

BOOK REVIEW

Melanie G. Wiber, *Politics, Property and Law in the Philippine Uplands*. Waterloo, Ontario: Wilfrid Laurier University Press (1993).

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"Our terminology is not yet sufficiently sophisticated to encompass real-life complexities [of the Ibaloi]" (p. 103). It is this sentence that probably best sums up the guiding principle of this far too short a book. "Far too short" is not meant to be a mean-spirited criticism, but on the contrary to stress that one yearns to know more of these intricate interrelationships between individuals, the uses of the land for various purposes, and the state interventions and transformations over the last couple of centuries. This wish is founded on Wiber's brilliant display of local knowledge and circumstances. A helpful glossary of indigenous terms, a very impressive bibliography, instructive maps and photographs are in addition to some 140 pages of dense text in which Wiber provides a very close look at what people do with the land which they inhabit, come from, or use for various purposes. She additionally - and this seems to be her central intention - alerts us to the many shortcomings which an anthropology of law will encounter that is not committed to a complex understanding of legal pluralism. Wiber demonstrates how robust an approach the concept of legal pluralism can provide in both guiding empirical research and serving as analytical tool for social configurations usually left unexplained, in grasping a situation such as she depicts in her study of the politics, property and law of the Ibaloi, an ethnic group in the Cordilleras of Northern Luzon, the main Island of the Philippine archipelago.

Wiber aims at two concepts which are the central currency in conventional anthropology and sociology of law, and equally in most government, bureaucratic and international aid circles. Both are notions about rights in property of 'primitive' tribes: one states that these rights are lodged at the communal level, the other that they are lodged in kin-based corporate groups. These concepts are juxtaposed to two further basic contrasting forms of kinship organizations, labelled on the one side bilateral or cognatic, and on the other unilineal descent. Both kinship principles in short signify the way in which and to whom property is transferred from generation to generation. Whatever a specific case may reveal,

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kinship-based social organizations which employ communal or corporate structural principles are supposed to signify unsophisticated property relations that are said to be ill-equipped to master the challenge of population pressure and other challenges of modern life. In her second chapter, after the introduction to the site and the set of problems that informs her treatise, Wiber succinctly delineates the origins and consequences of this simplification of non-western property concepts. That allows her to introduce an alternative approach that has been developed by Appell for the Rungus of Borneo. I shall return to this issue later.

For too long and far too often anthropologists have scorned the study of the influences of colonizers, since this would have rendered their subjects of inquiry murky, not original, and somewhat tarnished by the spoils of modern life while they, the anthropologists, tried to unearth the original, the clear and pristine conditions of 'their' ethnic group. Wiber manages to display the myths of such an approach, especially when it comes to the interplay of various forms of norms and the issues of land and property. Her third chapter is a concise overview of and treatise about four centuries of known exchanges with other, predominantly colonizing cultures. The use of the term 'exchange' needs to be stressed, for it allows Wiber to point to the obviously skewed, yet not purely one-sided transformation of Ibaloi social organization. It is, in short, Wiber's implicit methodological decision to see the unfolding of legal pluralism in an evolutionary manner. Against this background, the presentation of the "Ethnographic Quartet" (Chapter Four), in which the players are social organization, religion, political and jural organization, and economic production, at the time of her fieldwork allows her to display succinctly the intricate way in which these areas condition each other.

Following classical approaches in the anthropology of law (exemplified by Gluckman), Wiber enters the realm of legal pluralism through the medium of conflicts over land. This allows her to reveal the reality of Ibaloi land issues by analyzing the evolution, history, significance and consequences of these conflicts. This implicitly proves the versatility that legal pluralism holds as both a label for conflicts and a tool for analysing property relationships. And the author does this with a twist, so to speak. Her innovative way of using the concepts of Appell permits Wiber to steer away from conventional conflict analysis. Creatively, she uses some of the tenets of Appell's approach, yet not the entirety of his argument, and through this selective use moulds it to her advantage. I shall concentrate here on the methodological aspect Appell's approach occupies vis-à-vis Wiber's objective of analyzing the Ibaloi property system. Before doing so, I shall introduce some central concepts of Appell, not an easy task in the short space of a review of another book.

Alas: Appell's system of conceptualizing the role of law and property in non-western and other societies departs considerably in his neologisms and analytical approach from conventional anthropology of law. His aim is to build a universal grid which will provide an analytical scheme for the property dimension of a jural system. This subset of concern about the jural system is placed in a three-dimensional understanding of the constitution of a social system, of which the jural system is but one, but is intricately connected to the two other systems which he labels the opportunity system and the antistructural system of antisocial acts. This is, unfortunately, not the place to discuss the merits of Appell's approach. Suffice it to say that exactly this intention of his to provide for a comparative analysis of jural systems opens the opportunity for Wiber to develop a sort of 'internal comparative approach' to the various normative layers that signify contemporary Ibaloi laws of property relationships. Conventional ethnographic research, including that which employs the concept of legal pluralism, would have been content to identify the various normative levels and the way in which they interact at a given time or for a given conflict. But the use of concepts such as jural entities, jural collectivities and jural aggregates allows Wiber to cut through the layers at a different place. It establishes the primordial role that the uses of specific types of land have for the community organization of the people concerned. That contrasts with an approach that would start with the compliance or disobedience of the Ibaloi to specific, variable elements of different normative orders.

Thus we are enriched with an ethnographically thick and contextualized view of Ibaloi property relationships as they pertain to three core issues in land utilization, centring around land, gold and water. The chapters that deal with conflicts and the three areas of property disputes are analytical ethnography at its best. I recommend them especially for the purpose of instructing a new generation of empirical researchers to leave no stone in a village and no page in an administration's office unturned, and so to cherish the excitement of engaged fieldwork.

In her concluding chapters Wiber revisits the conventional concerns of communal, corporate or private property and concludes, in short, that these three concepts are clearly too simple to grasp the constant accommodation of the Ibaloi to the demands of their local economy. Accommodation entails the invention of new customs, the weakening or strengthening of indigenous laws, and the strategic use of government legislation to further internal and external power relationships. Individual strategies are embedded in kinship and alliance ties but are not themselves defined by an automatic correlation between property and kinship. All this makes the more sense if one unfolds the incorporation of the Ibaloi into the greater social universe of the Philippines and, indeed, the world, as Wiber succinctly does. In understanding from the start that property relationships signify both structure and process, she is able to concentrate on a "social world as it is

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experienced and transformed by individual actors" (p. 142), a process that signifies the increase of individual options as well as the formation of sophisticated community options. This obviously carries the lesson to us fellow researchers that we must take local actions seriously. But furthermore her insights should impress upon state administrations the inadequacy of their simplified notion of property relationships and their simplifying legislation which aims to regulate these relationships among what they call a primitive tribe: "a group of endemic tribes living primitively as a distinct portion of a people from a common ancestor" (section 3 (11), Forestry Code of the Philippines (Revised)). Among those administrators Wiber's book will, one hopes, achieve the needed changes in action. For us academics it enables a revisit to the properties of property with an enormously enriched vision.