

Decoding Restorative Justice: Analysing the Linguistic Features of Peace Pacts

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ABSTRACT

Peace pacts, locally called “bodong” or “pechen”, are written bilateral agreements defining inter-tribal relationships in the Cordillera Administrative Region, Philippines. Over the years, these peace pacts have gradually been codified by the Indigenous communities involved, thus producing Indigenous legal documents. This study focused on identifying the linguistic features of Indigenous legal documents, specifically the written peace pacts of Sadanga, Mountain Province, Philippines, on three levels: lexical, grammatical, cohesion and context. Through document analysis, results revealed that similar to state legal documents, Indigenous legal documents exhibit archaism, the use of legal jargon and collocations, repeated occurrences of synonyms, and the use of “whereas” clauses. However, unique features that accommodate the needs and context of the Indigenous communities involved were also observed. These include code-mixing, coinage, use of active voice and simple sentences, brevity, mixed perspectives, and use of cultural key terms. These results show that by combining legalese with local language and local writing practices, the Sadanga Indigenous community produces a hybrid legal document that not only reflects their culture and tradition but also upholds authority that governs inter-tribal relations, maintains peace, ensures proper use of resources, and resolves conflicts.

Keywords: forensic linguistics; customary laws; Indigenous legal documents; language of the law; pechen

INTRODUCTION

Cordillera Administrative Region (CAR) is a landlocked region situated in the Northern Philippines. It was established through Executive Order (EO) No. 220, s. 1987, signed by former president Corazon Aquino as a result of the Mount Data Peace Accord, a peace deal for *sipat* (ceasefire), signed between the government and the Cordillera People’s Liberation Army, a militant organisation campaigning for the autonomy of the said region. Its Indigenous peoples, collectively known as Igorots, have peace pacts called *bodong*, *vochong*, *pudon*, or *pochon* in Kalinga Province and *peden*, *pechen*, or *fiayao* in Mountain Province. These have been historically used to settle disputes between nearby communities or ethnolinguistic groups in the Cordillera (Maestro, 2019). Peace pacts are created not only for conflict resolution but also for retribution and maintenance of cordial relationships between tribes (Singa-Claver, 2021). They were made by people who, on behalf of the Indigenous community they represent, put them into action and ensure that they are upheld. The agreements lay out by-laws, called the *pagta*, governing violations in the use and access to resources, personal security, and property rights, as well as the physical boundaries between the signatories’ respective areas of economic and cultural life (Rambaldi & Callosa-Tar, 2002). These *pagtas* are created when two Indigenous communities who expressed their willingness to forge a peace pact meet and discuss what provisions and penalties to include.

Fundamentally, the *bodong* (literally, “bound together”) or *pechen*, which reduces traditional warfare and acts as a system for establishing, maintaining, and strengthening social bonds, is a written bilateral agreement defining inter-tribal relationships. “Among the warring groups in the Cordillera like the Kalinga, and some groups in Bontoc and Ifugao, the peace pact is the basic institution by which life, territory, and integrity are protected” (Molintas, 2004, pp. 278-279). It serves as an example of restorative justice, a way to enforce the law that emphasises mending the damage done to the victim and the community (Save the Children UK, 2005). Restitution is given to the victim, the offender is given the chance to acknowledge the harm they have caused, and the community participates completely in restorative justice; as a result, the community's sense of belonging is restored (Save the Children UK, 2005).

The *bodong/pechen* emerged as a result of community needs that were identified by the people themselves, including the need for safety and the need for a method to exercise sovereignty and resolve conflicts (Maestro, 2019). To promote unity in the Cordilleras, the *bodong/pechen* system has recently been developed into a multilateral peace pact (Rambaldi & Callosa-Tar, 2002).

In recent years, peace pacts, which were primarily oral, have been slowly codified and, in some cases, translated into English, becoming one of the legal documents guiding intertribal relations and peace talks in cases of tribal wars, thereby opening a subject of research in forensic linguistics.

LITERATURE REVIEW

Forensic linguistics is a field of applied linguistics that studies the relationship between law and language. It investigates three primary areas: the language of the judicial process, language as evidence, and the language of legal documents. This study focuses on the language of peace pacts as legal documents.

In terms of the language of the law, Gibbons (2004) emphasised that there is a serious issue with communication for lay people who do not understand the language of regulation and legislation despite the law being part of their everyday lives. However, such cannot be used as an excuse in court. Gibbons (2004) highlighted four points in the language of the law.

First, when reading a legal text, say, a contract, a layperson may find it unintelligible; however, a lawyer who knows the genre may draw from previous readings and experiences to understand it “despite the chronically poor drafting” (p. 286).

Second, legal texts are characterised by their “extreme writtenness,” i.e. when the law was translated from oral to written language, legal drafters found ways to construct them using long and complex sentence structure, noun phrases, abstract nouns, etc. This was described by Melinkoff (1963), who is widely recognised as the first to examine the legal language, albeit acknowledging that there have been precedents in other fields (Durant & Leung, 2016). He underscored nine chief characteristics of the language of the law: (1) repeated use of common words with different meanings; (2) frequent use of rare Old English and Middle English words; (3) repeated occurrences of Latin words and phrases; (4) use of Old French and Anglo-Norman words that have not been accepted in the general vocabulary; (5) use of terms of art; (6) use of argot; (7) frequent use of formal words; (8) intentionally use words and sentences having ambiguous connotations, and (9) attempts at extreme precision of expression. These characteristics of the language of the law were also observed in succeeding studies on various legal documents (Alcaraz-Varo, 2008; Crystal & Davy, 1969; Spratt, 2021; Tiersma, 1999).

Third is a technicality, which refers to words exclusively used in legal contexts or words used every day but with special meanings in the legal context. This becomes a problem as lay people may not be familiar with their meaning in the said context. In Hong Kong, Yeung and Leung (2013) found that the "Guide to General Civil Proceedings in the High Court and the District Court", a series of 12 bilingual leaflets which aimed to introduce unrepresented litigants to civil proceedings, suffer two significant problems: incomprehensibility of language due to inconsistency in terminology, problematic translation, and language complexity arising from the use of odd collocation, unusual words, complex legal terminology and confusing parts of speech; and lack of structure because of disorganised and scattered information. In the Philippines, the study of Ballesteros-Lintao and Rañosa-Madrurnio (2015) found that credit card terms and conditions have low comprehensibility and low familiarity among their readers, and one of the reasons is the complexity of concepts used in the said document.

The last point that Gibbons (2004) stressed was the extreme power asymmetry. While the legal system, by nature, exudes power and control, the power granted to police and lawyers may result in coercive statements that people may not even know or understand.

Another influential scholar on legal language is Peter Tiersma (1999). Acknowledging Melinkoff's (1963) work, he further discussed the nature of legal language, which are: (1) impersonal constructions; (2) overuse of nominalisations and passives; (3) multiple negations; (4) poor organisation; and (5) wordiness and redundancy.

While the characteristics of legal language and legal documents have been thoroughly studied, Gozdz-Roszkowski (2021) claimed that this trend in linguistics studies assumed a monolithic view of the nature of legal documents despite the diversity of legal language. It must also be considered that these legal documents are crafted by lawyers who, for years, have studied legal documents bearing the same features and, thus, will continue such writing practice. Moreover, Tiersma (1999) argued that despite the common characteristics observed in many legal documents, "[t]here is great variation in legal language, depending on geographical location, degree of formality, speaking versus writing, and related factors" (p. 139).

While many customary laws are left unwritten, Indigenous communities have slowly codified their laws and literature as an act of preservation of culture and tradition. The choice of language for legal codification is also crucial. Language holds significant power, shaping and reflecting societal structures of power, and by strategically choosing which language to use, some identities are elevated while others are sidelined, ultimately affecting how individuals or entire groups are viewed and treated (Al Tameemi et al., 2024). Furthermore, among some Indigenous peoples who uphold a strong connection to the land and the natural world, language serves as a storehouse for a person's cultural past and traditional knowledge, two essential elements of a people's identity (Higgins & Maguire, 2019). These languages have evolved into significant representations that serve as the foundation for larger discourses of identity and self-determination as a result of the numerous conflicts faced by numerous Indigenous people as they fight to maintain their native languages and identities in the face of violent repression from external forces (Higgins & Maguire, 2019). In addition, according to Starblanket (2018), an assault on an Indigenous group's language might go beyond assimilation strategies since "spiritual laws are encoded into Indigenous peoples' languages" (p. 190). The prevailing society puts a different language (like English) on numerous kids, and as a result, those kids were never taught or do not recall why they have a connection to their land, so the deliberate separation of children from their land is now taking place. Indigenous languages have been deliberately targeted over time in an effort to disorient and separate Indigenous people from their history and cultural identity (Higgins &

Maguire, 2019). If these customary laws are encoded in a language that is not the language of the Indigenous peoples, there may be a disconnect between meaning and interpretation and, eventually, a loss of their Indigenous identity. More importantly, linguistic complications arise when customary laws are translated and interpreted (Hannath, 2019). According to Neate (1981), a person can only understand a language if he is acquainted with the culture to which the language symbols allude, either directly or indirectly. The risk of misunderstanding the language and the culture it belongs to increases with the degree of cultural divergence between that individual and the culture on which the language is founded (Neate, 1981). Linguists and philosophers of language have long observed that the meaning of words and the sentences used do not always entirely determine the content of linguistic communication. Although semantics and syntax are crucial tools for communicating ideas, additional elements frequently add to the pragmatic richness of the message (Marmor, 2008).

Eades (1994) observed that even if they may appear to use the same language in their utterances, different groups of people may have different cultures, which might affect the meanings of certain words. For instance, in Southern Australia, Aboriginal people use a different kind of English – termed “Aboriginal English” – which differs from General Australian English in accent, diction, grammar, discourse structure, pragmatics, and cultural presuppositions (Eades, 2012). Despite its similarity with the General English being used in Australia, knowledge of Aboriginal residence, social life, geographical situations, and even visiting patterns is necessary in understanding why they use one term over the other (Eades, 2000). Due to significant linguistic disparities, English-speaking Aboriginal people face legal disadvantages (Eades, 1994). For instance, for the Aboriginal people of Australia, the land is a “life source, and not merely an inanimate thing, but rather something that is alive” (Hannath, 2019, p. 206), and such a concept may be difficult to explain in the court. In court, Michael Cooke (2002, as cited in Hannath, 2019) noted that Aboriginal witnesses often begin sentences with “Oh, might be...” which can be interpreted as uncertainty; however, for the witness, it means otherwise.

In terms of legal interpretation, two arguments are being discussed: the first is that linguistic, or text-based, analysis of legal rules is more important than any other factors, and the second is that legal rules are dynamic and their interpretations are more influenced by non-linguistic factors like value, moral implications, and social context than they are by words and phrases alone (Shi, 2012). Durant and Leung (2017) also commented that any interpretation must be reached through contextual inference, which completes an incomplete, encoded semantic meaning by relying on pragmatic elements like co-text, accessible background information, and purposeful relevance.

In summary, studies on the language of the law and peace pacts as a customary law and a form of restorative justice for the Igorots have flourished over the years. However, there is a dearth in Forensic Linguistics as the language of peace pacts has not been explored yet.

RESEARCH OBJECTIVE

This study analysed the language of Indigenous legal documents, particularly the peace pacts in the Municipality of Sadanga, Mountain Province, CAR, Philippines. Specifically, this study aimed to answer the question: What linguistic features characterise the peace pacts of Sadanga, Mountain Province, in relation to the following:

- a. lexical level;
- b. grammatical level; and
- c. coherence and cohesion?

METHODS

This study employed a qualitative approach, specifically document analysis. Document analysis refers to the study of language units (e.g., words, sentences, paragraphs) to understand how they function and affect the utterance's overall meaning. This is used to identify the linguistic features of the corpus.

For this study, 44 written peace pacts were collected in the Municipality of Sadanga, Mountain Province, after ethical clearance was received from the National Commission on Indigenous Peoples (NCIP). The *barangay* halls and peace pact holders in the said municipality were visited to get a copy of all available documents. Only documents that are readable, with complete pages, and that bear the signatures of the representatives from all Indigenous communities involved are included in this study. It must be noted that peace pacts were not originally written and are forged only when two Indigenous communities agree to enter into the agreement; thus, there is a limited number of documents for this study.

The Peace Pacts are written in English, and the average length is six pages; however, the writing style varies because the writers of each are different. The provisions of the peace pact are discussed using local languages, and these are translated into and transcribed in English by chosen individuals who attend the meetings, usually government employees or community members who completed college education. Thus, while these peace pacts belong to one municipality, they were transcribed by different individuals. It is essential to highlight that before the documents are signed, they are read and translated back to the local language to ensure accuracy and correctness. This process involves all members from the two Indigenous communities and may take a few days to conclude.

In this study, excerpts from the peace pacts are taken and labelled as PPXX, with PP meaning peace pacts and XX as a number indicating which peace pact it was taken from.

DATA ANALYSIS

To determine the lexical features of peace pacts, the data were divided into individual sentences to create small units of analysis. Each sentence is analysed based on the types of words used, types of phrases and clauses, and how the ideas are put together.

The peace pacts of Sadanga, Mountain Province, were analysed on three levels as suggested in Leech and Short's (1998) linguistic and stylistic categories checklist. Leech and Short (1988) identified four general levels for conducting a linguistic and stylistic analysis: (1) lexical level, (2) grammatical level, (3) figures of speech, and (4) cohesion and context. Because of the

technical nature of the corpora, only three general levels were considered: (1) lexical level, (2) grammatical level, and (3) cohesion and context.

RESULTS AND DISCUSSION

The results of the document analysis, as outlined in Table 1, provide insights into the different levels of analysis that interact within the corpus, revealing unique patterns in language use and structure.

TABLE 1. Linguistic Features of Written Peace Pacts of Sadanga, Mountain Province

Lexical Level	Grammatical Level	Cohesion and Context
1. Archaism	1. Use of Active Voice	1. Brevity
2. Code-mixing	2. Use of Simple Sentences	2. Mixed Perspectives
3. Coinage	3. Use of WHEREAS Clause	3. Use of Cultural Key Terms
4. Repeated Occurrence of Synonyms		
5. Use of Legal Jargon and Collocations		

THE LINGUISTIC FEATURES OF PEACE PACTS ON THE LEXICAL LEVEL

The words used were analysed to identify the linguistic features of the written peace pacts in the lexical category. This includes the vocabulary structure (simple or complex), types of vocabulary (formal or colloquial, descriptive or evaluative, and specific or general), and types of meaning (emotive or referential). Results showed that the peace pacts exhibit archaism similar to state legal documents (Alcaraz-Varo, 2008; Crystal & Davy, 1969; Melinkoff, 1963; Tiersma, 1999). Archaism refers to the use of a word or style of language deemed old-fashioned or antiquated. This includes the use of Old English and Middle English, which have evolved over the years. A common occurrence of archaism is the use of the verb “witnesseth” instead of “witnesses,” as presented below.

PP03

*Whereas, we, the undersigned, representatives of Barangays Poblacion and Demang Tribes, all of legal age, herein constitute the party of the First Part; And likewise, we, the Saclit tribe, consisting of 46 delegation, all of legal age, herein constitute the party of the Second Party; **WITNESSETH**; Whereas, Indigenous tribal war and other form of criminal acts done between these warring tribes have caused loss of human lives, property belongings and had severed harmonious relationships on account of a broken peace pact.
(Poblacion and Demang, Sadanga, Mountain Province v. Saclit, Sadanga, Mountain Province, 1997, p. 1)*

Another evidence of archaism is the use of the legal phrase “Know all men by these present”, which exhibits inversion, i.e., the verb occurs before the subject. This phrase, used on state legal documents such as contracts, means “Let the following be known.”

PP08

KNOW ALL MEN BY THIS [THESE] PRESENT:

This pagta or law of the bodong/peden, made and entered into by and between:

The Sadanga Subtribe is composed of Barangays Poblacion, Demang, and Sacasacan, all in the Municipality of Sadanga, Mountain Province, and The Balinciagao & Magsilay Subtribes composed of Barangay Balinciagao Norte, Balinciagao Sur, and Magsilay, all in the Municipality of Pasil, Kalinga, Province.

(Poblacion, Demang, and Sacasacan, Sadanga, Mountain Province v. Balinciagao and Magsilay, Pasil, Kalinga, 2022, p. 1)

The second linguistic feature of the peace pacts is code-mixing. While these Indigenous legal documents were written in English, the occurrence of Kankanaey, a local language in the Northern Philippines, and Filipino, the national language of the Philippines, was observed. In the text below, the natural combination of English and Kankanaey is apparent. It is important to note that the words written in Kankanaey, e.g., *bugis*, *bodong/peden*, *ili*, *patoy*, *umili*, *bodongholder*, *kasupang*, and *gopas*, are nouns. These content words are important in understanding the context and meaning of the text.

PP16

The Bugis or the Bodong/Peden [peace pact] is the territorial jurisdiction of an ili [village]

(Sadanga, Mountain Province v. Butbut, Kalinga, 1998, p. 1)

The offended party shall report the patoy [murder] to the Bodongholder [peace pact holder].

If the aggrieved party, after consultation with the Bodongholder and the umili [villagers], opts for the severance of the Bodong, the Bodongholder shall now send to his kasupang [other party] the gopas [notice of the severance] duly approved by the umili.

(Sadanga, Mountain Province v. Butbut, Kalinga, 1998, p. 5)

Another linguistic feature of the peace pacts is the occurrence of coined words. Coinage refers to the invention of a new word by combining two or more root words. Interestingly, one of the most commonly used coined words in the documents is *bodongholder*, coined from the Kankanaey word *bodong* and the English word "holder." A *bodongholder* is the person who maintains the agreement between the two Indigenous communities. In context, the *bodongholder* not only guards the document but also holds the responsibility of upholding the agreement and ensuring that the entire community understands and abides by it, among other things.

A second example of coinage found in the Indigenous legal documents is the word *barriomate*, as used in the sentence below. *Barrio* is a Spanish word adopted in the Philippines to refer to the *barangay*, the smallest administrative unit in the Philippines. Combining it with the word "mate," *barriomate* means a person from the same *barangay*.

PP10

*In case of any act resulting in injury or loss of life, the relative / **barriomate** of the victim shall not be revenge.*

(Anabel, Sadanga, Mountain Province v. Talubin, Bontoc, Mountain Province, n.d., p. 2)

The peace pacts also exhibit the use of similar words in the same sentence. This may stem from the need to ensure clarity and precision in meaning, as shown in PP03 and PP21 below, which used similar English words (tribes and parties; violations and misdeeds) in one sentence. In other cases, this is used to represent meaning in two languages and/or dialects. This is observed in PP12, where the Kankanaey words *peden* and *budong* were utilised. While these are both Kankanaey words, the first is a variation spoken in Mountain Province, the first party in the peace pact, while the second is used in Kalinga, the second party in the peace pact.

PP03

*First, as a general policy and rule, both **tribes/parties** must give recognition and respect for one's tribe's territorial boundary and coverage area of responsibility.*

(Poblacion and Demang, Sadanga, Mountain Province v. Saclit, Sadanga, Mountain Province, 1997, p. 1)

PP21

*All other **violations/misdeeds** shall be amicably settled (Ariglo) by councils of elders and tribal leaders after thorough discussion and objective assessment.*

(Guina-ang, Pasil, Kalinga v. Sacasacan, Sadanga, Mountain Province, 2002)

PP12

*In case of death by any of the two Pongor, the **Peden/Budong** will be passed (Maigaligad) to the abled sibling, chosen by the family of the deceased Pongor.*

(Belwang, Sadanga, Mountain Province v. Butbut, Kalinga, 2021)

Evidently, legal jargon and collocations were also observed in the peace pacts. While these documents do not necessarily follow legal boilerplate texts, they utilise legal words and phrases, e.g., murder, offended party, and settlement of the case, as observed below.

PP36

*SECTION 2. Procedures when **murder** or killing is committed.*

*When a Binodngan is murdered/killed or injured, the Binodngan may choose to seek remedies provided for by the regular **courts of justice**, but priority be treated under the Bodong. The following procedures under the Bodong may apply as follows:*

*a. The **offended party** shall report the incident to the Bodong Holder:*

*b. The Bodong Holder of the **aggrieved party** shall refer first to his "kasupang" by sending a **Letter of***

***Complaint** narrating the **facts of the case**;*

*c. Upon receipt of the Letter of Complaint, the Bodong Holder shall **investigate** and work to **settle the case immediately**.*

(Lubuagan, Kalinga v. Sadanga, Mountain Province, n.d.)

THE LINGUISTIC FEATURES OF PEACE PACTS ON THE GRAMMATICAL LEVEL

Under the grammatical level, clauses were analysed to identify sentence type and sentence complexity. Three primary linguistic features emerged. First, the frequent use of active voice. Examples are shown below.

PP41

Section 1. a. The two sub-tribes prohibit revenge except DASADAS, as explained in the next section, so that the Peacepact Holder and Tribal Leader of both tribes shall have the opportunity for dialogue to conduct a proper investigation and determine whether such crime committed is intentional or accidental.

(Poblacion, Demang, and Sacasacan, Sadanga, Mountain Province v. Lubo, Kalinga, 2024)

PP44

The elders and officials who attended this negotiation agreed to consult their respective tribesmen regarding the agreement that the SINGLIP be done as soon as possible.

(Poblacion and Demang, Sadanga, Mountain Province v. Sumadel, Tinglayan, Kalinga, 2009)

While nominalisations and passives are overused in state legal documents to diminish the actor's power, weaken readers' understanding abilities, and impede comprehension (Charrow & Charrow, 1979; Tiersma, 1999), peace pacts utilise active construction of sentences to identify the people responsible for a certain crime and emphasise their roles in ensuring that the agreement is followed.

Second, the peace pacts frequently use simple sentences. State legal documents are known to be dense mainly because of the length of sentences. They are often wordy and redundant, containing adverbials, different types of clauses, modal auxiliaries, and frequent negation (Crystal & Davy, 1969; Melinkoff, 1963; Tiersma, 1999) to ensure precision. However, it was observed in the peace pacts that sentences are simple and straightforward. Below are examples.

PP36

SECTION 1. The Binodngan shall have the right to his life, liberty, property, and honour and shall do every reasonable means to defend it.

SECTION 2. All Binodngan shall have the equal protection of the Bodong and the free and speedy disposition of their cases.

SECTION 3. No Binodngan shall be held to answer for an offence without due process under this Pagta.

SECTION 4. Every Binodngan shall seek justice first under the Bodong, and then, when the Bodong cannot settle the case, the Binodngan may seek justice under the regular courts of justice.

SECTION 5. Every Binodngan shall have the right to adduce evidence in his favour, including the right and obligation to testify for a Binodngan.

(Lubuagan, Kalinga v. Sadanga Mountain Province, n.d.)

Third, peace pacts, like state legal documents, frequently use the WHEREAS clause. The conjunction WHEREAS, a preamble to a standard contract provision, means “that being the case” or “considering that.” It is “left over from some long-forgotten era of legal writing when lawyers used big words and legalese to impress clients with their intelligence and to justify their bills” (Spratt, 2021, p. 14; Wong, 2022). WHEREAS is often the first word of a sentence or a paragraph and is frequently written in bold letters. An example is the text below.

PP01

WHEREAS, Tribal Elders, Council of Elders, and Women's Group identified the tribal Boundaries in accordance with the customary laws of our Tribe; WHEREAS, as agreed by both parties, boundary-making lines start Gawa Bridge, junction of Chico River, Angas Creek, Amorong Creek, Cayapa Creek, Ampagkad, Lupu, Mount Cagaya reserved as Water Shed area for Tocucan.

(Tocucan, Bontoc, Mountain Province v. Anabel, Sadanga, Mountain Province, 1998)

THE LINGUISTIC FEATURES OF PEACE PACTS ON CONTEXT AND COHESION

The last level of analysis for the linguistic features of peace pacts investigates the coherence and context of the text. First, while state legal documents are known to be complex, wordy, and redundant because of their attempt to be precise in expressing the law (Alcaraz-Varo, 2008; Crystal & Davy, 1969; Melinkoff, 1963; Tiersma, 1999), results showed that peace pacts are concise. Because of the use of active voice and simple sentences, meaning is expressed straightforwardly using as few words as possible. For instance, in describing the roles and responsibilities of *bodongholders*, the following text was written.

PP26

Section 2. The Bodongholders shall discharge the functions and duties among which are as follows:

a. He shall be the eyes, ears, and mouth of the Bodong;

b. He shall faithfully enforce and execute the provisions of this Pagta and all decisions in cases brought before it;

c. He shall prosecute with dispatch cases brought to his attention until the same shall have been settled to the satisfaction of both parties;

d. He shall not allow the severance of the Bodong without complying with the provisions of Article VI, Section 5 of this Pagta;

e. He shall consult the umili and the elders in making decisions and

f. He shall arrest or cause the arrest of the bummug-uy.

(Sadanga, Mountain Province v. Biga, Kalinga, 2022)

In terms of point of view, first-person and third-person points of view are utilised in peace pacts. In PP26, the third person is used, as evident in the use of the pronoun “he.” However, in PP34, the pronoun is “we.” This statement is frequently found at the beginning of peace pacts before the provisions are outlined.

PP34

We, the Indigenous Peoples of the Cordillera, inhabit the mountainous lands of NANONG, TABUK CITY, KALINGA, AND SADANGA, MT. PROVINCE, with the guidance of the Almighty God-Kabunyan, exercising our inalienable rights to preserve, maintain and promote the Bodong System of governance, to guarantee and ensure to each and every person involved in this Bodong of NANONG Sub Tribe of Tabuk City, Province of Kalinga and SADANGA Sub Tribe of Sadanga of Mountain Province, for the protection of life, liberty, property, equality, justice, peace and holistic development for our general welfare do hereby adopt this Pagta of the Bodong.

(Sadanga, Mountain Province v. Nanong, Tabuk, Kalinga, 2019)

Lastly, cultural key terms frequently occur. Cultural key terms are words that encompass a belief or tradition of a particular group of people. In the examples below, the cultural key terms refer to objects and the conduct of a tradition or ritual with specific purposes.

PP05

SECTION 5. Accident [resulting] to physical injuries shall be subjected [to] “maep-enan”, “sungal”, Patok/fedfed” (it is an act [...] to indemnify the victim and his/her family).

(Salegseg, Balbalan, Kalinga v. Betwagan, Sadanga, Mountain Province, 2001)

PP11

If a dog is Anop, the same provision is applied to stolen carabao. All other forms of personal properties will be changed on return, plus a pasorot. But pagicna is also required.

(Bikigan, Sadanga, Mountain Province v. Boliney, Abra, 1997)

In summary, as demonstrated in the document analysis of the three levels, lexical level, grammatical level, and context and cohesion, peace pacts demonstrate similarities with other legal documents, such as archaism, use of legal jargon, and use of WHEREAS clause (Gibbons, 2004; Melinkoff, 1963;). However, the unique characteristics also corroborate Tiersma’s claim that legal language varies considerably based on several factors. In this case, this variation may be attributed to culture, the writers, and the process of writing. Unlike other legal documents that are written by lawyers, the creation and codification of peace pacts are a collective effort of two Indigenous communities.

These peace pacts are a product of the deliberation and bilateral agreement of multiple Indigenous communities regarding territory, use of resources, maintaining peace, and resolving conflicts without fear of coercion (Cabunilas, 2018; Maestro, 2019; Rambaldi & Callosa-Tar, 2002; Singa-Claver, 2021). This emerged as a result of community needs identified by the people themselves, including the need for safety and a method to exercise sovereignty and resolve conflicts (Maestro, 2019). In order to promote unity in the Cordilleras, this system has recently been developed into a multilateral peace pact (Rambaldi & Callosa-Tar, 2002). Thus, unlike other legal documents, its creation and codification do not depend on a singular or a group of lawmakers; rather, it is a communal practice - an act of coming together as a community to discuss the content of the peace pact. This communal practice is reflected in the language used in the written peace pacts and summarised in Figure 1.

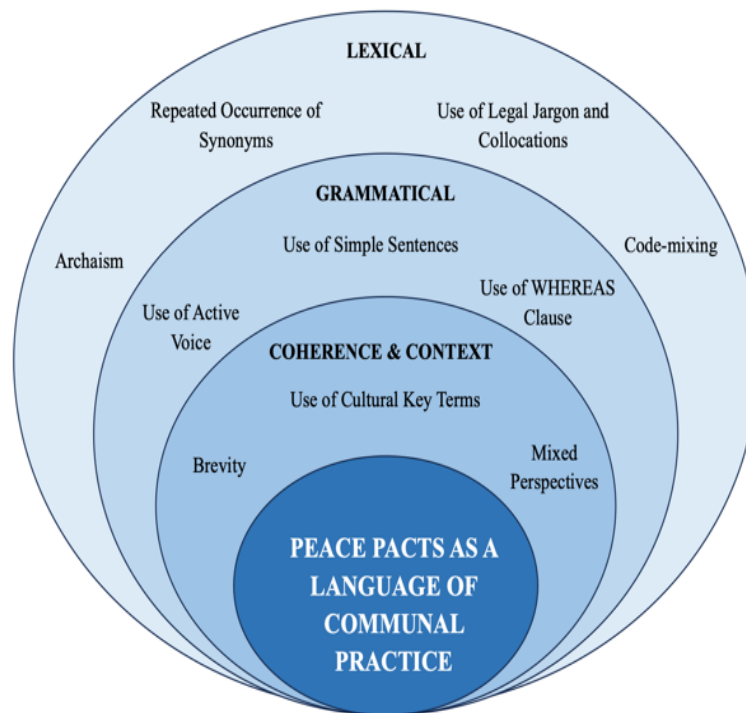


FIGURE 1. Peace Pact as a Language of Communal Performance

The results of the linguistic analysis in the three levels show how peace pacts reflect the communal performance of the Sadanga Indigenous community. Figure 1 shows that the language of peace pacts makes it a communal practice on three layers. The outer layer, the lexical level, which focuses on the words used in the documents, is the initial aspect that readers encounter. The legal jargon and collocations, together with the archaism and repeated occurrence of synonyms, give the readers the impression that the peace pacts are legal documents, as these are the features of state legal documents as established in Alcaraz-Varo (2008), Crystal and Davy (1969), Melinkoff (1963), and Tiersma (1999). This implies that the writers of the peace pacts are familiar with the language of the law. Among the signatories of peace pacts are professionals, *barangay* officials and staff, and other officials from the local government unit, and while they may not be lawyers, their exposure to state legal documents in their jobs may have informed their drafting practices, influencing their word choice and the structuring of the peace pact. However, combined with these features are code-mixing, the use of different languages in a sentence, and coinage, the creation of a new word by combining two different words. Thus, on the lexical level, while there is an evident adaptation of the language of state legal documents, the contextualisation occurs through code-mixing and coinage. As Higgins and Maguire (2019) argued, language holds the people's history, culture, and tradition; thus, the choice of language for codifying Indigenous laws is extremely important. Even with the use of a foreign language, the English language, the unique identity of the Indigenous peoples is reflected in the choice of words. Additionally, this contextualisation is a powerful tool for Indigenous peoples to reclaim their space in society, assert their rights, and ensure that their voices remain central in shaping their futures. Indeed, language “reinforces power in society” (Al Tameemi et al., 2024).

Delving further is the study of clauses and sentences at the grammatical level. In the study of the structure of sentences in peace pacts, a further deviation of the language of state legal documents is apparent. While the occurrence of the WHEREAS clause describes the language of the law, the use of simple sentences and the active voice is not. State legal documents are known for having complex sentence structures (Crystal & Davy, 1969; Melinkoff, 1963; Tiersma, 1999). Additionally, passive voice occurs in formal writing and communication, such as articles, magazines, newspapers, and scientific papers (Batubara & Mahardhika, 2020). This also includes state legal documents. This is attributed to ensuring that the law is precise. However, this also contributes to its incomprehensibility as lay people have difficulty understanding them (Ballesteros-Lintao & Rañosa-Madrurnio, 2015; Yeung & Leung, 2013).

In contrast, in terms of use, active voice is more commonly used in everyday conversations (Batubara & Mahardhika, 2020), and simple sentences are easier to understand as they contain a singular thought. It can be inferred then that the audience of these two legal documents are different. State legal documents are drafted by lawyers, and they are also interpreted by them, making them the end-users and audience of the said documents. When cases or disputes arise, the state legal document is given to a lawyer to study and use as evidence in court. Such is not the case in the Indigenous communities. In cases of conflicts, the peace pacts are consulted by the elders, *bodongholders*, and the community to come up with a solution. Thus, the target audience of the said Indigenous legal document is the Indigenous communities themselves, and the use of active voice and simple sentences leads to better comprehension. This makes the law accessible to all Indigenous peoples it covers.

The innermost layer of analysis that makes the linguistic features of peace pacts a communal performance is coherence and context. The further shift from state legal documents is observed because of the brevity of Indigenous legal documents. This further supports the inference that peace pacts are accessible to all Indigenous peoples, not only lawyers. Additionally, mixed perspectives, i.e., the use of first-person and third-person points of view, were observed. By using the first person, particularly at the beginning of the agreement, as shown in PP34 in the previous section, it is established that the said agreement governs all people belonging to the involved Indigenous communities. They are all protected by it, but at the same time, they are responsible for ensuring that it is followed and upheld. Ownership of the duties and benefits are established. By using a third-person point of view, specific people in the Indigenous communities are referred to. For instance, in PP26, shown in the previous section, the text only applies to the *bodongholders*. However, all members of the communities are informed. The use of mixed perspectives further builds the identity of these Indigenous communities and strengthens their involvement in creating and upholding their Indigenous laws. Aside from this, the use of cultural key terms continues to define the Indigenous communities' identity. These terms embody their culture and tradition, and while they may be unknown to other people, they are understood by the target audience, the Indigenous communities themselves.

It may be argued that the deviations from the linguistic features of state legal documents compromise the precision of Indigenous laws. After all, the reason for the "extreme writtenness" of legal texts is to ensure that the law is not misinterpreted and will be understood accurately. However, peace pacts are bilateral agreements involving all Indigenous communities that forged them. Decisions do not come from a judge or jury but result from continuous communication between and among Indigenous peoples. Thus, the language of peace pacts is a communal practice. Its uniqueness does not reduce or diminish its power; instead, it enforces a brand of peace and justice that Indigenous peoples need, understand, and uphold.

CONCLUSION

Peace pacts share similar features to state legal documents written by lawyers. However, as demonstrated by this study, there is also an apparent deviation from the legal boilerplate, such as brevity, coinage, use of active voice and simple sentences, and occurrence of cultural key terms. After all, creating and codifying peace pacts is a collaborative process, emphasising collective involvement over individual action. This implies that the documents have been modified to fit the Indigenous communities' unique circumstances while incorporating legal terminology to improve their formality and accuracy. Thus, peace pacts may be described as a hybrid form of legal document. By combining the usual language of the law with Indigenous language and local codification practices, the Indigenous communities create an accessible and contextually relevant legal document that conveys authority to readers and community members across generations. It preserves the culture of restorative justice and Indigenous conflict resolution while embodying a modern practice of informing community members of the law.

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