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**Caribbean Family land:
Communal Land in a Colonial Society**

by

Karen Fog Olwig
Institute of Anthropology
University of Copenhagen

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Commons have usually been associated with pre-modern societies such as those of feudal Europe or tribal Africa. Indeed, the advent of capitalist economic systems is associated with the destruction of common land tenure systems. An interesting exception to this pattern is Caribbean family land which, in the course of the nineteenth century, developed and flourished among the emancipated slaves and their descendants. As a modern commons within the periphery of the Western world system it therefore poses an interesting exception which challenges our thinking about the role of land and collective land holdings in human societies.

In this paper I shall suggest that family land provided a useful response to the conditions of economic and social marginality which characterized the Caribbean after the abolishment of slavery. It provided both an actual place where the freed might settle and create a life for themselves, and a more symbolic family center, whether or not this center constituted the physical home of the family members. The importance of family land therefore should be found in its value as an actual and imagined home for people who have had to make their living as "hunters and gatherers" in the margins of the global economy, often in distant migration destinations. This discussion therefore points to the significance of land as a means of creating and sustaining local identities in a world where the conditions of life are defined, to a great extent, by global networks of social, economic and cultural ties.

I shall here discuss family land on the basis of archival and field research which I have carried out on the American Virgin Island of St. John, which was formerly part of the Danish West Indies. I shall focus in particular upon the small estate of "Hard Labor", a family land holding which I have examined in some detail during recent research.¹

Family Land

The institution of family land developed in the Caribbean when people of African descent were freed from slavery and hence were able to become legal owners of land. Some land holdings were acquired during the eighteenth and early nineteenth centuries by the growing free Colored and Black population. Most family land, however, emerged in the decades after the general emancipation of the slaves. The majority of the slaves were freed in the period from 1834 to 1848, when slavery was abolished in the British, French and Danish West Indies.² By the latter part of the nineteenth

century, family land had become a prevalent form of land ownership among the African-Caribbean population throughout much of the Caribbean.³

Family land came into being when a plot of land which had been acquired by an individual owner was passed to all descendants of this owner to hold in common. Yet it was not before the 1950's, that its existence was documented by the Jamaican anthropologist Edith Clarke, who noted the importance of land holdings held in common by descendants of the original owners of the plots in some of the Jamaican rural communities where she did fieldwork (Clarke 1953,1957). The invisibility, for almost a century, of family land outside the African-Caribbean communities may be related to the fact that it has constituted an informal and extra-legal institution outside the bounds of colonial law which was based on European legal notions. In the Danish West Indies many of the legal cases were resolved through informal mediation, rather than official court procedures, and customary ways of thinking and acting therefore came to provide important guidelines for the legal system (Virgin Islands Reports 1959:502). As a result family land, and the social and economic relations upon which it was based, became recognized as a legal kind of landownership.⁴

Family land usually consists of rather small plots of land which originally were parcelled out and sold off from old sugar plantations. Furthermore, it often involves marginal land which was of little use in sugar production. Indeed, some of the areas of land sold off to the freed had never been used for sugar cultivation during slavery, but had rather been allocated to the slaves so that they might cultivate subsistence crops with which to feed themselves (Mintz 1974; Olwig 1985; Momsen 1987; Besson 1995). On St. John a number of the estates had always been unsuitable for large-scale sugar cultivation, being rather mountainous and rocky, and some of them were sold to the free Black or Colored population as early as the eighteenth century. After the emancipation of the Danish West Indian slaves in 1848, and the subsequent demise of sugar production on the island, several other marginal land areas were parcelled out and disposed of to the freed population.⁵

The Danish West Indian archival records in Copenhagen clearly document the emergence of such small land holdings which became settled by the former plantation laborers. According to tax records, the number of land owners on St. John rose from 64 persons in 1846, two years before emancipation, to 192 in 1902. Most of these new land owners acquired very

small plots of land. In fact, 67, or more than a third, owned two acres or less, and 137, or more than two thirds, owned ten acres or less. And these two thirds of the land owners owned a total of 512.58 acres, or less than 4% of the island's total acreage. As the new land owners died, much of the land became listed as owned by "the heirs of..." It had, in other words, been turned into family land.⁶ Despite the relatively small acreage involved, the population censuses⁷ reveal that a great internal population movement away from the plantations took place, as the former plantation laborers acquired plots of land where they could settle. During the 1840's the vast majority of the population of African descent had lived and worked on plantations controlled by White owners. By 1901, less than a fifth of the population remained as resident laborers on plantations.

Hard Labor

Hard Labor is one of the smaller estates on St. John which has been in the continuous possession of the same family before the abolishment of slavery. It is located in the dry and rocky shoreline area of Coral Bay where no large-scale sugar cultivation ever took place,⁸ and where a population of free Colored therefore was able to acquire land and settle during the latter part of slavery. They earned their living as small farmers, fishermen and sailors. According to documents at the Recorder of Deeds Office on St. Thomas, Hard Labor has been owned by the present family since at least the early part of the nineteenth century.

Book3X-n
Hard Labour:

DEED from John Jacob George's estate to Jacob de la Motte. Dated July 14,1843 read Sept 11, 1845 (R. page 86)

LETTER OF GIFT from Naomi de la Motte to Jacob Mathias, dated Nov. 29,1873 read Nov. 5, 1874 (T. page 307)

Letter of Gift dated Novbr. 29,1873 from Naomi Motta to her grandson Jacob Mathias on 34 acres land of the property 'Hard Labour*' situated in Coralbay Quarter. Valued \$68.-

I the undersigned Naomi Motta widow of deceased Fisher Jacob de la Motta deed and give to my grandson Jacob Mathias the land belonging to me called Hard Labour, situated in Coralbay Quarter on St. John, matr. n o.....(pieces missing) of 40 acres, but from which I have sold..... so that only 34 acres remain, and the said 34 acres called "Hard Labour" I here by deed to my grandson Jacob Mathias..... lawful! property free from all encumbrance, to which I here set my mark.

Danish census returns and land records show that Hard Labor was originally part of a larger estate of 75 acres. The owner of this estate, John Jacob George, was the father of Naomi who later married Jacob de la Motta. Jacob George was born on St. John in about 1772, and was possibly white, since he was not included in the list of free Colored from 1833. Naomi's mother, Elizabeth Wilhelm, was born as a free person of Color on St. John in about 1788.⁹ The family made its living partly by cultivating the land (with the help of one slave by the name of Wilhelm until 1848), partly by sailing. The women were also occupied in "needlework." Much of the land was not used, however, and in 1846, only one acre was planted in sugar and one in provisions and pasture.¹⁰ Jacob de la Motta must have died prior to 1854, because the land records from that date list the land as owned by Jacob de la Motta's widow. She continued to cultivate the land, growing peas and beans and keeping pasture on one or two acres of land. She seems to have lived until ca. 1882, when her grandson Jacob Matthias is listed as the owner of the land.¹¹ He outlived his grandmother by only a few years, because he drowned in 1888, when the boat in which he was travelling to St. Thomas collided with a schooner. He left a wife and seven children, the last born on the day of his death.¹² The widow, Mary Magdalene, requested that the estate not be divided, and she is often referred to as the original owner of the land by the present Matthias family, probably because she outlived Jacob by many years and was the one who handed the land down to the children as family land.

When she died in 1901 the land passed, as a whole, to all of the children. The Recorder of Deeds Office shows that the seven children held it in common as undivided land, each one of them receiving a seventh claim in it:

Book "X" St. John

no. 20

On February 26, 1904 St Johns dealings court met to settle new dealing in the estate of deed. Mary Magdalene Mathias born Cornelis and predecd. husband Jacob Christian Mathias. The dealings judge declared that the widow Mary Magdalene Mathias died on the Plantation July 19, 1901. Deceased had remained in undivided estate after her husband Jacob Christian Mathias (see dealings court July 27, 1888). She left 36 acres of land with house of Plantation "Hard Labour" and 6 acres land of Plant Mollendal, a total valued to \$93.00..."

Heir no. 2 James Jacob Mathias have declared that he intended to remain in undivided estate.

No. 32 On July 22, 1904 continued dealing in estate Hard Labor: 1/7 of estate to following children: Charlotte Elizabeth Harley born Mathias, James Jacob Mathias, Christian Jacob, John Henry, Carmelita Exra, Jacob Christian, Edwin William.

The cut and dry legal apportionment of the estate into seven equal shares, one for each of the Matthias children, never corresponded, however, to the way in which the land was used in real life. This is revealed in the following life history as related by one of the oldest persons who lives in Hard Labor today. This is Miss Ina George, who was born in 1917, a few weeks before St. John transferred from Danish to American rule:

When I found myself I was living in Hard Labor, where I grew up. I was living with my father and stepmother. I was born on February 15th, 1917, just before the Transfer, and I lived in Hard Labor until I was eight years old. My mother died when I was two years old, and my father remarried. . . .

Hard Labor was, and is, family land. The land goes from one generation to another from my grandparents. They got the place, I cannot tell how, because I don't know, but when they died it went to their children, and when their children died it came to us. When we die, we got our children, and it goes to them, and when they die, it goes to their children. That is how it is. . . . I am turning my land over to my son and daughter, and they are building a house on my land and now live in the downstairs. They are trying to finish the upstairs. Both my son and daughter were in the States, but they have come back.

There were five brothers and two sisters who inherited the original estate: James, Christian, John (my father), Edwin and Jacob. James married twice, and his part of the Hard Labor land went to the children of his first wife, whereas the children of his second wife got land that he purchased at Mondahl. Edwin moved to St. Thomas and died there. Christian was living in Hard Labor but had moved to Salt Pond to where his daughter's land was, and he was taking care of cattle there. He died in St. Thomas. Jacob went to the States and came back, and John lived in Hard Labor all his life. The two sisters were Charlotte, who went to the States, and Carmelita, who went to St. Thomas. Charlotte was given three acres, called Miland, which was cleared out of the estate. Her mother and father gave her that land when she married. This land went to her and her children. The rest

of the land went to the rest of the family. Most of the brothers and sisters moved away, and I only met my father and uncle Jacob at the estate, when I grew up. The others I met in St. Thomas and other places.

You could pick a piece of the land to build a house. You would tell the older ones that you were going to fence off a piece to build a house or to cultivate a garden, either in the hill or even around the house. You just asked the brothers for permission. They would say "go ahead," we were all family.

Today I and my two children occupy some of the land. My nephew Austin Dalmida has a house there where his mother, my older sister, lived. One of my father's (John's) children by his second marriage, her name is Vernice Matthias, also lives there. Jacob's widow, Maria Matthias, still lives here, and Louis Jackson lives here also — he is a descendant of Christian Matthias, and he has inherited the land through his mother Alvera, who died some years ago. We had a burial ground under the calabash tree in the back of the yard by Alvera's house. There is no evidence of the graves today. Only the calabash tree is still standing. When my father, John, died he asked to be buried by his house under a cashew tree, because he didn't want to be buried right back of Alvera's yard. He also asked that a tomb be placed over his grave, because he didn't want anybody to dig up his bones. I have not done that yet, but I haven't given it up, I still remember this.

When I was eight years old I was sent to live with a lady in St. Thomas. I went to help the lady to do work, because the lady was pregnant. It used to be so that many people on St. Thomas were eager to have a good St. John boy or a good St. John girl in the house as a helper. I don't think it is so any longer, because I haven't heard anybody coming for children on St. John lately. The children did a lot of work, but I didn't mind. I stayed with different ladies and went back and forth to St. John several times. . . . When I was ten years old, a Danish family, Captain Low, wanted to take me to Denmark with his family. I really wanted to go, but then my stepmother came to get me, because she needed me in St. John to help her. I cried, I didn't

want to go home. After I left St. Thomas, Mary Wiltshire, my cousin, later was sent to the same lady to stay with her.

*I had to go back to St. John, because my stepmother had a baby and needed help. I went to school on St. John until I was 13 years and in the last grade, sixth grade. Then I was taken out of school. My stepmother received permission to take me out **early**, because my father had become ill, and my stepmother needed more help. At that time we were supposed to go to school until we were 15 years old, but you could get special permission to take children out from school. I was very disappointed and cried, when I was given the card that gave me permission to leave school early, because I wanted to be a nurse or teacher. My father was sick, and the doctor had put him in bed for six months. I began to do all the work with my stepmother. I burned charcoal with her ~ the pond where Miss Lucy lives now I burned all the stumps with my stepmother for Mr. Matta who used to come down for the coal. And I worked the ground. I was only 13 then. . . .*

I have lived in St. Thomas and the States, where on occasion I would join my husband who was a career navy man for 22 1/2 years. But I have always come back to St. John, and I have lived on St. John for many years now. I helped my father build his house, and the house was to go to me for that reason, after my stepmother died. But at that time I already had my own house, and I therefore said that my sister Vernice could have the house, and she is still there. My three children were in the States for many years. My oldest one died in Vietnam, my younger son was in the military for 22 years and just returned one and a half years ago, and my daughter returned several years ago. . . A³

It is apparent from Miss Ina's life history that only two of the children of Jacob Christian and Magdalena Matthias, John Henry and Jacob Christian Matthias, lived in Hard Labor for most of their lives. The others moved to other areas of St. John or off the island to the neighboring island of St. Thomas, which was a commercial center, or to the United States. This was very much in the spirit of family land. In fact, this is what makes the institution of family land operable. If all seven brothers and sisters and their descendants had chosen to settle in Hard Labor the area would have become

overcrowded within one or two generations. Thus one of the five brothers had 13 children. Each of them was entitled to $1/13$ of his $1/7$ share of Hard Labor, which meant $1/91$, or about $1/3$ of an acre. Their children, in turn, would be entitled to tiny fractions of shares in the estate and entirely useless pieces of land. Because so many opted to leave Hard Labor, however, the relatively few who stayed behind were able to use more than their share of the land and hence to settle and make a living on the estate.

Since claims were held in the land by virtue of descent, not by virtue of using it or living on it, those who left never lost their right in the land, but could return to it at any time. Indeed, it was quite common for people to return to the land after years of absence. As Ina George's life story showed, such a period of absence could begin already during childhood, because of the common practice of sending St. Johnian children to homes in St. Thomas, where extra help was needed with various domestic chores. This was especially common in those St. Johnian families who had a great deal of children to provide for. Most of these children eventually returned to their home on St. John, but many left again for longer or shorter periods of time in adulthood in order to seek wage employment off island.

There was also a fair amount of movement within St. John. Some moved away to property which they had purchased of their own and to which they therefore held clear title. This was the case with James Matthias, who bought land at a nearby estate after he had married his second wife and started a new family with her. Women, and to a lesser extent men, also moved away upon marriage to live on land owned by their spouse or the spouse's family. Their claim in their own family land always afforded them, however, the possibility of returning any time they wished. This was particularly important for women who usually were the ones to move at marriage, since it was customary that a husband provided a house for his wife. 14 Because women retained a claim in their own family land they had a certain amount of independence of movement. Austin Dalmida, who was born on St. Thomas, where his parents were living at the time of his birth, thus explained how access to family land enabled his mother to go back to St. John, when she wanted to leave her husband on St. Thomas:

So she went back to her family on St. John. The family land was there for her to go to when she needed a place to stay. . . . [W]e were first living in my aunt Alexandrina Robert's house She was living in Coral Bay and therefore said that we could live in her house,

Alexandrina being my mother's sister. We lived in her house for many years; until we felt it was too small.¹⁵

According to the population census of 1901, there were three households in Hard Labor which were inhabited by 17 persons.¹⁶ With so few residents there was plenty of land for all. As Miss Ina noted, the older brothers living on the land were usually consulted before new land was put to use, but they seldom had any objections. It was especially important that there was agreement about where the houses were to be built since they were regarded as private property which could be passed down to individuals. Austin Dalmida explained,

When my mother was going to build her house she asked uncle Jacob about building it on the edge, right by the sea. He suggested that she build it a little further up, because there was so much wind down there. But she said, "no, I want to be right on the sea," and then he said, "child, any place you want you can build a house."

It was understood that you could fence in land, that was not used by others, to make a provision ground or to have animals. You might go and ask one of the older heads, like my uncle Jacob, or grandfather, and they would say yes. It was no problem. The place where a house was standing was regarded as belonging to the owner of the house, and houses would usually be handed down to the children. . . . I don't remember any conflict over the land. Once a piece of land was fenced in to make a ground or rear animals, it had been chosen by that person, but the rest of the land was free for all to use as they would like. Even though many relatives left, we kept in contact with them and knew their whereabouts, but only those who were living on the land paid the taxes. This was not a problem, because the land had little value then.¹¹

This recollection is somewhat contradicted by Zenobia Lomax, daughter of Jacob Matthias. She remembered that the use of land for grazing did entail some conflicts:

My father believed in making grounds, he planted vegetables: sweet potatoes, okras, tomatoes, pigeon peas, water melons. My uncles

*believed in rearing animals, and they believed that the land belonged to all, so they thought that their animals could go all over. That used to bring disputes, I remember. My father fenced in his garden as well as he could, using different kinds of cactus for fencing, like the century plant. This did not always prevent my uncles' animals from coming in, and there would be conflicts over this. My uncles also had their grounds, but this was higher up in Hard Labor, where the land was considered to be better. The ground provisions were mainly for the family, but the people then believed in sharing, and my father would share all the produce*¹⁸

The main economic value of the land was the opportunities for subsistence farming which it offered. And even then, the soil at Hard Labor was not particularly good. It was advantageous to grow most of the "ground food"¹⁹ in areas with better soil on neighboring plantations:

we had our provision grounds and our livestock: goats and chicken, pigs, but not too many animals on the estate. Just enough to sell now and again and eat. We were quite dependent upon our gardens, because we ate mostly ground food. I remember that my mother preferred having her provision grounds further up in the mountain, by Lamesure and Bordeaux in a place called Cup Ghut, because the soil was better there for provision cultivation. These estates were used for cattle and run by foremen, who were quite willing to let my mother make a ground in certain areas. It was an informal arrangement, without any kind of documents, but my mother would often give the manager some of the crops, when they were good, something to say thanks. The land at Hard Labor was ok for grass and goats, but not for cultivation.

Charcoal was one of the main sources of income, and we made a lot of that in Hard Labor. When we cut bush to clear the land for provision grounds, we would make charcoal out of the bush. This charcoal was bagged and shipped to St. Thomas where it was sold. I remember helping with bagging the coal high up in the mountain, where my mother was making a provision ground, and putting it on the donkey to carry it down to the sea. We put the saddle iron on the donkey and loaded the coal on it. If the donkey was well trained, it

could go down by itself with the coal on its back. But sometimes we were in too much of a rush to make the boat going to St. Thomas, and we would bag coal that wasn't completely cold. It might then catch on fire on the donkey's back, and the donkey would kick and throw off the coal and run away through the bush. . . .

Fishing was also quite important, especially men did fishing. A person who didn 't have a boat, or who didn 't go out fishing, was able to secure fish by acquiring a fish pot and then asking someone who had a boat to tend the fish pots. They would then split the catch in two, the fisherman taking half. Few women fished, and those who did only fished for the family. Women therefore often owned fish pots that they had men tend for them.

My mother supported the family herself, but she received help from the older children and from relatives at Hard Labor. They would give what they had, just as she helped them, when she could. We were a close knit family, all were cousins and uncles, and we helped each other with whatever we could.,²⁰

Even though people lived in individual households, they were often dependent upon members of other households for certain services or goods. Thus households with no adult men had their fish pots emptied by fishermen living in other households, and there was a great deal of sharing of goods in general among the people, who basically lived like one family — which, in fact, they were. This sense of living in a network of relatives taking care of and helping each other was one of the aspects of her childhood in Hard Labor which first came to mind to Zenobia Lomax, daughter of Jacob Matthias, when I interviewed her:

We lived in what we called "the valley," the level land by the sea shore. I remember that the children of the different families used to play together. Children were in and out of the different houses, eating wherever they were, when food was being served — breakfast, lunch or dinner. People were "givish," they . . . shared groundfood, fish, whatever they had, with one another. It seemed to me that my father sometimes gave away the best fish! Everybody left the houses open,

*and if it rained, and they saw that a house was open, they would go in and close it, if those living in the house were not at home.*²¹

Much of this sharing was not confined to St. John, but involved relatives who had left the island and were living in far-away migration destinations.

Life in hard Labor involved a complex of economic activities ranging from cultivating subsistence crops and rearing animals, to burning of charcoal and fishing. These activities entailed ties of cooperation and sharing among members of the different households, which emphasized the family-quality of life in Hard Labor. Many activities were not confined to the family land, however, but took place on land owned by others and involved the people at Hard Labor in informal reciprocal relations with managers of estates as well as captains of sea boats who transported goods to St. Thomas for sale there. Hard Labor therefore was not an isolated village, but closely integrated into the economic system of the American territory.

A Place of Belonging

A major reason why Hard Labor was able to accommodate everybody who wanted to live there is the rather negative one that it has offered very limited economic opportunities. Most members of the Matthias family therefore opted to leave the estate of their own free will. As Austin Dalmida explained,

*The land was there for the family to use, but many in the family left the estate, because there was nothing for them to do in Hard Labor.*²²

Some like Ina George left already during their childhood, when they went to live and work with in private homes on St. Thomas. Most of them returned to St. John, but only to leave again after a few years in order to find wage employment outside St. John and explore the wider world. During the American period it became less common for children to grow up in the household of strangers on St. Thomas and elsewhere. As soon as St. Johnians reached adulthood, however, many left the island:

As we grew up, many of my relatives left Hard Labor [...] [Y]oungsters left for New York to find work there. Some haven't returned as yet, and we have lost contact with them. Some also went to St. Thomas.

*They left to find work. I think that it was expected that they would help the family on St. John, when they left, because the families were so close. I certainly always had it in my mind, when I went to school in the States, that I would come back home to help my family on St. John. But I don't remember this being ever talked about directly, it was just something which was in the air, something which one did. Especially during Christmas time I remember families sending back gifts not just to their own, but also to other families around.*²³

The ultimate aim for most St. Johnians who have left the island was to return to establish their own home on the island. Indeed, until the 1950's, it was only by leaving that it would become possible for many St. Johnians to obtain the necessary funds in order to build a house and settle down on the island. One of those who had succeeded in this was Jacob Matthias, who returned to St. John after having worked as an elevator operator in New York for a number of years. He settled on the family land in Hard Labor, married a St. Johnian woman, had a number of children with her and never moved away again. Due to his experiences outside the island he was in charge of the family land for many years and became an informal leader who was consulted by other members of the family. One of his daughters, Alice Lytch, explained,

*My father was a very smart man. He had little education, but he educated himself. Being away to the U.S. he had had many experiences, he had travelled and seen different people and worked with them. And when he came back he applied these experiences and helped others here. He had a beautiful handwriting. Everyone went to cousin or uncle Jake, as they called him, for advice. I wished I had asked him more about the land.*²⁴

The handful of households in Hard Labor today shows, however, that most family members never returned to the land. Although this case may somewhat extreme due to the difficult economic conditions in this area of the island, it does reflect a general trend for St. John. Apparently many of those who left did not feel that they ever succeeded in acquiring sufficient funds to return and settle comfortably on their family land. They kept postponing their return and ended up staying away. Others married and

started a family abroad and found it too complicated to relocate on St. John. Still others may never have wished to return.

Presence in absence

For the greater part of the family members, the land has been a place where they might go whenever they are in need, but not a place where they actually have chosen to live. The primary value of the land for the large majority who have left it is, in other words, symbolic — it is a place where they are always welcome, not an economic resource of which they actually take advantage.²⁵ Those emigrants who have lost interest in going back to St. John no longer view Hard Labor as a home. In a sense they have ceased to be St. Johnians and begun to identify with their new home. For those who have remained strongly attached to St. John, however, family land has constituted an important concrete tie to St. John which has allowed them to maintain a social presence on, and hence a cultural attachment to, the island despite their physical absence. The land, furthermore, has enabled them to entertain the idea that they may some day return to live on the island. Some of them have even succeeded in imparting this attachment to their children.

Life histories such as that of Ina George and her uncle Jacob Matthias suggest that rooting and mobility are intimately connected in the institution of family land. It is only because most family members leave, that the land can become a physical home for the few who stay. But it is also only because some relatives do live on the land and take care of it that it can remain a symbolic home and place of belonging for the many who are absent from the island.²⁶ For the many who spend most of their life away, knowledge of having land on the island is a primary source of their attachment to St. John. For Jacob Matthias¹ daughter, Alice Lytch, who maintains her ties to St. John after more than 40 years in New York, her identity as a St. Johnian and share in the land at Hard Labor are so closely connected that it is impossible for her to conceive of one without the other. When asked whether she thought that she would have lost her tie to St. John if she did not have land on the island, she looked perplexed and replied that she could not imagine not having land on St. John.

Family land in a modern tourist society

Since the 1950's, St. John, along with the other Virgin Islands, has become an increasingly popular destination for tourists. Most of the old plantations have been converted to an American national park, the boundaries of which now circumscribe about two thirds of the island's acreage. Guest houses, hotels, vacation homes and various tourist related businesses have been constructed on much of the remaining private land, and the island's population has increased from less than 750 in 1940 **to more** than 3,500 in 1990, as people involved in the tourist industry and retirees have moved to the island from North America and the surrounding West Indian islands. As a result of these dramatic economic and social changes, property values on St. John have risen sharply during the last 40 years. An acre of land which was sold at approximately \$20 during the 1940's, could fetch several hundred thousand dollars during the 1990's (Olwig 1994). The temptation to sell land to reap the profit from this increase has been great, and some small holders who had dear title to their property have sold land.

For resident St. Johnians today, selling of land is no longer tempting, however, because without a land base they exclude themselves and their children from having a home on the island. On the other hand, for many of the second, third, fourth etc. generation St. Johnians who live outside the island, but who have a claim to a piece of land, there is much incentive to sell, because these heirs are obligated, under Virgin Islands law, to contribute to paying property taxes on the land, corresponding to their share in the land. The land is being taxed according to its commercial value in the tourist economy. While no piece of family land can be sold without consent of all the heirs, some local families are being forced to agree to such sales, because absent relatives refuse to pay their share of the rapidly increasing property taxes. Furthermore, it is not possible to use family land as collateral for a bank loan to build a house, unless all the legal heirs agree to this in writing. In some cases this may amount to several hundred people.

The Matthias family has experienced many of these problems during the past decades and is now finding it extremely difficult to hold on to their land. The several members of the Matthias family whom I interviewed in 1994 expressed a great deal of anxiety about the future of the land. Until recent years, it posed few problems that the land was held in common by all the descendants of Jacob and Mary Magdalena Matthias. Most of those who received a share in the land left Hard Labor never to come back to live there.

Eventually they even lost contact with the family there and did not show much interest in the land. Those who stayed in Hard Labor therefore were free to use the land as they pleased.

This was a viable system as long as land had little value on St. John and taxes were low, as Austin Dalmida explained. But **when** land prices began to rise, as the island became a popular tourist destination, this began to cause serious problems. Descendants of the relatives **who** left Hard Labor many years ago have begun to show an interest in the **claim** which they rightfully have in the estate. Some of them have never helped pay the taxes for the land and are even less willing to do this now, **when** taxes have increased so much. Yet, they don't want to give up their claim in the land, which has become a considerable economic asset today. As a result of these problems, the Matthias family has built up a considerable tax debt and the estate has ended up in probate court with a view to dividing up the estate. During the long drawn-out procedures, persons, like Alice Lytch, who wish to return to the land to build their house on it, have been prevented from doing so due to the uncertain status of the land. What was formerly a source of identity and family togetherness has become a source of contention and divisiveness. Joan Thomas, one of the family's administrators of the land, explained:

To me, family land means a lot of trouble and headache. . . . The courts have appointed one or two administrators for each of the seven heirs to the property, and I and Ramon Matthias are the administrators for my section. Each family member will be notified about the status of the probate, and both of us try to collect money from each heir to pay property taxes. The bills will be totalled and divided by seven which indicates the particular share that each heir has in the land. The land is in probate, we are in the process of legalizing the seven separate owners of the land. All the heirs of Christian Jacob, my grandfather, will have legal title to one seventh of the land. . . . By dividing this [the land] in seven, each line will then be individually responsible for a particular piece of land. . . .

The law makes people sell property. They have raised taxes so high that they can't be paid. So we have to sell land to pay the taxes. And then when we sell land to pay taxes, we have to pay tax on the income we have made selling the land.²⁷

Although dividing the land may present the simplest solution today to the tax problem, it raises other problems. Those whose close relatives have lived on the land for many generations have become accustomed to thinking of the areas of land which their relatives have used as their own and find it hard to accept that they may not be entitled to all this land. After so many years on the land it seems as if they were beginning to believe that right to the land was based on use of it as well as on claims through descent. This is understandable given the lack of interest in the land shown by the absent relatives.

I had thought that my father owned a particular piece, and he thought that too. He thought that the piece of land that he had taken for himself was his to dispose of to his children. Before he died he just took a piece of paper and explained how his share of the land was to be divided among each of his children after his death. But that does not hold up in court. We have recently been told that it is not like that, the land belonged to the whole Matthias family, and each of the seven brothers and sisters who were heirs to the land (my father being one of them) had to have their seventh of the land, and all the heirs of these seven brothers and sisters must each have their share. So it looks like the land must be divided quite differently from what we had thought, in order that everybody can get their share.

This means that some of the people who have lived on the land may not be able to get the land that their houses have been on, because they are not entitled to so much land. We probably will be able to get the land that my father had built his house on, but the land that he had given his children, we may not be able to get. We had hoped that we would have been able to get the land from my father's house up to the garden, or ground, that he used to cultivate. This is what he gave to his children. We probably will get half an acre by the house, but not the land by the garden, because of the requirement that each receive their share.²⁸

It turns out that some of the family members who have lived on the land for most of their lives are also among those who have the smallest claim in the land. Indeed, in one of these families, the heirs are entitled to

no more than 0.1% of the land, not even enough to put a house on! Some of the biggest share holders, however, can be found among those "family lines" which have never used the land, and this poses another problem. Most of these relatives, of course, have no sentimental attachment to the land. It is merely an economic asset, which might be tempting to sell.

*Some in the family are afraid that the relatives who **are** away may sell out to others. They have not been there for years, they have not paid any taxes, they just know about the value of the land They may be quick to sell as they have no attachment to the **land**. A next relative sold land close **by Hard Labor**, where we **went to** get water for the animals. Now this land is gone, we cannot go there anymore. It breaks my heart because I think of the things that we used to do there, and this land is gone for ever.⁹*

The problem of outsiders purchasing family land is seen as resulting not just in a loss of land, which has belonged to the family, but also as leading to the intrusion of strangers who do not belong in the family home. This was expressed by Geneva Paris, Ina George's daughter:

We have family land because the older generations thought that it was a good idea. This is the idea that all have land and that there is no need to separate it, all the family should live like family. If they had felt differently the land would have been divided. I think that Hard Labor should remain as family land. At first I thought that dividing it is the way to go, but I don't think so now. The land should stay as it is, and we should get together as the old folks and see what we could do and make everybody happy. . . . I wouldn't like the land divided, and then some persons would sell, and outsiders would infringe on the family togetherness.³⁰

Analytical Perspectives

In a well argued and informative discussion of the controversy on the *problem of the commons*, Ottar Brox (1990) discusses common property theory (CPT) which, based on the "logic of unlimited harvesting of common and freely accessible resources," argues that "Freedom in the commons means ruin to all" (ibid.: 227). Box suggests that, while this

theory may be refuted by concrete empirical case studies, it offers a useful analytical tool which helps researchers direct their attention to central issues in the study of commons. At the same time, however, he concedes that the tools offered by CPT tend to direct the researcher's attention away from other important aspects of the commons so that CPT-based analyses of commons tend to present rather one-sided views of commons. This case study of Caribbean family land can be seen to be an example of the usefulness and especially the limitations of the CPT approach.

The demise of family land on St. John during the past decades supports the CPT interpretation of commons. Family **land** was clearly most functional when St. John was thinly populated, due to the fact that the majority of family members opted out of the poverty stricken subsistence economy which characterized the island. As soon as family land became an economic asset of considerable worth, it became experienced as a scarce resource which in practice was enjoyed by only a few members by the family, but financed by all. The spirit of family togetherness therefore disappeared, and the land lost its status as a commons shared and cared for by the family, and it became necessary to divide it into individually owned pieces of property. At the same time, it is apparent that this interpretation entirely ignores the cultural and social importance of family land. Family land never was primarily an economic resource, to be exploited by people for their own private gain. It rather provided a place of belonging and rooting for the global network of relatives who were scattered in various migration destinations.

If CPT offers a useful analytical framework for understanding why family land on St. John has disappeared to a great extent during the past 40 years, it is fair to conclude, however, that the CPT approach basically is only able to explicate what family land *is not*, and not what it *is* or *was*. Family land never was intended to be an economic investment in the capitalistic economy, but rather was meant to be a place of family togetherness and belonging for people living on the slim pickings of the capitalistic economy of the Western world. One might even argue that it attained its value because it was defined in opposition to the more exploitative economic principles of the capitalistic economy. The widespread practice of sharing and cooperation practiced among members of different households on the family land was radically different from the sharp economic practices experienced in commercial centers and migration destinations off the island. It was also in strong contrast to the social and economic relations

which had prevailed on the sugar plantations during slavery and the post-emancipation era. This was emphasized by the older St. Johnians when they recounted memories of slavery which had been related to them by older family heads. The importance of the migrants' maintaining good relations with residents on family land by sending them remittances and gifts, also validated the idea of family land as a site of generous and unselfish relations based on moral principles of family togetherness rather than on formal principles of capital gain and legal rights.

Such principles, however, have intruded into the family land system during recent decades. This happened, as the land became appraised on par with private property, acquired at highly inflated tourist prices, and taxed accordingly, and as the courts upheld a strict legal definition of property rights in land based entirely on lines of descent, whether or not the descendants had ever been concerned with the family on the land. It can be no surprise that such externally imposed principles led to the demise of much family land, because these principles are, basically, incompatible with the cultural and social values which sustained family land. If CPT may explain why family land has collapsed under the weight of an externally imposed and uncontrollable economy and legal rationality, it cannot account for the social, cultural and economic significance of family land as it developed and flourished according to its own principles. I think this shortcoming is so serious that the analytical value of CPT is rather limited. By adopting it as our analytical framework we are, in essence, using as our point of departure the conceptual principles of the very economic system which constituted an important counter image to family land throughout its existence.

Notes

¹This research has been published, among other places, in Olwig 1984,1985, 1994.

²Emancipation of slaves in the Caribbean in general occurred over a much longer period, from 1791 to 1863 (Lowenthal 1972:50).

³See, for example, Besson 1979,1984,1987,1995; Crichlow 1994.

⁴This is in contrast to Nevis in the British West Indies, where family land was not legally recognized, but has maintained an "invisible" existence in rural communities. When during field research on this island I asked a Nevisian who had been a practicing lawyer and judge on the island for a life time whether he knew of family land where heirs hold land in common he flatly stated, "I do not know of family land, if that means land which members of a family can share and use without dividing it at all from one generation to another. The law does not give legal rights of that nature ____ If people have undivided land for generations,

this is because of ignorance and lack of consciousness about the law, and such people now go to lawyers about it to have it fixed." See also Olwig (1993).

⁵This is discussed more fully in Olwig (1985).

⁶The development of family land on St. John is described in Olwig (1984).

Population censuses (*Folketællinger*) were conducted in 1835, 1841, 1846, 1850, 1855, 1857, 1860, 1870, 1880, 1890, 1901, 1911. Unfortunately, most of the census returns from the 1835 census, and all the returns from the 1890 census have been lost.

⁸St. John was divided into five quarters: Cruz Bay, Maho Bay, Reef Bay, Coral Bay and East End. The major plantations were located in the first three quarters where the conditions for cultivating sugar were more favorable. The exception is estate Carolina, the largest plantation on the island, which is located in Coral Bay.

⁹*Folketædtingerne* 1841, 1846 (Rigsarkivet), *Liste over Fricouleure* **1833** (National Archives).

¹⁰*Folketællingerne* 1841, 1846 (Rigsarkivet).

¹¹*Matriklen* 1845-1917 (Rigsarkivet).

¹²The circumstances behind Jacob Matthias' death are described in the records of the probate court (1859-1902:180).

¹³Ina George, 1994.

¹⁴Analyses of the population censuses taken in 1901 and 1911 showed that more than half of the St. Johnians were living on the husband's family land, whereas less than a quarter had moved to the wife's family land. About 10% had moved together on estate land, and the rest were living on land that I was unable to classify according to ownership (Olwig, 1985:123).

¹⁵Austin Dalmida, 1994.

¹⁶*Folketællingen* 1901 (Rigsarkivet). This includes a household located on Charlotte Harley's parcel of Hard Labor.

¹⁷Austin Dalmida, 1994.

¹⁸Zenobia Lomax, 1994.

¹⁹This is the term originally used to refer to the provisions grown on the plot of land, or "ground," which slaves were allowed to cultivate. This will be described in greater detail in Chapter three, "Grounding on St. John."

Austin Dalmida, 1994.

²¹Zenobia Lomax, 1994.

²²Austin Dalmida, 1994.

²³Zenobia Lomax, 1994.

²⁴Alice Lytch, 1994.

²⁵This aspect of family land has been discussed by Jamaican anthropologist Jean Besson (Besson, 1987).

²⁶The importance of family land as a symbolic resource in the Caribbean has been discussed by Jean Besson (1987).

²⁷Joan Thomas, 1994.

²⁸Zenobia Lomax, 1994.

²⁹Zenobia Lomax, 1994.

³⁰Geneva Paris, 1994.

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