

## MARANAO LAW: A STUDY OF CONFLICT AND ITS RESOLUTION IN A MULTICENTRIC POWER SYSTEM

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The goal of achieving a fairly stable, ordered existence in what Bohannan calls "multicentric power systems," which are mainly characterized by the absence of a superordinate authority, is often a problem for many societies. How one society coped with this problem is the main focus of this account and we shall demonstrate this by way of describing the function of the system of law within the group. The field study that culminated with this account was conducted among the Maranao — an Islamized Philippine ethnolinguistic group located in the highlands of northwestern Mindanao in southern Philippines.

The Maranao, who number around 180,000 people, are the second largest Moslem ethnolinguistic group in the Philippines. They are among the four major Moslem groups out of a total of nine that number approximately 1,600,000 (four percent, of the total Philippine population). These Moslem groups are scattered mainly throughout the western coastal areas of Mindanao, the southern part of Palawan, and the entire Sulu archipelago. There is among them considerable variability in language, social organization, political complexity, and degree of commitment to orthodox Islam.

The traditional home of the Maranao is the area bounding Lake Lanao, 2,300 feet above sea level, fifty kilometers from the northern seacoast and thirty-seven kilometers from its southwestern seacoast, making them unique among the Moslem groups in terms of their non-coastal, inland location. Unlike all the other Moslem groups who are located along coastal areas or major river systems, the Maranaos are isolated in the highlands of Mindanao. This isolation contributed to the preservation and/or development of certain features which are not commonly encountered among other Philippine ethnic groups.

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These features include ranked descent, arranged marriage with complicated bride price transaction, a system of elite titles (and keen competition for such titles by way of a rotating system of succession among major descent line claimants), specific association of line of descent with particular localities, a notion of a precise social contract, and a system of rank differentiation – all of these operating within the context of a multicentric power system, in which basic political relations are couched in *salsila* 'chain of descent' terms. On top of these indigenous Malay features is an Islamization process introduced into the area approximately 250 years ago. Moreover, in the more recent period, there has been the superimposition of the Philippine central government bureaucratic system exerting the kind of influence that is definitely undermining the traditional system.

The relative preservation of particular social structural features unique to the Maranao in comparison with the surrounding ethnic groups mainly rests on their successful efforts in warding off colonial intruders. This success allowed them to remain outside Spanish control throughout the entire period of colonial administration. The coming of the Americans to the area in 1903, led by then Captain John J. Pershing, signalled the first close contact of the Maranao with a colonial power.

The American policy of tolerance allowed the uninterrupted operation of the native institutions and this policy was to continue even after they left the area in 1920, when the Philippine government structure was Filipinized. The coming of the Second World War was to greatly disrupt this status quo.

The Maranaos are primarily sedentary agricultural cultivators, mostly of rice and a few crops. The well-irrigated sections particularly of the eastern side of the lake are traversed by four rivers that cascade from the surrounding mountain that get around 100 inches of rain annually. The upland character of the southern part is more adapted to dry crops, mostly coffee and upland rice, while the western side, with its very rugged terrain has developed a sophisticated craft tradition, particularly in the case of one village, Tugaya, ranging from woodcarving, weaving, metal work of a wide range, and basketry.

Maranao villages are mostly located along the lake side. This condition has been necessitated primarily by the need for water for ritual ablution, and more so by the bountiful supply of fish that could be had from the lake. The lake, which is roughly shaped like a right triangle, is approximately twenty kilometers in length. Its

location at 2,300 feet makes it an unusual lake in that region.

A system of water transport links the villages on the lakefront very closely, especially since the road, which at an earlier period was in passable state, has fallen into disrepair. The main town, Marawi, located at the outlet of the lake that heads toward the northern seacoast, is the major contact with the outside world. Two daily airplane flights from Manila serve the common airport shared with the northern coastal city of Iligan. A fleet of busses and numerous Japanese-made cars ply the road connecting Marawi and the non-Moslem industrialized area of Iligan. Like most other Philippine peasant groups, the Maranaos have been drawn into the cash and market economy and have adopted to some extent western garb, although the traditional *malong* is still very much in evidence particularly during ceremonial occasions. The Maranaos are also considerably exposed to the larger Philippine system via the cinema which is attended with a frequency that rivals the trips to the mosque.

The precision and predictability of the system of law among the Maranao may be viewed as a reflection of the precision evident in the very basic structural organization wherein the system of law is institutionalized. The society, as perceived by the native Maranao, is a highly structured system consisting of different levels, with each ascending level being a reflection of the smaller unit below it, replicating the same traits in ever-broadening but unified dimensions.

The native's notion of a unitary society is contradicted by what one sees on the ground. One notes the existence of different centers of powers operating independently of each other, with particular domains of authority. But instead of a random and disorderly arrangement of the different power units, there is a precise and unchanging number of centers of power, which are governed by a particular set of rules that define the relationships of each power center relative to one another.

The relationship between them are conceived to be a product of a formal structuring of the entire system by the areal ancestors at a particular point in the past when the basic relationships between the units were defined in a precise scheme, which guided and directed the whole system of relationships among the different units.

The ability of the Maranao to view his society as a unified system, in spite of its multicentric character, is facilitated by the manner in which political relations between the different power

centers are expressed, i.e., in "genealogical" idiom, which provides an ordering principle that culminates at the apex with a common ancestor, putting every Maranao within the total scheme of the unitary society.

The Maranao conceives of the unitary society as being divided into four territorial divisions called *pongampong*. The epical ancestors of the *pongampong* are perceived by the native as siblings, and it is from these epical ancestors that any recitation of the *salsila* (chain of descent) for any one area usually begins.

The *pongampong* is subdivided into sub-*pongampong* areas (for lack of a term). These are rough geographic divisions, but which delineation is mainly based on the notion of a common ancestor for each area. The sub-*pongampong* area is sub-divided into *ingod* (village). These are two categorical ranking of the villages: (a) the *pegawidan a ingod* (supported or superordinate village), of which there are twenty-eight; and (b) the *pegawid a ingod* (supporting or subordinate village), of which there are twenty-eight.

These categories are basically determined by the rank of the lines of descent which are specifically associated with particular territories. It is at the *ingod* level that political institutions, inheritable titles for the elites, such as the title of descent with a particular locality, and the differentiation between the different ranks of the lines of descent are manifested.

The superordination-subordination principle in the *ingod* level involves the subsuming of a number of subordinate villages under a single sub-*pongampong* area. The number of superordinate villages range from one to four (see figure). Subsumed under the subordinate villages are a number of settlement and hamlets which are referred to as *lipongan*. *Lipongan* residents do not have any claim to descent as outlined in the *salsila*. They occupy the lowest rank category and are referred to as *oripon* (slave).

The *ingod* is further subdivided into sectors, then into sub-sectors, then into *bangon*, which is the level of significant kin interaction. It is the members residing within the *bangon* who contribute for the brideprice or receive it in turn, or organize retaliatory action in cases of injury to one of its members. They are usually composed of five or more nuclear families under one roof, but eating separately.

The smallest unit of territorial level is the *isa ka igaan* (literally, "one sleeping place"), referring to the area occupied by the nuclear family within the multi-family residents.

Kinship is reckoned bilaterally and kin relations crosscut local groups and extend beyond them. The only channel of establishing alliances is through marriage, ideally with a member of a group whose descent line is conceived to be of equal or higher in rank, either from one's village or another. Marriage is a highly complicated affair which involves a long investigation of the rank backgrounds of each respective parties and further prolonged by an elaborate system of brideprice transaction.

At each structural level, a common ancestor is recognized, with the most significant one found in the *ingod* level. The relationships between villages were determined by the relationships of the major titleholders of the different lines of descent as recorded in the *salsila*.

A key to understanding how the system operates and the structural role the legal institution performs is best approached by examining the matters of (a) rank as the basic determinant of legal rights; (b) the adaptation of legal norms; and (c) the use of the legal institution.

### Rank as Determinant of Legal Rights

Basic rights and obligation derive their legitimacy from the *taritib*, which defines in very precise terms all the primary rules that govern the entire social system. The *taritib* (Arabic for order, ranking, precedence), refers to the total ordering of the formal structure of the society in a scheme that provided for the bases for the ranking of the lines of descent, which serve as the precedence for determining the specific rights and obligations of individuals considered to be members of the group. It refers to the common agreement conceived to have been made by the areal ancestors at a precise time in the past. This agreement was finally etched in copper plates and sworn to over the Koran to uphold the provisions and its violation is conceived to bring down supernatural sanctions. This social contract provided the bases for the ranking of the lines of descent which served as the precedence for determining the specific rights and obligations of individuals considered to be members of the group. The main contents of this contract which is explicitly recognized as governing basic relationships are as follows:

(a) A precise definition of the superordinate lines of descent (*pegawidan*) and the subordinate lines of descent (*pegawid*) and, by

implication, those whose lines of descent are not ranked and do not have any claim to status (and therefore are relegated to the *oripon* category).

(b) A specification of association of particular lines of ranked descent with particular territories. The association is fixed and one could not invoke the validity of any claim to ranked descent in another locality.

(c) The association of inheritable positions of authority and power as institutionalized in the existence of elite titles, with specific places which are not transferable to any other locality. These titles are the most explicit validations of the rank one holds within the group.

(d) The rights and obligations of individuals holding a title within any one structural level. This provision guarantees the rights to which a title holder at any one structural level is entitled.

(e) The protocol involved in the interaction between any one single village with another or between individuals of different villages, individuals within a single village.

The theme that runs through the different provisions of the *taritib* is rank and its corresponding rights. It categorized, firstly, the descent lines, which have specific association with particular territories, with the rank validly externalized in a title. The title in turn provides the legitimizing principle in exercising certain authority and defines basic social patterns of behavior within the group. This emphasis on rank is behaviorally manifested in a conception of rank honor referred to as *maratabat*, the non-possession of which relegates one to the *oripon* category.

The basis for allocating rank is very precise in an ideal sense, i.e., by ascription. Only those individuals, who are descended from any one of the superordinate lines of descent, by virtues of their relationships with a superordinate titleholder, may claim *pegawidan* rank; those unable to make any claim to any line of descent are relegated to the *oripon* category.

Seen in actual practice, the precision in rank allocation is not quite as evident, but is instead, clouded in a considerable amount of ambiguities. For instance, actual practice reveals that rank is also attained partly by achievement. This ambiguity in the manner of recruitment to rank produces considerable confusion in the claim of one's right within the system. It is a major source of conflict within the society. The ambiguities also provide much of the drive for

the heavy emphasis on the rank one holds.

The nature of the circulating system of succession among the Maranao only vests power and authority in a descent line at that particular time when any one of its members is actually holding the title. After the titleholder's demise, the rights as well as obligations are transferred to another line, leaving the previous titleholder's kin group with only claims to such title, which they hope to regain.

With the prevailing ambiguities, one has to exert considerable effort to constantly validate one's rank, by consciously adopting a behavioral response which is conceived to correspond to the individual's perceived rank at any given time. The higher the rank, the greater the sense of *maratabat* (rank honor). Not to give evidence of it in terms of an outward behavioral display is to discredit oneself, and further imply that one's supposed claimed rank has really no basis. This constant and even redundant validation and affirmation of rank, in most explicit terms, as a response to the ambiguities of the system, is manifested in many ways. But the most institutionalized and crucial vehicle for its manifestation is in the resolution of conflicts, which is discussed immediately below.

### The Adaptation of Legal Norms

As one observes the outcome of the arbitration process, he finds decisions wherein norms relative to a particular breach committed, although discussed and used as a guide at arriving at some decision, only attain a secondary importance in the final outcome of the conflict. The basis for the rationalization of a decision does not rest on the application of the norms relative to a breach, but the use of a notion of maintenance of structural position within the same hierarchy. The validation and the affirmation of the structural positions that each of the protagonists occupy with the system is what is achieved.

The ranks of the protagonists in the conflict serve as the ultimate and crucial determinant in the decision. Since rank determines rights and the right range in scope depending on the rank one possesses within the system, the outcome defines in explicit terms the realistic position one occupies within the total hierarchy.

But it is not only the structural positions of the parties in a conflict that gets validated and re-emphasized, as reflected in a decision. The presence of high titleholders from other localities who

participate in the deliberation of a case and who make their presence and their alliances known in the course of the mediation process extend the domain of influence and authority that they normally exercise beyond their prescribed boundaries.

The presence of these dignitaries is a recognized channel of utilizing power to bear on a local situation. Power extends beyond its normal, restricted limits, and flows where it is needed and is utilized to maintain the system of relationships between the different units when the very nature of its existence and legitimacy is threatened or questioned. The utilization of authority and power from a separate independent unit which is tapped at crucial moments, with full sanction from the immediate locality, validates further the legitimacy of the system of social relations as conceived and provided, as constituting the total organization of the unitary society. It is at this point that the phenomena occur that illustrate how the legal institution is availed of.

### **The Use of the Legal Institution**

The Maranao system of law exemplifies a unique manner by which a particular institution is made use of within the system. With the group's integration constantly threatened by recurrent conflicts, most of which arise from some features of the social structure, the Maranaos respond by using the legal institution as a vehicle for emphasizing the integrative aspects of the social system.

It is evident from the examination of the society that the re-integrative elements are best manifested during the instance of resolving conflict. This instance is the arena where the agreed basic social arrangements are made manifest: the *taritib* provisions are reiterated for as many times as there are title speakers; the ranks of the protagonists, the mediators, the allies, and implications of the rest of the people in attendance, are validated; and the descent principle that genealogically links villages with common ancestors at certain structural levels are once more cited as *salsila*, clarifying the total interrelationships of the units of the unitary society.

It is also at this point that the perceived ambiguities within the system are reconciled. With ranks and roles fully defined and validated, general consensus is once more attained, even if only for a brief period and soon to be disrupted again by individuals who do not possess the proper perspective in conceiving of their relative place

within the whole system. It is the group's bounded duty to remind the individual of his relative place within the system if harmony is to be maintained within it.

This ritual of validation may be categorized under what Victor Turner had in mind when he wrote: "A society continually threatened with disintegration is continually performing reintegrative ritual" (1957). Conflict in Maranao society is institutionalized and its very existence or occurrence is necessary to manifest the elements that provide the unifying bond for what otherwise is to the outsider an "endemically conflict-ridden" society. Viewed in this context, disruptions, ruptured relationships, or temporary chaos provide the arena wherein the individual is afforded a chance of finding his place in the total scheme of the *pat a pongampong ko ranao*.

A.L. Hart in his *Concept of Law* conceives of law as a combination of primary rules of obligation with secondary rules of recognition, change and adjudication. Primary rules are general rules and as such possess negative elements such as its uncertainty, inefficiency and static quality, which are mainly due to its unalterability in being applied to specific instances.

To remedy these three main defects, the primary rules have to be supplemented with secondary rules of recognition, adjudication and change. They are to alter, elaborate, and/or modify the defects inherent in the primary rules. Both the form and the content of such rules, whether primary or secondary, vary from society to society. Some may have very elaborate primary rules, others may have more richness in any of the secondary rules.

Hart remarks that on extreme cases, where the primary rules are static in a very drastic sense, "not only would there be no way of deliberately changing the general rule, but the obligations which arise under the rules in particular cases would not be varied or modified by the deliberate choice of any individual" (p. 90).

Hart may very well have been referring to Maranao society. The static quality of the primary rules of obligation as embodied in the *taritib*, which specifies the allocation of rank, which in turn determines the rights within the group, is very definite. The *taritib* is rigidly followed and a general recognition exists that its provisions be maintained, for the ancestors had sworn that it should be so and that violations of it will bring down the supernatural sanctions. This strict adherence to the primary rule is made in order to maintain the agreed relationships established for the different centers of powers

and, in spite of its multicenteredness, a symbolic unicenteredness materializes at crucial moments, providing the unifying element that makes for continuity.

This static quality of the primary rules of obligation is correspondingly seen in the minimal development of the secondary rules of change. There is no mechanism, based on legitimacy, or instrument by which the group or individuals within the group could alter, outlaw, supersede, or change any aspect of the primary rules of obligation. This society that lives under what Hart calls "the reigns of primary rules of obligation" reflects this strong emphasis on the elaboration, modification, or alteration that the secondary rules remedy.

We have noted that the secondary rules of adjudication, as elaborated in the Maranao context, have a situation where the legal norms are adopted to further emphasize the primary rules of obligation. In these secondary rules is also made the precise reference to the agreed provisions, as embodied in the *taritib* used as the basis of legitimacy of one's action and response.

In societies where the primary rules are static, tension management could be extremely problematical to a point that it tends towards a disastrous point that can result in the likes of the "Hawaiian cultural revolution." Maranao society responds to this tension with some type of internal "safety valve" that sublimates and deflects the tension that otherwise could spell total chaos for the entire system. It copes with it in two ways: (a) The ambiguities grafted into the primary rules provided the channel for the tension to be dissipated, which otherwise may have proven to be highly disruptive; and (b) the constant reconciliation for the ambiguities on the "ritual of validation" creates the unifying elements that keep the group, in spite of its multicentric character, from truly breaking up into small discrete and independent units that have no interaction with one another.

We have here provided an example of an extreme form of the manifestation of the static quality of the primary rules of obligation. Whether this is what multicentric power system needs to keep the different units operating within a common context has been answered in the Maranao case.