoring peace and order in Manuvu' society. He cites three examples in which the wronged individuals have no other remedy but to take the life of the wrongdoers. In order to avert a counter-retaliation, which often leads to *pasulioy* (feuding), a *panuvuk* is given to the other party. Panuvuk means damages in Manuvu' custom law. Manuel however clarifies that unlike the *pagtatanim ng sama ng loob* in Tagalog culture, Manuvus do not harbor lingering feelings of wrath or anger but rather take immediate revenge. His paper ends with a comment that modern Philippine law appears to be more punitive than Manuvu custom law.

Another ethnographic material is *The culture of the Mamanua (Northeast Mindanao) as compared with that of the other Negritos of Southeast Asia* (1975) by Marcelino B. Maceda. Like Manuel's book on the Manuvus, which was written in 1968, the author notes the absence of works studying the culture of the indigenous people. His book carries detailed accounts of the economic and social life of the Mamanuas as well as their religion and mythology. Only a page is devoted, however, to crime and punishment. As with other tribes, a headman is in charge of the administration and

execution of justice. Punishment ranges from ostracism to death depending on the gravity of the offense.

We might also extend this survey to include even the practices of the Islamized tribes. The ongoing peace negotiations between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), for instance, has required consultations on the importance of the customary laws in settling disputes, especially those touching on land ownership and assertion of identities.

Thomas M. Kiefer in his book *The Tausug: Violence and law in a Philippine Moslem society* (1972), observes that Tausug culture is heavily preoccupied with the problems of violence and its control but is quick to dispel notions that all Tausugs are violent. His statement is derived from insights he gathered while doing fieldwork with the Tausugs for two years (1966-1968). He also notes that the Tausugs, like many ethnic groups in the Philippines, are as obsessed with litigation as they are with the conflict which makes it necessary. By litigation he means to include informal processes such as mediation of disputes. (In Tausug society, there are three kinds of laws: (1) *sara kuraan* (Koranic Law); (2) *sara agama* (interpreted religious law); and (3) *sara adat* (customary law.) The ultimate goal of all forms of law among the Tausug is the achievement of *karayanan*, a word that means goodness, peace, ritual purity, tranquility, happiness, or pleasure.

The author emphasizes the twin concepts of justice and law: law has to ensure that justice will be done and that there is order in society. The Tausugs, Kiefer stresses, opt for justice rather than order. Inherent in them is the striving for justice that "they are willing to bring down the whole world in chaos in order to achieve it." This emphasis on justice, he says, is evident in the absence of ritualistic or arbitrary methods of solving disputes. Unlike other peoples in Southeast Asia who adopt methods by consulting a horoscope or divining from the liver of a chicken, the Tausugs resolve conflict by reference to the specifics of a system of religious justice, or by mutual agreement among independent persons fully in control of their own interests.

The concept of compromise is absent among the Tausugs because the litigants exhaust the discussions until they are *sulut*, that is, fully satisfied with the terms of the settlement. Conflicts should also be brought out in the open which are resolved through the intervention of a go-between. Usually, there is a headman, the datu, who represents the law in the sense that he has knowledge of the code. There are three basic kinds of adjudication procedure among the Tausugs: judgment (*pagbukum*) by a

competent authority, *arbitration* (*pagbukum muslihat*), and mediation (*pagsalasa*) by a go-between.

Kiefer's case study of the Tausugs reveals that they regard their society as a whole inasmuch as the society reflects the idea of a unitary law (*sara*) mirrored in the sultanate and its institutions, a unitary religion (*agama*), and a unique style of life and set of customs (*adat*). The study also analyzes the religion—a mixture of Islam and folk beliefs which are vestiges of premodern times. The book ends with a chapter discussing the present relationships between the Tausugs and the Philippine government. He laments that the government has ignored the crux of the issue: the competition between two legal systems, the collision between traditional common law and Philippine government law. Despite the decline of the sultanate and the many changes wrought about by modernization, he asserts that the traditional Tausug legal system is still a reasonably effective instrument of justice.

The findings that emerge from the Kiefer study are further elaborated in a masteral thesis, *Conflict resolution strategies among the Tausug of Jolo*, presented by Domingo Aranal. The thesis focuses on five major problems, namely: (1) What is the Tausug's concept of law? (2) How do the Tausug of Jolo resolve their conflicts? (3) Do these strategies involve traditional practices? (4) What conflicts are addressed by the traditional process of conflict resolution? (5) What are the steps taken to preserve such traditional practices for successful resolution of conflict? Except for the last, Aranal's research questions echo those of Kiefer. An innovation is his attempt to establish a link between the peace and development paradigm and the traditional way of conflict resolutions. This means that the indigenous conflict resolutions adhere to the peace and development paradigm. Present here are the elements of (1) *participation* in terms of decision-making, (2) *empowerment* in terms of recognition and acknowledgement of the accumulated knowledge of the Tausugs and (3) *appropriateness* of customary adat laws in their cultural system and also in their legal system.

Nelissa Soliva-Jorolan's dissertation, *The Maguindanaons of Saranay, Pikit: Their struggle in resolving conflicts* (2000), tackles a customary practice known as *rido* (feud). *Rido* usually occurs between families and often always leads to killings. Soliva-Jorolan traces the various methods of resolving the conflicts that erupted in Saranay, Pikit. The families first try to resolve it among themselves with the intervention of the Council of Elders, after which a *kanduli* is held, restoring goodwill between the two feuding families. An important feature that the study introduces is the apparent involvement

of NGOs—the community Peace Advocates of Cotabato in this case—in bringing about peaceful reconciliation.

In recent years, advocacy for the recognition and respect of indigenous ways of conflict resolution has been gaining ground in Mindanao, spawning a surge of cross-cultural dialogues among the Lumads, the Moros, and the Christian settlers. Literature on this subject includes papers, articles and proceedings. One such proceeding, which contains a wealth of materials on conflict resolution strategies, is the *Peaceweavers: A proceedings manual on the indigenous ways of conflict resolution and grassroots peacebuilding* (Micalat and Prieto 2001), produced by the Initiatives for International Dialogue (IID). *Peaceweavers* is the product of several consultations and workshops conducted between January and April 2001. For the first time perhaps in the history of Mindanao, Lumads, Moros, and Christian settlers gathered and reflected on their experiences, collated and drew a blueprint of conflict resolution methods as well as a peace-building plan and resolution. What emerges here is a collage of peace-building and conflict resolution strategies already being practiced, including traditional and non-traditional ways and or a combination of both.

Agenda for Future Research

A careful review of the existing literature cited above would reveal a paucity of materials devoted to the subject of indigenous means of conflict resolution in Mindanao. This despite the recognition of the existence and effectiveness of indigenous legal systems that are still being widely practiced today in tribal communities. It is interesting to note though that, of late, at least two masteral theses and a dissertation utilized it as a subject, namely, Aranal's *Conflict resolution strategies among Tausug* (1999); Segovia's *The system of settling disputes in the Katarungang Pambarangay law and Bong Fulong among the B'laan of South Cotabato* (1993); and Soliva-Jorolan's *The Maguindanaons of Saranay, Pikit: Their struggle in resolving conflicts* (2000).

Of those accounted for, three scholarly works stand out, namely, Schlegel's on the Tedurays, Kiefer's on the Tausugs and, to some extent, Manuel's on the Manuvus. They focus on indigenous legal systems that conflict with the existing Western-patterned state legal system. Burton and Canoy's *Comparative study on the concept of justice among indigenous communities* is a trailblazer in this field, having been conducted in the early 1990s. While there is indeed a dearth of literature on the subject, there are however a number of ethnographic sketches of tribal communities, such as Manuel's

Manuvu and Maceda's Mamanua. But they do not dwell much on the topic of conflict resolution.

As recommended above, there is still a need to look into the impact of the collision of two parallel legal systems: the government-sanctioned legal system, on the one hand, and the existing indigenous legal systems still being practiced among tribal communities, on the other hand. A study may also be made into the effects of the imposition of a Western-patterned system that may well be a contributing or aggravating factor leading to the erosion of a tribal heritage.

Another interesting point emerging in this literature survey is the apparent similarity, almost uniform, pattern of conflict resolution strategies in both Muslim and non-Muslim tribes. Standing in the middle of a conflict is a headman, a datu, performing judicial functions aided with an assembly or a council of elders.

From all this, we can identify some gaps that can serve as pointers for future research, through continued archival work as well as long-term fieldwork.

1. **Peace Management and Peace Process.** Peace research should go beyond conflict resolution. What do Lumad tribes do to prevent conflict, and how do they manage achieved peace? Going deep into this should lead us to more philosophical concepts, some of which have already come out in some forums. We need to elaborate, for example, on the much-talked about but hardly written *palabian woy gantangan* of the Manobos as mentioned in Helvetas-Oxfam peace manual, *Maluntaron ug malabutayon nga pagdumala sa katilingban: Manwal sa pagbansay Panagtagbo-IPO CB*. The most challenging item in this area is the current struggle of the Lumads in finding a meaningful participation in the ongoing GRP-MILF peace talks. If the GRP-National Democratic Front talks also push through next year, then this poses an additional challenge for the Lumad advocates of peace. Phase II will probably have to monitor the sequence of events and the results of the Lumad peace initiatives.
2. **Peace and Conflict Rituals.** In several statements coming from Lumad assemblies, particular rituals are mentioned as having potential in reaching out to groups in conflict. Alejo's *Generating energies in Mount Apo* (2000) study of *dyandi*, *pamaas*, *kalundili*, *pakaa't kallo*, and *kalirungan*, challenges future research to be more sensitive to the political uses and multiple interpretations of so-called traditional

rituals. We have to go on field documentation of these rituals—especially the *tampuda* around Agusan, Bukidnon and North and South Cotabato areas—and determine in what way, under what circumstances and to what extent these cultural resources could be made viable in both policy and education purposes. These rituals can shed more light on Lumad and Moro relations.

3. **Biographies.** Francisco F. Claver's ethnographic biography of *Dinawat Ogil: High Datu of Nannam* (1973) remains a lonely but extremely important voice in highlighting the lives of flesh-and-blood individuals who embodied and practiced their tribes' law and lore in *pagbusay*. But people are less moved by principles than by examples. While most peace education manuals rely on conceptual formulas and technologies, we probably need more life stories. We therefore need more biographies of individuals who embody the struggle for peace in their own way. Can we name Manobo or Teduray peace heroines?
4. **Folktales.** If we are intent on promoting peace in education, we would need local folktales, both traditional and improvised, that we can reproduce as children's stories. Research on this cultural resource among the Lumads could enrich our vocabularies for peaceable conversation and imagination. We suggest that this should form one important contribution to the current discussion on how to integrate Lumad perspectives in mainstream education, such as manifested in *Meeting the challenges of Lumad education: Summit on Lumad education* (1999) and the *Comprehensive Mindanao education plan* (1997-2014).
5. **Role of Women and Children.** We can presume that not much of the existing literature touch on the role of women and of children in peace matters. Our research should be alert to this possible line of exploration. It is a pity that in *Woman for peace: A study on the impact of the armed conflict among the women in Mindanao* (Burton et al. 1992), the indigenous women did not get any particular mention. Future research should match the oral admission in meetings and conferences that women indeed play a significant role in peace efforts.
6. **Spirituality.** In all serious peace discussions, spirituality continues to be a source of creativity and renewal. Lumad spirituality would most probably turn out to be a main aspect in the ensuing research,

especially if we relate it to ecology. Datu Migketay and Rev. Mars Daul have always called for a more serious appreciation of the place of spirituality in peacemaking (Cf. Miclat and Prieto 2001, 20-21). Studies that touch on indigenous spirituality, such as Schlegel's recent book *Wisdom from the rainforest: Spiritual journey of an anthropologist* (1998) and Harry Arlo Nimmo's *Magosba: An ethnography of the Tawi-Tawi Sama Dilaut* (2001) and *The songs of Salanda* (1994), should be encouraged but should be shown to have impact on peace matters. The indigenous peoples in the eastern region of Mindanao deserve better treatment in this type of research.

7. **Violence.** We will miss out many things if our research does not face the question of how Lumads understand violence. Studies on prejudices and biases, such as Rosalita Tolibas-Nunez's *Roots of conflict: Muslims, Christians and the Mindanao struggle* (1997) miserably neglect the perspectives of the Lumads. This "habit" clearly emerges even in documentary films like Bookmark's *Mindanao: Healing the past, building the future* (1999). Studies on cross-cultural meanings of violence can shed light on Lumad interpretation of events, like development aggression and media exposure. This entails a careful analysis of how traditional conflict resolution works, and to what extent these traditional strategies can cope with modern conflict situations. This section definitely has to be grounded on the actual extent of the Lumads' readiness for war.
8. **Legal Angles.** One thing that emerges from Phase I of this study is the need to take a closer look at the legal implications of documenting and applying customary laws on peace and conflict. To what extent are they compatible? Since most of the sources of conflict in Mindanao have something to do with land, how could the recognition of indigenous ways of peace management and conflict resolution fare with the punitive and legalistic system of the State? Extremely very little is being done in this field. Perhaps the only exception to this neglect is the effort of Augusto B. Gatmaytan, for example in his "Change and the divided community: Issues and problems in the documentation of customary laws," *Philippine Natural Resources Law Journal* (2000).
9. **Changing Contexts.** This should not form a separate research topic but should inform all the rest. *Peaceweavers* of IID's Miclat and Prieto

(2001) reveals the complexity of the social and political situation in which some traditional peace strategies may not work without being transformed and adapted. Karl Gaspar provides a more thorough description and analysis of the contested political and economic arena in which the contemporary Lumad movements have to learn to negotiate and occupy. This he shows in his book *The Lumad in the face of globalization* (2000b) and in his yet unpublished doctoral dissertation, "Contestations, negotiations and common actions: A study of civil society engagement in the Arakan Manobos' struggle for self-determination (2000a)."

Despite the rhetoric of "tri-people" in Mindanao, the political and cultural affairs in the island remains simply "twin-people". The Lumad voices drown in the dominant exchange between Muslim and Christian groups. Researchers can participate in the process of balancing the power ratio in Mindanao by highlighting the possible contribution of the Lumads. We suggest that future research along this line will have to be designed according to these identified gaps in the existing literature and the expressed needs of peace education and intervention. The Lumads' insights on the historical roots of conflict and the cultural springs of peace might yet yield for us a substantial harvest of meaningful development.

Note

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Book Reviews

Albert E. Alejo, S.J. 2000. *Generating Energies In Mount Apo: Cultural Politics In A Contested Environment*. Quezon City: Ateneo de Manila University Press. ISBN 971-550-354-3

This is an exceptional work of scientific investigation of a people's struggle to survive and benefit from processes of development.

Alejo's account is poetic and passionate, but he avoids the simplistic romanticism that often colors studies of indigenous peoples. He puts under the microscope not only actions of government officials, but also those of international and local NGOs who proclaim themselves advocates of local people's interests.

Through a meticulous ethnographic study Alejo demonstrates that culture is constantly constructed and reinvented by people as they confront processes of change. At the same time, he shows how the scholar transforms the subject of his study and offers rich lessons and deep methodological insights to anyone hoping to conduct research in a local community.

This is a brilliant work, written in an accessible fashion, that should be equally of interest to anthropologists, other social scientists studying development, and nonacademic policy makers and social activists.

James Putzel, PhD, London School of Economics and Political Science