

## **WORKSHOP DRAFT**

**Not for quotation**

### **“HISTORY, CULTURE AND LAND IN THE ENGLISH-SPEAKING CARIBBEAN”**

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**Keynote Paper for the Workshop on  
Land Policy, Administration and Management  
for the English-speaking Caribbean  
Hilton Hotel, Port of Spain, Trinidad, March 19-21, 2003**

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**This paper was prepared for the *Workshop on Land Policy, Administration and Management in the English - Speaking Caribbean*, which was supported in part by the Inter-American Development Bank (IDB), the US Agency for International Development (USAID), the Department for International Development (DFID) and the Ministry of Agriculture, Land and Marine Resources, Government of Trinidad and Tobago**



Ministry of Agriculture, Land and Marine Resources  
Government of the Republic of Trinidad and Tobago



Inter-American  
Development Bank



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## 1. Introduction

It is an honour to be invited to contribute the Keynote Paper on “History, Culture and Land in the English-speaking Caribbean” for this timely Workshop on “Land Policy, Administration and Management for the English-Speaking Caribbean”, at the dawn of the twenty-first century. As the Workshop organizers have highlighted, “the importance of land policies as a basis for securing property rights and access to land, as well as establishing the basis for the functioning of land and other factor markets in Caribbean countries is well recognised”.<sup>2</sup> Moreover, “land continues to be a key household asset and transparent low-cost ways of documenting land ownership are essential to ensure land access, increase productivity and investment, and promote sound governance at local level”.<sup>3</sup>

Within these contexts, my brief is to explore “the wider historical, social and cultural trends underlying current debates about land policy, management and administration in the Caribbean”, so as “to bring to the surface some of the social and cultural attitudes that frame debates about land policy and practice, yet which usually remain unspoken”.<sup>4</sup> In this way this Paper aims to contribute to the Workshop’s general objectives, which include the development of “a Caribbean perspective on land administration and management, in order to ensure that the policies of international agencies reflect the realities of the region”.<sup>5</sup>

To develop this Keynote theme, I have been asked to briefly review “the process of colonial acquisition of indigenous territories, the reception of European land law and the development of official land tenure regimes, designed to restrict

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<sup>2</sup> I quote from the “General Concept” of the Workshop’s Terms of Reference (TOR) for this Keynote Paper, page 1.

<sup>3</sup> TOR, “General Concept”, page 1.

<sup>4</sup> TOR for this Keynote Paper, p. 2.

land-ownership, prevent the growth of a peasantry<sup>6</sup> and ensure the continued generation of wealth for elite groups, in both the pre- and post-Emancipation era”.<sup>7</sup> I have been requested to then “trace the evolution of alternative – unofficial – land tenure regimes, embedded in kinship, community and ethnic identity, which arose in opposition to the legal system of land ownership”.<sup>8</sup> This Paper should also “trace shifts in land policy in the era of decolonization and the attempts which were made to transform the legal tenure system, as part of the process of nation-building, in order to mediate between these two competing tenure regimes”.<sup>9</sup> In addition, a focus is requested “on the implications of this history [for] the present day dynamic interplay and tensions between the two contrasting perspectives, including their articulation with family and gender issues, environmental concerns, ethnic conflict, and policy debates”,<sup>10</sup> and on “the debates concerning the role of the land market in overall economic development in the light of these two contrasting perspectives”.<sup>11</sup> This Paper “should be regional in scope”, “a broad historical and cultural survey”, and

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<sup>5</sup> TOR, “General Concept”, p. 1.

<sup>6</sup> In this Paper, as elsewhere, I draw on and develop Sidney W. Mintz’s perspectives on Caribbean peasantries. Sidney Mintz identified the persisting neglect of such small-scale landholders, who “represent a *mode of response* to the plantation system and its connotations, and a *mode of resistance* to imposed styles of life” (1989:132-33). Mintz defined “peasantry” in general as “a class (or classes) of rural landowners producing a large part of the products they consume, but also selling to (and buying from) wider markets, and dependent in various ways upon wider political and economic spheres of control” (ibid:132). He later qualified the criterion of land ownership by noting that peasants are “small-scale cultivators who own or *have access to land*” (ibid:141, my emphasis). He further argued that “Caribbean peasantries are, in this view, *reconstituted* peasantries, having begun other than as peasants – in slavery, as deserters or runaways, as plantation laborers, or whatever – and becoming peasants in some kind of resistant response to an externally imposed regimen” (ibid:132).

<sup>7</sup> TOR, Keynote Paper, p. 2.

<sup>8</sup> TOR, p. 2. See also Besson 1979, 1984a, 1984b, 1987a, 1987b, 1992a, 1995b, 1995d, 1999, 2000, 2001, 2002b in which these ideas are put forward and developed.

<sup>9</sup> TOR, p. 2. Cf. Besson (1974-2002b).

<sup>10</sup> TOR, p. 2. See also Besson (1984a-2002b) on these themes.

<sup>11</sup> TOR, p. 2. Cf. Besson (1974-2002b).

“interwoven with specific empirical illustrations drawn from a range of the territories of the region”.<sup>12</sup>

I therefore begin, in the first section of this Paper, with a brief examination of “the process of colonial acquisition of indigenous territories”.<sup>13</sup> Such an outline must initially situate the English-speaking Caribbean in the wider context of the Caribbean *oikoumenê* or Caribbean region as historically and socio-culturally defined (Mintz 1971, 1989, 1996a).

## **2. The Colonial Acquisition of Indigenous Territories**

The Caribbean *oikoumenê* or societal region is a great historic world area, unified by its common history as the oldest colonial sphere with the most extreme experience of colonization and the “most remarkable drama of culture-building in the modern world” (Mintz 1996a, 1980:15). This historic creation was partly forged through the acquisition of indigenous territories by Europe, following the overseas expansion of the Portuguese nation-state in the early and mid-fifteenth century (Greenfield 2000) and the arrival of Columbus on the island of Guanahani (renamed San Salvador) in the Bahamas in 1492.

This European expansion was reinforced by legal domination of indigenous land. Following the landfall of Columbus, who represented the Spanish monarchy, a colonial legal treaty of 1494 partitioned the Americas between Portugal and Spain (Williams 1964:3).<sup>14</sup> For about one hundred years Spain ruled the Antilles and

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<sup>12</sup> TOR, p. 2.

<sup>13</sup> TOR, p. 2.

<sup>14</sup> This treaty, the Treaty of Tordesillas, followed (and modified) a series of papal bulls issued in 1493 “which established a line of demarcation between the colonial possessions of the two states” (Williams 1964:3).

surrounding coastlands of the Caribbean Sea unchallenged from Santo Domingo on the island of Hispaniola, the first New World colony.

From around 1600 the British, the French and the Dutch (and later the Danish and Swedish) began to challenge Spanish control of Caribbean indigenous territories. First, the Dutch settled Essequibo, now part of Guyana. Then in 1624 an Englishman, Thomas Warner, financed by a London merchant Ralph Merrifield, arrived in St. Christopher/St. Kitt's. In 1625 Merrifield, with the patronage of the Earl of Carlisle, obtained land grants from the King of England to settle St. Kitt's, Nevis, Montserrat and Barbados (Hart 1998:5). In 1627 the English King granted Carlisle "the islands of St. Kitts, Nevis, Grenada, St. Vincent, St. Lucia, Barbados, Martinique, Dominica, Marie Galante, Guadeloupe, Antigua, Montserrat and several others, some of which did not exist" (ibid:5). Following English settlement of Barbados in 1627, "financed by the Courteen brothers, Anglo-Dutch merchants" (ibid:6), Warner settled Nevis in 1628. The Courteen brothers, with their noble patron the Earl of Montgomery and Pembroke, also obtained a royal grant to Trinidad. However, Trinidad (sighted by Columbus in 1498 and settled by Spain in 1592)<sup>15</sup> would remain under Spanish rule until the British conquest of 1797, despite French settlement in the late eighteenth century (Brereton 1981; Besson 1989). In 1629 New Providence (now Nassau) in the Bahamas was colonized, though the settlement was destroyed by the Spanish in 1641 (Hart 1998:6).

In addition to Essequibo, the Netherlands acquired Berbice (now in Guyana) in 1626; Curaçao, Aruba, Bonaire and St. Eustatius in 1634; and Saba in 1640. These Dutch colonies were recognised by Spain in 1648. In 1635 the French took Martinique and Guadeloupe, and subsequently colonized St. Barthelemy, St. Martin,

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<sup>15</sup> With the founding of San Josef de Oruna (St. Joseph).

Grenada, St. Lucia, the Saintes and Marie Galante (Hart 1998:7). In 1655 the English captured Jamaica and by 1670 Spain recognized England's colonies. In 1697 France took western Hispaniola, which became wealthy Saint Domingue.

Many Caribbean colonies changed hands (some several times) among the various colonial powers, in the competition to acquire indigenous territories in this "Cockpit of Europe", and some territories were divided (Williams 1964; Hart 1998). However, by the time of the Treaty of Paris in 1815 Britain (unified in 1707) was the dominant naval power and had consolidated the British West Indies. These territories included Jamaica, the Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, St. Kitts) the Windward Islands (at that time Dominica, St. Lucia, St. Vincent, Grenada, Tobago), Barbados, Trinidad, the Bahamas and British Honduras (now Belize). They also included British Guiana (now Guyana), with the ceding of Essequibo, Demerara and Berbice by the Dutch in 1814, though the Netherlands retained Dutch Guiana (now English-speaking Suriname).<sup>16</sup>

With the Monroe Doctrine of 1823, the United States constrained further European penetration of the Americas (Hart 1998:13-14). Spain would lose its last Caribbean colonies of Cuba and Puerto Rico to the United States in 1898, following the Spanish-American War. In 1917 the Danish West Indian islands of St. Thomas, St. Croix and St. John, colonized by Denmark between 1717 and 1733 (Olwig 1985:13-14), became the American Virgin Islands and joined the English-speaking Caribbean. Providencia, although a dependency of Spanish-speaking Colombia, was settled in the early nineteenth century by Jamaican planters and their slaves and is also a part of the anglophone Caribbean (Wilson 1995).

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<sup>16</sup> For a discussion of Dutch Guiana/Suriname from an anthropological/linguistic perspective see Mintz and Price (1992).

Through the aggressive colonial acquisition of indigenous territories the native populations of the Caribbean region were virtually eradicated. The Taino Arawaks of the Bahamas and Greater Antilles were swiftly wiped out, within about fifty years, and the Kalinago Caribs of the Lesser Antilles were all but gone within two centuries. Today only a few pockets of indigenous peoples remain, as on the Carib reservations of Dominica and St. Vincent (Honychurch 1995; Gullick 1985) and the network of Caribs around the town of Arima in Trinidad,<sup>17</sup> all of whom maintain strong Carib ethnicities rooted where possible in indigenous territory.<sup>18</sup> However, the acquisition of these colonies was for profit and new peoples were imported, through African slavery and European and Asian indenture, to develop plantations in the context of colonial legal domination of Caribbean land.

### **3. European Land Law and the Development of Official Land Tenure Regimes**

The colonial acquisition of indigenous territories in the Caribbean region was accompanied by the imposition of plantations, European land law and official land tenure regimes – wiping out native subsistence economies and engrossing Caribbean land. The European plantation system was pioneered during the twelfth century in the eastern Mediterranean islands and introduced, in the fifteenth century, to the offshore Atlantic islands of the Canaries and Madeira with the beginnings of overseas colonization. As the expansion of Europe's nation-states intensified after 1492, the plantation system was transferred to the Americas, from north-east Brazil to the southern United States and throughout the islands of the Caribbean Sea. This trans-atlantic colonial agricultural expansion was generated by the emergence of a

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<sup>17</sup> In 1992, I was able to discuss such issues with Caribs in Arima, who have a strong sense of the impact of colonial conquest on their former territory.



capitalist world-system, based on Europe's distinctive view of commodity production in the so-called "satellites" or "periphery" of the European "metropolis" or "core" (Besson 2002b:37).

The plantation system burgeoned especially in the Antilles with the introduction of sugar-cane to the New World by the Spanish in the Caribbean (from Spain's Canary Islands) in 1493. Differences in Hispanic and non-Hispanic (British, French, Dutch and Scandinavian) colonial control shaped Caribbean plantations, which escalated from around 1640-1670 in the English and French territories of the Lesser Antilles; especially in Barbados, worked by enslaved Caribs and Africans, and indentured laborers from Europe. In the 1660s, as the African slave trade intensified, English Barbados was the leading West Indian sugar-producer and was probably the world's most productive economy in the second half of the seventeenth century. Barbados remained unrivalled as a British West Indian sugar colony into the first part of the eighteenth century. During this period the Leeward Islands group was the second most lucrative sugar-producer in the English Americas. However, by the 1750s Jamaica had swept ahead as the leading British West Indian sugar-producing colony and, after the collapse of the slave-plantation system in French Saint Domingue in the 1790s, Jamaica became the world's leading sugar-producer. In Trinidad, following the British Conquest of the island from Spain in 1797, sugar plantations dominated the economy by 1810; and this island, with British Guiana, became the expanding southern frontier of the British West Indies. During that time, the Dutch likewise developed Caribbean sugar-plantation colonies based on African slave labor, especially in Suriname; while the Danish developed the slave-plantation system in St. Croix and St. John (Besson 2002b:37-38, 46-47).

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<sup>18</sup> The Caribs of Dominica and St. Vincent are however confined to marginal reservations and the Arima Caribs became dependent on the Catholic church for access to land.

The Caribbean plantation system was independent of slavery. However, imported slave labor from Africa dominated the early Caribbean plantations, as elsewhere in Plantation America. The emergence of racial chattel slavery in the context of European expansion intensified after 1650, with the dominance of the English in the Atlantic and the Dutch in Asia. Factors contributing to these developments included the early emergence of the nuclear family and non-feudal land tenure, in England and the Netherlands, which led to the growth of capitalist agricultural productivity and international trade in the first half of the seventeenth century and facilitated transoceanic migration. The paradox of slavery and freedom was most pronounced among the English, who dominated the transatlantic slave trade with the expansion of their plantation system from 1650-1700 – initially in Barbados (Besson 2002b: 39, 40-41).

Estimates of the transatlantic slave trade vary. A conservative consensus is that 11.4 million slaves left Africa and 10 million disembarked in the Americas (Eltis et al 1999:5). New World plantation slavery was intense in the Caribbean and Brazil and especially in the Caribbean region, which received nearly half of the enslaved Africans arriving in the Americas. The British West Indies received over one-fifth of the slaves transported to Plantation-America (Besson 2002b:42, 46).

The consolidation of the European slave-plantation system in the British West Indies was reinforced by the imposition of European land law and official land tenure regimes. English colonial rule included the legal creation of precincts and parishes, as well as land grants from the crown in a further carving up of territory. The plantation system was based on legal freehold and primogeniture which, in the inheritance of plantations and other property, including slaves, gave precedence to the male line – especially the eldest legitimate son (Besson 1984a, 1992a, 2002b:

41, 47, 51). Michael Craton (1987) and Barry Higman (1998) have documented in detail the evolution of such English land law in the Bahamas and Jamaica. In this way, throughout the British West Indies, the elite planter classes were born.

The transplantation of such English land law to the British West Indies not only served as an instrument of domination and control but also defined the identity of the colonists as “English” and, after 1707, as “British”. This metropolitan/colonial legal system, which emphasized the absolute right of British men to property and liberty, including representative law – and reinforced by racist dogmas defining Negroes as a separate species – was used to rationalize enslavement of Africans and trading of chattel slaves (Besson 2002b:51).

#### **4. The Creation of Caribbean Unofficial Land Tenure Systems**

The unofficial land tenure systems that co-exist with legal land tenure regimes in the English-speaking Caribbean today originated primarily in slave cultures and the cultures of slavery (Besson 1995b; Palmié 1995). Throughout the period of colonial plantation slavery in African-America, enslaved Africans and Creoles resisted and opposed European land law and official land tenure regimes through rebellion, marronage and proto-peasantization – which sought to re-establish autonomy, kinship and community by consolidating customary rights to land (Besson 1992a:187, 2002b:85). Such slave response was highly developed in the Caribbean region including the British West Indies.

Slave rebellion particularly occurred in the non-Hispanic Caribbean, where the early development of slave plantations was most intense. This was especially so in the British West Indian colonies, which were the vanguard of European overseas agricultural capitalism and, with the exception of the Saint-Domingue revolution, “the

greatest slave revolts in the Western Hemisphere ... took place in [British] Guiana and Jamaica” (Genovese 1981:33; cf. Besson 1992a:187, 2002b:85).

Marronage (escaping slavery and establishing autonomous maroon communities, sometimes in association with slave revolts) typified the entire span of New World slavery and was widespread throughout African America (Price 1996). Maroon societies lived under constant threat of warfare from plantation-military regimes, and were therefore established (through squatting) in almost inaccessible areas such as mountains, forests and ravines, where such topography enabled guerilla warfare and the establishment of customary rights to land. Some maroon communities were wiped out in war, while others won freedom and legal land rights through treaties with colonial governments forced to sue for peace.

The most pronounced and longest lasting maroon communities today are in the English-speaking Caribbean territories of Jamaica and Suriname, where strong maroon ethnic identities persist. Here (and elsewhere), although customary land rights were transformed to legal freehold by the treaties, unofficial land-tenure systems have continued to evolve as significant bases of maroon ethnicities. For example, in Accompong Town in the Cockpit Country Mountains in St. Elizabeth, Jamaica – the only surviving community of the Leeward Maroon polity and the oldest corporate maroon society in the Americas (where I undertook fieldwork from 1979 to 2002) – legal-freehold treaty land has been transformed into sacred space by oral traditions, rituals and ancestral burial grounds. This sacred landscape is further reinforced by family lines, traced from the “First-Time Maroons” through both women and men, with rights of use to house-yards, provision-grounds and family cemeteries within the wider framework of the commons (Besson 1995c, 1997, 2000, 2001, 2002b:85-86). This land tenure system (with its related ethnic tensions and boundary

and tax disputes with the post-colonial state) has parallels with that of the Jamaican Windward Maroons, and similarities and differences with the customary matrilineal landholding of the maroons of French Guiana and Suriname.

The widespread “proto-peasant” adaptation was a subtle mode of oppositional slave response, based on customary land rights, and this unofficial tenure system overturned Euro-Caribbean plantation primogeniture through Afro-Creole culture-building. Here a peasant life-style was established by enslaved persons within the plantation system (Mintz 1989; Besson 1992a:188-191, 2002b:28-32, 86-90). Proto-peasantries especially typified the non-Hispanic colonies (particularly the British West Indies and French Saint-Domingue), from the eighteenth century to the abolition of slavery. With the burgeoning of the intensified plantation system, the planters faced the problem of feeding their slaves, especially with increasing warfare among colonial powers and the rising costs of importing food. Therefore, wherever topography allowed, planters allocated land unsuited to sugar-monoculture as provision-grounds for the slaves to grow their own subsistence, in addition to the yards for kitchen gardens in the plantation villages. The slaves, however, developed the provision-ground system well beyond the planters’ rationale, producing surpluses for sale in public market-places.

This proto-peasant adaptation was most striking in Jamaica (which was the first Caribbean colony to introduce the system), with its hilly plantation backlands and separate estate “mountains” and flourishing Sunday markets. In 1774, the meridian of Jamaican slavery, proto-peasant slaves controlled 20 percent of the island’s currency from their marketing activities and were the colony’s main suppliers of food and crafts. Proto-peasantries also emerged in other British West Indian colonies with mountainous or marginal land such as the Windward Islands (Dominica, St. Lucia,

St. Vincent, Grenada and Tobago), British Guiana, the Bahamas and Barbuda. There were also “petty” proto-peasants (slaves who cultivated tiny kitchen-gardens and did some huckstering) in Barbados and some of the Leewards (Antigua, Montserrat and Nevis). A highly developed proto-peasant adaptation was established in French Saint-Domingue, neighbouring British Jamaica. There were also proto-peasant adaptations in French Martinique, Dutch Guiana and St. Eustatius, and Danish St. John (Besson 1995d, 2002b:86-87).

Within proto-peasant adaptations, customary rights to house-yards and provision-grounds, and the interrelationship of kinship and land, became important bases for the reconstruction of identity and the creation of Afro-Creole/Meso-Creole ethnicities (cf. Besson, in press). British West Indian Jamaica, where the proto-peasant adaptation was most pronounced, provides clear evidence of such customary rights to land as a basis of autonomy and community among the enslaved. There emerged on the Jamaican slave plantations a “nonunilineal” or “cognatic” descent system (family lines traced from each female and male slave, through both women and men), which transmitted customary land rights to “grounds” and yards with family cemeteries. This family-landholding system paralleled in part the African concept of landholding kin groups, but departed in the New World context from African unilineal descent (traced through one gender only). This Creole cognatic descent system maximized forbidden kinship lines and scarce land rights among the chattel slaves, who were not only legally kinless and landless but also property themselves – like the masters’ livestock and land. This Caribbean cultural creation would burgeon in the unofficial family land institution among emancipated slaves and their descendants (Besson 1992b, 1995d, 2002b:28-30, 87-88).

Evidence from other Caribbean territories (for example the British Windwards and Leewards, the French West Indies, Dutch Guiana and Danish St. John), shows that throughout the Caribbean region both male and female slaves appropriated plantation land and created alternative unofficial cognatic landholding systems that were perpetuated by their descendants. In the British West Indies, unusually isolated proto-peasant adaptations, bordering on marronage, emerged in the Bahamas and Barbuda at the margins of plantation slave society. These cases provide a striking illustration of the interrelationship of kinship, community and customary land rights and their role in slave opposition and resistance. For here, well-developed alternative land tenures, based on actual or fictive kinship and on squatting and commonage, provided the foundations of virtually autonomous communities. These customary tenures were also the basis of the slaves' opposition to formal work and to their owners' attempts to move them to more profitable plantation areas in the region (Besson 1992a, 1995d, 2002b:88).

##### **5. Colonial and Unofficial Land Tenure Systems after Emancipation**

When Emancipation occurred in the British West Indies, the capitalist class conflict between planters and their former slaves continued, as did the tensions between colonial land tenure regimes and unofficial land tenure systems. Indeed, Michael Craton (1985:128) has argued that the Emancipation Act of 1833 (implemented in 1834) was "a colossal hegemonic trick". Colonial planter policies, attitudes and legislation were designed to restrict land ownership and prevent the growth of a peasantry, in order to keep the emancipated slaves as a dependent labour force for the plantations and thereby ensure the continued generation of wealth for elite groups. These strategies, however, backfired to some extent and many ex-slaves left

the plantations to establish post-slavery peasant communities beyond the estates, though this occurred in contexts of both opportunity and continuing constraint.<sup>19</sup> In these contexts they drew on official and unofficial land tenure systems – including the creation of family land from purchased land (Besson 1984a, 1984b, 1992a, 1995d, 2002b:81-98).

In Jamaica, the largest island and most populous colony of the British West Indies, the potential availability of land for a post-slavery peasantry was severely constrained by planter policies and practices, and by legislation of the planter-based Jamaica Assembly to keep the ex-slaves tied to the plantations. The initial strategy was a period of Apprenticeship, as elsewhere in the British West Indies.<sup>20</sup> The Apprenticeship system, which was intended to last until 1840, had the overt aim of “preparing” the former slaves for freedom (Holt 1992:56). But with their strong tradition of slave opposition and resistance, the Jamaican slaves had long been carving out their own autonomy and were ripe for a departure from the plantations. Apprenticeship was essentially designed to contain this expected exodus and to ensure sufficient labor for the estates (Besson 2002b:91).

After the early ending of Apprenticeship in 1838, the planters anticipated a labour problem.<sup>21</sup> In the aftermath of full freedom, attempts to counteract the expected withdrawal of labour included the Ejectment and Trespass Acts, passed by the Jamaica Assembly. These Acts, which imposed high rents on estate houses and provision-grounds sanctioned by ejection and imprisonment, were designed to create dependency on the low wages paid by the estates. The legislation was reinforced by

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<sup>19</sup> For new analysis of the flight from the estates debate (e.g. Hall 1978), see Besson 1992a, 2002b.

<sup>20</sup> Except for Antigua, where freed slaves had little option but to remain on or near the estates.



a virtual veto on selling land to former slaves. Ejection was sometimes followed up by the sale of estate mountain lands (but not to ex-slaves), as a further strategy to create a landless proletariat (Besson 2002b:91-92).

Planter policy obstructing land markets for the peasantry to some extent backfired, however, triggering as well as constraining a flight from the estates, because to establish some bargaining power regarding wages, many ex-slaves began buying land for house-spots where possible. This outcome had not been anticipated by the planters, who failed to take adequate account of either the tradition of slave opposition and resistance or the continuing alliance between the nonconformist missionaries and the former slaves (Turner 1982; Besson 2002b; Hall 2002). Although the policies and practices of most planters continued to block peasant development, the missionaries (especially the Baptists) acted as covert intermediaries on the land market between planters and ex-slaves, establishing church-founded village communities. In addition, “from the impetus provided by church sponsorship, other free villages grew without the deliberate patronage of the missionary churches” (Mintz 1989:161). As well as these nucleated villages, dispersed settlements were established by ex-slaves who managed to acquire land through purchase, rental or squatting, for some planters did sell land to former slaves, sometimes hoping to win an advantage in the labor market; other planters even made grants of land to their ex-slaves. While land scarcity was exacerbated by the absence of Crown lands for sale, there was also some squatting on Crown lands. In addition, some mountainous backlands forfeited to the Crown by colonists through failure to pay Quit Rents could be purchased or rented, though such forfeiture was discontinued after 1838 (Besson 2002b:92-93).

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<sup>21</sup> Resulting from both the withdrawal of women, young children and old people from estate labour and the withdrawal of labour due to the continued cultivation of, and sale of produce from, the provision-

Meanwhile, after Emancipation, some estate-based peasantries remained through choice; others stayed because planter policies and practices and state legislation, including the machinations of the Crown Colony Government after the Morant Bay Rebellion of 1865 (Satchell 1990, 1992, 1999), inhibited as well as triggered the flight from the estates (Besson 2002b:93). Under Crown Colony Government the state's "land lease policy was not conducive to peasant development" (Satchell 1999:60) and the island's plantation economy was re-established by the 1880s through the banana industry; while sugar estates persisted uninterrupted in the western parishes and in the south-central parish of Clarendon. The plantation system therefore continued to inhibit peasantization. In these contexts free villages, with their core of family lands, continued to provide a foothold for the peasantry. The gendered cognatic descent system at the heart of family land enabled ex-slaves and their descendents who migrated overseas to return to their home communities (Besson 2002b:106-107).

Like Jamaica, British Guiana (now Guyana), the largest British Caribbean territory, manifested the themes of post-slavery village settlements including unofficial land tenures originating in slave culture and reflected the constraining impact of state/planter legislation on the flight from the estates.<sup>22</sup> In these contexts, free villagers established "children's property" that enabled all descendants of the land purchaser to have inalienable land rights, often in a joint estate (Besson 1995d, 2002b:94).

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grounds on the backlands and mountains of the estates.

<sup>22</sup> In British Guiana a long history of slave rebellion, proto-peasantization and marronage combined with the accumulation of peasant capital and relative availability of land to trigger and sustain a major movement from the estates into free-village communities. These free villages were often created on the narrow empoldered coastal plain, through land purchase; others were based more on the maroon tradition through squatting on Crown land (Besson 2002b:94). By the 1860s, however, legislation to control the sale of land - "clearly intended to decapitate the peasant movement" - stemmed the tide of these villages (Mintz 1979:235).

Trinidad reflected an attenuated parallel of the Guyanese case. In Trinidad, after Emancipation, there was a substantial exodus of former slaves from the estates and a drive to establish villages.<sup>23</sup> The relative availability of land was, however, constrained by the general reluctance of planters to sell land to ex-slaves, high land prices and state policy obstructing the sale of Crown lands to former slaves.<sup>24</sup> Within these contexts an unofficial system of equal inheritance to land among descendants evolved in peasant communities (Rodman 1971:16; Besson 1989, 2002b:94).

Along with Jamaica, Guyana and Trinidad, the British Windward Islands (at that time Dominica, St. Lucia, St. Vincent, Grenada and Tobago) provided most opportunity for post-emancipation peasant settlement and reflected further variations on the themes of opportunity and constraint. The Windwards had a tradition of slave opposition and resistance, including gendered proto-peasant adaptations and marronage. Despite factors inhibiting the ex-slaves' access to land markets after Emancipation, especially oppressive planter policies, peasant communities were established through legal and unofficial tenures including family land (Besson 2002b:94-95).<sup>25</sup>

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<sup>23</sup> This was due to a desire on the part of the ex-slaves "to make freedom meaningful, to achieve a measure of economic and social independence of the planter ... accentuated by the tenancy system, the withdrawal of allowances in 1842, the reduction in wages after 1846, and countless other irritants" (Brereton 1981:80).

<sup>24</sup> For a discussion of the complexities of colonial state and planter policies regarding Crown lands in Trinidad after Emancipation, and debates surrounding these policies, see Wood (1968:91-97). For example, there was some relaxation of policies with the arrival of Lord Harris as Governor (ibid: 93). "As an experiment" Harris sold "1-acre lots of Crown land at Arima and Arouca", which "were the first planned townships after Emancipation" consolidated around 1846 (ibid:94; see also Besson 1989:18, 33-39, 155 n12, 158 n26). In 1846-47, Harris's policy was that "squatters already on the Crown lands should be treated leniently" in order to retain a labour force (Wood 1968:95).

<sup>25</sup> There had been proto-peasantries in Tobago, St. Lucia, Grenada, and St. Vincent in addition to some maroon communities – for example in St. Vincent and St. Lucia. Small plots of land allocated to male and female slaves had been worked by family groups, with customary transmission (Marshall 1991). During Apprenticeship, the continued occupancy of house and ground became contentious, with the apprentices claiming possession of houses, yards and provision-grounds. But as planter policies became more oppressive, former slaves, where possible, left the estates, founded post-emancipation settlements, and established legal and unofficial tenures including family land; though

Barbados, most of the Leewards, and British Honduras (now Belize) more fully repressed peasantization. In the smaller or more gently sloping islands of Barbados, Antigua, St. Kitts, Montserrat and Nevis, all of which contained dense populations, plantation agriculture was extremely dominant. After Emancipation, notable migration traditions developed in these colonies, but some ex-slave communities were established on marginal land in Barbados, Antigua and St. Kitts (Greenfield 1960; Hall 1971); where land was purchased, family land developed and enabled migrants to return (Besson 1995d, 2002b:95-96). On the other hand, in the immediate aftermath of Emancipation, peasantization in Montserrat and Nevis was almost entirely stifled by land monopoly, and estate-based peasantries consolidated (Besson 2002b:96).<sup>26</sup>

The cases of Montserrat and Nevis were paralleled, in some respects, by British Honduras (Besson 2002b:96). There, despite the potential availability of land, labor legislation and land monopoly by the mahogany planters prevented the development of a post-emancipation peasantry (Bolland 1981:600-11). But among the Garifuna or Black Caribs, descendants of Caribs and maroons deported by the British from St. Vincent in 1797 due to a colonial struggle for land, a gendered cognatic system (similar to Vincentian family land) developed in the context of post-

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some ex-slaves remained tied as tenants to the estates (Besson 2002b:94-95). Dominica, the largest and most mountainous of the British Windwards, showed both similarities to, and differences from, the other Windward Islands. A proto-peasantry had co-existed with maroon communities (Trouillot 1988:28, 68-75). Emancipated slaves did not face obstructive legislation, but the fact that coastal estates occupied most of the arable land initially curtailed flight from the plantations (ibid:81). In addition, planters ensured that the ex-slaves remained tied to the estates through task work, *métayage* (sharecropping), and rental (Chace 1984). In the later post-emancipation period, however, a peasantry became established through small purchases of land and family land was re-created (Trouillot 1988: 95-96; Besson 2002b:95).

<sup>26</sup> A relatively independent peasantry did become established in Montserrat in the 1850-70 period and the unofficial tenures of "family land" and "generation land" evolved (Philpott 1973). In Nevis, proto-peasant customary tenure consolidated among estate-based peasants and later continued in colonial land settlements (Momsen 1987). In the late nineteenth century, some family land was created in a few small villages (Olwig 1993, 1997b).

slavery land monopoly and Black Carib ethnicity (Solien 1959; Gullick 1985:18).

In contrast to the extreme control of ex-slaves in Montserrat, Nevis, and Belize, there was benign neglect, or more room for manoeuvre, in the Bahamas and Barbuda – though constraints operated even in these contexts (Besson 2002b:96-97). After emancipation in the Bahamas, when legislation designed to restrict ex-slaves' access to land proved impractical to enforce, proto-peasantries evolved into free communities. However, emancipated slaves were not entirely free from coercion, as “credit and truck” systems were introduced to keep them “in a position of ‘practical slavery’ ” (Johnson 1991:84). In this context Bahamian customary tenures, merging aspects of “generational property” and commonage, provided some autonomy (Craton 1987; Besson 1987b; 1992a, 2002b).

From 1680 to 1870 Barbuda had not been a plantation island but a private fief of the Codrington family, which owned Antiguan sugar plantations and lived in England. But Barbuda was not entirely isolated from the plantation system, and Barbudan slaves “died when removed by force to Codrington estates in Antigua” (Berleant-Schiller 1987:123). Nevertheless, Barbuda's emancipated slaves did not have to find land but only retain it. House-yards were transmitted either to all descendants or on the basis of household participation; bush land was used as commonage, except for fruit trees (and the immediately surrounding land) which could be passed on to an individual's descendants. However, throughout the post-emancipation period and after Crown Colony Government was established in 1899, there were successive external attempts to impose commercial agriculture on the island. Barbudans successfully opposed these attempts through their unofficial land tenure system (Berleant-Schiller 1977, 1978, 1987; Besson 1987b, 1992a, 2002b:96-97).

These tensions between post-slavery planters and ex-slaves, and their contrasting land tenure systems, had parallels in the Danish, French and Dutch Caribbean (Besson 1995d, 2002b:90-91, 97-98). These conflicts were further complicated, especially in the southern Caribbean colonies of Trinidad and British and Dutch Guiana, by the importation of Asian indentured plantation labour – particularly from India but also from China (and Java) between 1838 and 1918 (Besson 1989; Hart 1998:50-53; Look Lai 1993; Mintz 1996b) <sup>27</sup> For example, Millette (1999:61) notes that “Indian immigration more than other scheme of worker migration into Trinidad after emancipation assisted the planters in overturning the ascendancy [sic] of the labouring population which had existed in the years immediately after emancipation”; though, as Hart (1998:53) observes, “the Indian indentured labourers were shamelessly exploited in conditions little better than had been experienced by the slaves”. Such colonial strategies elaborated Caribbean ethnicities and conflicts in relation to land.<sup>28</sup>

## **6. Shifts in Colonial Land Policy and Decolonization**

From the end of the nineteenth century into the era of decolonization (from around the 1930s to the 1980s), there were shifts in colonial/post-colonial state land policy,

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<sup>27</sup> Look Lai (1993:19) states that of the 536,310 immigrants to the British West Indian plantations between 1834 and 1918, “83.5 percent came from Asia alone, 80 percent (429,623) from India and 3.5 percent (17,904) from China. British Guiana alone absorbed 56 percent (300,967) of the total migration, 55.6 percent (238,909) of the Indians, and 76 percent (13,533) of the Chinese. Trinidad absorbed 29.4 percent (157,668) of the total migration, 33.5 percent (143,939) of the Indians, and 15 percent (2,645) of the Chinese”.

<sup>28</sup> Some scholars have drawn a related contrast between intensive economic land use by Indo-Caribbeans (e.g. for rice farms in Guyana) and under-cultivation by Afro-Caribbeans resulting from symbolic views of land (Freilich 1960; RT Smith 1964; Hanley 1987). However, similarities among Afro-Caribbean and Indo-Caribbean access and attitudes to land also emerged; for example, in my research in Trinidad in 1992, I encountered East Indian oral traditions that place a high symbolic (as well as economic) meaning on land and that also tell of colonial breaches of indenture contracts that were supposed to either return their ancestors to India or provide land grants (cf. Hart 1998:53), neither of which occurred (compare Hanley 1987:184-188; Mohammed 2003).

as land settlement schemes became a focus for land administration and management in the English-speaking Caribbean (Momsen 1987; Stolberg and Wilmot 1992; Besson 1995e); though colonial nonconformist missionaries had introduced free village land settlements after Emancipation, for example, in Jamaica and Antigua (Paget 1964; Henshall [Momsen] 1976; Besson 1984b, 1995f, 2002b).

Colonial state land settlement policy was introduced from 1897-1916, beginning with the 1897 Royal Commission that addressed the extreme planter opposition to peasantization in the Windward Island of St. Vincent (Momsen 1987:49-53). With the decline of sugar-plantation agriculture in the colony in the early 1890s and the Commission's recommendation of government land settlement for small-scale agriculture, in 1898 St. Vincent "was given an Imperial grant of £15,000 and the land settlement scheme was launched under the provisions of the Land Settlement Ordinance of 1899" (ibid:50). However, the settlements in St. Vincent (which were based on legal freehold) were not entirely successful, due to administrative, managerial and environmental factors.<sup>29</sup> Nevertheless, "similar land settlement schemes were set up in the Grenadines" – in Carriacou in 1901 and Union Island in 1910 – and the Commission's recommendations were also acted on in Trinidad and Jamaica (ibid:52-53).

During the First World War there was renewed sugar-plantation prosperity. This was however short-lived and was followed by the Sugar Commission of 1929-30 and the Moyne Commission of 1938-39, both of which reactivated the colonial solution of land settlement for small-scale agriculture (1929-1960); for example in

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<sup>29</sup> For example, "expansion of settlement continued to be related to the purchasing power of the peasantry", and "purchasers had to reside on their land for 16 years while paying for their holding in regular installments and to carry out all the instructions of the Officers of the Imperial Agricultural Department of the West Indies on pain of forfeiture of their land" (Momsen 1987:50, 52). In addition, "many of the plots which were sold were laid out on steeply sloping land with easily eroded, volcanic ash soils or on land otherwise considered unsuitable for agriculture" (ibid:52).

Jamaica, Trinidad, the Windwards and later in the Leewards (Momsen 1987:53-54). The Moyne Commission addressed unemployment and labour unrest in the British West Indies (a century after Emancipation) in terms of morality and welfare (Clarke 1966; Smith 1966), and “saw land settlement as a solution to the unemployment problems of the period” (Momsen 1987:53).

W. Arthur Lewis (later Sir Arthur) among others, however, critiqued the Moyne Commission, advocating development instead of welfare.<sup>30</sup> He argued that “continued dependence on agricultural exports would ensure poverty in the West Indies and that therefore alternative, nonagricultural industries must be developed” (Holt 1992:393). This intellectual position had a significant impact on official policy and the development thinking of emerging Caribbean nation-states in the 1950s and 1960s. Lewis advanced a dual economy model of traditional/backward and advanced/modern sectors, with small-scale agriculture being included as “backward”. He proposed that surplus agricultural labour should be shifted into the nonagricultural sector, thereby creating cheap labour for outside investment capitalists to generate industrial growth (Binns 2002:76). This strategy was first introduced in Puerto Rico and it has been argued that this “Puerto Rican model” created the modern Caribbean state (G. K. Lewis 1985:233-34).

However, Sir Arthur’s ideas were criticized by “Caribbean radical-liberal economists and more specifically Marxist economists” on four grounds: rather than local capitalist expansion, foreign multinationals drained profits; rising wages undercut cheap industrial labour; industries became capital-intensive; and

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<sup>30</sup> Sir Arthur Lewis, a St Lucian economist (who had worked in the Department of Agriculture in St. Lucia before taking his degree in London), was a Fabian-socialist lecturer at the London School of Economics and a leading member of the League of Coloured Peoples in Britain in the 1930s – critiquing the Moyne Commission through the League. He became Nobel Laureate and Principal of the University College of the West Indies in Jamaica.



unemployment rose as a result of the denuding of agriculture (G.K. Lewis 1985:234). The dual economy thesis was also critiqued for confusing economic growth with development, and for “failing to appreciate the positive role of small-scale agriculture in the development process” (Binns 2002:76).

Notwithstanding Sir Arthur’s influence, with the achievement of political independence in the British West Indies from the 1960s land reform became a focus of agricultural development, for example in Jamaica, Dominica, Grenada, St. Vincent, St. Lucia, Trinidad, Montserrat and Nevis. This included new forms of land settlement such as co-operative state farms as in Jamaica, Grenada and St. Vincent. Within such contexts the debate on leasehold and freehold land-settlement tenure continued (Momsen 1987:54-57, 59-61; Augustin 1992; Stolberg 1992).<sup>31</sup>

However, George Beckford (1972) highlighted the persisting poverty of the West Indian peasantry due to escalating land monopoly resulting from the transformation of the plantation system by corporate capitalism, reinforced by the extraction and tourist industries. Likewise, Woodville Marshall (1968) underlined the

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<sup>31</sup> For a detailed discussion of this debate see Janet Momsen (1987:59-61). For example, as Momsen notes (*ibid*: 59), “There has been considerable discussion in the Caribbean as to the relative merits of freehold and leasehold tenure on land settlements and this argument is still alive today particularly in relation to the settlements in Montserrat and Nevis, and the new Model Farm project in St. Lucia. It has often been suggested that the West Indian small farmer insists on freehold land settlements, and the Royal Commissions of 1897 and 1929 both proposed peasant proprietorship, but Lewis (1951) felt there was little evidence to support this view. The contemporary situation indicates that although full legal title to land is not essential, land occupation must offer the peasantry the security and independence generally associated with freehold land.” Momsen goes on to outline and assess land management of land settlements in a range of territories. She also adds (p.61) that “Beckford (1972) argued that under freehold tenure the distribution of landholdings would inevitably become unequal and he favoured government ownership of existing estate lands and their distribution to farmers under long-term arrangements. However Zuvekas (1978) suggests that farmers generally do not regard even 20-year leases as providing sufficient security for making long term investments”. But in Nevis and St. Kitts, annual rental of settlement land was preferred by both the government and the peasantry (Momsen 1987:61; Finkel 1964). For Jamaica, Stolberg (1992) argues that the freehold settlements of the 1930s-40s, which were on marginal land, reinforced the plantation economy; while Augustin (1992) argues that the post-colonial government’s 1972-80 Project Land Lease, which redistributed state-owned land to the peasantry through leasehold, maintained plantation dominance (see also Besson 1995e). Dax Diver (personal communication, 2003) observes that “in contemporary policy discussions” there is a “perceived tendency for international development agencies to favour freehold and national governments to favour (State) leasehold”.

“saturation” of English-speaking Caribbean peasantries, whom he argued might even be contracting. In similar vein, Stolberg and Wilmot (1992) showed that the Jamaican peasantry remained severely constrained despite political independence in 1962 and land settlement schemes on marginal land throughout much of the twentieth century (cf. Besson 1995e). In these contexts free villages, with their core of family lands, have continued to provide a foothold for the peasantry into the twenty-first century; while the gendered cognatic descent system at the heart of family land has maximised these scarce land rights and enabled both male and female migrants to return (Besson 1984b, 2002b).

A complex of interrelated features defines such “family land” (also known as “generation property”, “children’s property” and “succession ground”) as a cultural or social-structural system in peasant communities throughout the English-speaking Caribbean. Family land is an unofficial transformation of official freehold tenure, which contrasts in several ways with colonially-derived legal freehold. Contrasting features include the size of landholdings, the nature of land rights, the modes of validating and acquiring land rights, intestacy rules, house tenure, and land use.<sup>32</sup>

Legal freeholds, introduced by the colonial planter class and still dominant in the market economies of persisting Caribbean colonies and new nation-states, tend to be large-scale landholdings (but may also include small plots of purchased land) and are private property, alienable, marketable in the capitalist economy, validated by legal documents, and acquired through purchase, deed of gift or testate inheritance. Intestacy was traditionally defined on the basis of Eurocentric “legitimacy”, male precedence, primogeniture, and legal marriage. Houses on legal freeholds are considered part of the real estate, and land use is governed by the

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<sup>32</sup> My analysis of family land draws on my previous publications; e.g. Besson 1979, 1984a, 1984b,

capitalist values of maximizing profits and production in the world economy.

Unofficial family land contrasts in all respects. Generally small in size and often only a few square chains, family land is regarded as the inalienable corporate estate of the purchaser's descending family line. Rights to family land are essentially validated through oral tradition and, while initially acquired through purchase, are primarily transmitted through intestacy. The definition of intestate heirs differs markedly from traditional legal systems: it is based on unrestricted cognatic descent, whereby all children and their descendants are considered heirs regardless of their gender, birth order, "legitimacy," or residence; and marriage is not regarded as a basis for inheritance. Houses, as distinguished from family land, are considered moveable property that may be individually or jointly owned. Land use is not governed by the values of capitalist monoculture but reflects creole economic and symbolic values: family land is the spatial dimension of the family line, mirroring its identity and continuity; it provides freehold usufructuary rights, house-sites, a spot for a kitchen garden, fruit trees from which to pick, and a place to visit or return to – especially in time of need. In some territories, family land also provides kin group burial grounds. Burial on family land, generally followed by "tombing" or vaulting, places an individual within the wider context of the ancestors of the family line and fuses this enduring line with the immortal land. It also consolidates the status of the deceased as a freeholder.

## **7. Family Land/Common Land Management and Nation-Building**

Throughout Caribbean history, small-scale landholders have often been regarded as inhibiting development. Criticisms have included "uneconomic" fragmented farms,

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1987b, 1988, 1992a, 1995b, 1995d, 1997, 2002b:140, 196-202, 291-305.

“chaotic” cultivation, “wasteful” small-scale marketing and “under-productive” unofficial land tenure systems. Such customary tenures, especially family land and common land with their kin group and community burial grounds, have been condemned for obstructing land markets or lowering the market value of the land. For example, David Lowenthal (1972:104) observed that “local authorities condemn ‘family land’ tenure as uneconomic, wasteful, a prime cause of soil exhaustion and erosion, an obstacle to agricultural modernization”. Mintz (1989:146-47) likewise noted that “only rarely and briefly have European powers or even local governments viewed the peasantry as more than an ‘obstacle’ to development; and the reasons for this negativism, well as the negativism itself, still persist”. In the 1990s, a recommendation was made to abolish family land tenure in Jamaica (Espeut 1992). In 2002, Dax Driver reported condemnation by environmentalists, foresters, planners and international development experts of “squatters” in Trinidad’s Northern Range – arguing that “the simple category of ‘squatters’ reveals neither the complexity of people’s social relationships with land, nor the varied land-use practices associated with them” (Driver 2002:91; see also Besson 1989 on Lopinot).<sup>33</sup> A comparable discourse currently surrounds the Jamaican squatter-peasants of Zion, a settlement that has evolved on part of a former slave plantation as a satellite of the nearby Trelawny free village of Martha Brae (Besson 2002b). Indeed, such a discourse has long typified official attitudes to Caribbean squatter-peasants – from the post-conquest squatter adaptation in the Greater Antilles and the First-Time Maroons of

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<sup>33</sup> My editorial Introduction (Besson 1989) to the oral history of William W. Besson (my father-in-law, born in 1901), the Trinidad Scholar of 1919, and chapter 1 of the narrative on his African-Chinese family background in D’Abadie and Tunapuna include discussions of William Besson’s Afro-Creole maternal family line who were peasant farmers from Arouca with family land and cocoa lands in the Lopinot Valley in the Northern Range (which I visited in 1992). Together, the Introduction and narrative tell of the restrictive colonial-government land policies constraining the cocoa peasantry in Lopinot (see pp. 16-18, 33-34, 156-57 ns 19-21, 166-67 n4; see also Besson 1992b).

Jamaica to the contemporary development debate surrounding the Barbudan commons (Mintz 1989:147-48; Berleant-Schiller 1987; Besson 1995c, 1997, 2002b).

However, Caribbean peasant landholders have been the backbone of the region's cultivation and culture from soon after the Conquest, through slavery, indenture and decolonization, and into the new millennium (Mintz 1989; Besson 2002b).<sup>34</sup> Their fragmented farms, in enslavement and freedom, have provided the basis for a creative adaptation of house-yards and provision-grounds on marginal land in the face of persisting land monopoly (Brierley 1987; Hanley 1987; Mintz 1989). Likewise, their multi-cropped food-forests reflect "ecological artistry" modeled on natural forests rather than "random chaos" (Hills 1988). In addition, the surpluses from peasant production have fed colonial and post-colonial societies and provided cash crops for global markets. Such peasant distribution is now burgeoning into trans-national higglering systems (Besson 2002b; Freeman 1997).

Moreover, the unofficial land-tenures of family land and common land are not anachronistic survivals from colonial or ancestral cultures as many theorists contend.<sup>35</sup> Instead, they reflect dynamic Caribbean culture-building – maximizing formerly forbidden kinship lines and scarce land rights, and providing a basis for food-forests and participation in tourism. They are also cultural sites of identity for Caribbean peoples overseas (Besson and Momsen 1987; Besson 1984a, 1995d, 2002a; Olwig 1997a, 1997b, 1999).

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<sup>34</sup> For example, Mintz's (1989:131-250) delineation of Caribbean "reconstituted peasantries" includes post-conquest squatters, early yeomen, proto-peasantries, maroons and free villagers.

<sup>35</sup> See Besson (1984a, 1987b, 1992a, 1997, 2002b) for critical assessments of arguments that family land and common land are passive retentions from colonial (English, French and Roman-Dutch) or ancestral (African) cultures.

Such unofficial tenures, incorporating both genders, are widely found throughout the Caribbean today, especially in the non-Hispanic variant<sup>36</sup> including the English-speaking territories. As I have shown elsewhere, such tenures have been created in Jamaica; the Leeward Islands of Antigua, Nevis and now-erupting Montserrat; the Windward Islands of Dominica, St. Lucia, St. Vincent, Grenada and Bequia in the St Vincent Grenadines; the British Virgin Islands; the American Virgin Island of St. John; Barbados; Providencia; Tobago and Trinidad. In Barbuda, the Bahamas, on the coastlands of Guyana and Suriname, among the Jamaican Maroons and the Black Caribs of Belize, and on the Carib reservations of Dominica and St. Vincent, family-land tenure interweaves with common land (Besson 1995b, 1997, 2001, 2002b). In all these cases, land rights are transmitted to all descendants of the original landholder regardless of “legitimacy”, birth order, residence and gender, reversing the colonial ethos of plantation primogeniture – though in the expansive interiors of Suriname and French Guiana maroons have re-created unofficial matrilineal land tenure systems.<sup>37</sup>

Throughout the English-speaking Caribbean the management of family land is vested in kin groups and family land trustees, who may be of either gender and frequently are women (Besson 1993, 2002b). Such land management is based on paradoxical but perceptive attitudes to land as both a limited economic good in the context of capitalist land monopoly and an unlimited symbolic resource within the kin group. The unlimited quality of family land is perceived as relating to its permanence and immortality, rather than to its productive capacity or size. It is this immortal quality of the land that symbolizes the perpetuity of the enduring descent line. The

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<sup>36</sup> For analysis of the contrast on this point between non-Hispanic and Hispanic variants due to their different plantation-peasant histories see Besson (1992a, 1995d, 2002b).

short-term dimension of family land as a scarce economic good among living kin is therefore subordinated to its long-term symbolic role of “serving generations.” In Caribbean peasant economies, which include multiple small-scale official and unofficial tenures for residence and farming (“bought land”, “free land”, cash tenancy, “capturing” land or squatting, and even “landless farms”<sup>38</sup>), family land is given a residual economic role as an insurance policy: a place to go “in time of need”. The custom of keeping family land undivided underscores this role, both ensuring and symbolizing that the land is the jointly-held estate of a landholding family line.

Family land management therefore facilitates non-residence and migration: the co-heirs form an unrestricted, dispersed descent corporation holding inalienable rights to their family estate, rather than a localised restricted group residing on their land. Residents on family land are therefore regarded as care-takers for the property of the kin group (which includes the ancestors, the living, and unborn generations), rather than exclusive land owners. The inalienable rights of dispersed kin are recognised by both residents and absentees, and are often symbolised by gifts of food or picking from the fruit trees on the land. From time to time these rights are activated by absentees “in need” returning to take up residence on family land.

Such family land management generates at least five variants of land use, some of which may overlap and all of which may be regarded as “under-productive” from a Eurocentric capitalist perspective. The first (the most “uneconomic” with respect to land markets) are those plots of family land where yard-burial persists, engrossed by graves, tombs and vaults of family lines. A second variant are those plots lying empty due to migration. Third, there are yards cluttered with houses of resident kin, which leave little room for cultivation. A fourth variant are those cases

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<sup>37</sup> For a discussion of the re-creation of matrilineal landholding in these New World contexts see Besson (1995b, 2002b).

where cultivation by residents is subject to the inalienable rights of absentees, especially when symbolized by their practice of picking from the fruit trees. Finally, there are cases where the likelihood of migrants returning is remote and residents practice intensive cultivation. However, such production is for household use and sale in peasant markets and is based on multi-cropping; land use practices rooted in the proto-peasant past that are regarded as “under-productive” from the viewpoint of capitalist plantation monoculture.

However, for each of these variants, the “under-productive” land use is a function of a wider complex of Caribbean values governing family land as a long-term symbolic resource as well as a short-term economic good. The so-called uneconomical patterns of land use associated with family land can therefore be reassessed as adaptive strategies to the constraints of persisting land monopoly, because the long-term role of family land can only be fully understood against the background of Caribbean agrarian relations. Likewise the perception of family land as unlimited within the unrestricted descent group in the long term does not ignore the land scarcity at the peasant-capitalist interface; on the contrary, it is a creative response to this situation and a basis for sustainable development.

In addition, the circulatory migration enabled by family land management is generating an architectural transformation that is further developing Caribbean communities; namely, a change from the construction of wooden cottages (which were often moveable) to the building of concrete houses with migrant savings and remittances. In the 1990s-2003, this trend has escalated due to the maturing of the pensions of Caribbean people who migrated overseas (especially to England) in the 1950s and 1960s, combined with devaluation of Caribbean currencies; resulting in a

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<sup>38</sup> For example, rearing livestock on roadsides or without permission on plantations.



favorable rate of exchange in the contexts of return and circulatory migration and remittances. In some cases, large newly built concrete houses are serving as family-land “hotels”, accommodating visiting migrant kin. At the start of the twenty-first century, family land also retains its symbolic as well as economic role among Caribbean migrants overseas. This symbolic significance is reflected not only in return and circulatory migration to family lands in rural villages, but also in the custom of Caribbean migrants treasuring a small box or bag of soil from family land, symbolizing inalienable roots.

The management of unofficial common lands (wider than family lands of single family lines), which sustain Caribbean communities (which are often based on overlapping kin groups), has parallels with family land management (Besson 1997; Maurer 1997a, 1997b; Olwig 1997a). Such common land does not reflect Garrett Hardin’s (1968) “tragedy of the commons” as a limited economic good that is “wasteful, unproductive, and non-sustainable” (Maurer 1997a:114). For example, the Barbudan commons have long provided a basis for identity among the members of the island’s single village of Codrington, as well as for swidden cultivation and feral-livestock raising (Berleant-Schiller 1977, 1978, 1987; Besson 1995d). Likewise, writing of the Bahamas Out Islands, renamed the Family Islands in 1972, Craton (1987:108) predicted that “the ownership of land in common, its transmission through the kin from generation to generation, and the allocation of its use to families according to need – may well continue to prevail over a borrowed and expediential legalism that stems from the European Middle Ages and the subsequent era of bourgeois capitalism”. In Jamaica, the common treaty land of the Leeward Maroons sustains house-yard and provision-ground food forests, cash cropping, livestock raising, and provides forest medicines and timber (Barker and Spence 1988; Besson

1997). The Leeward commons, which maroons state were left by Colonel Cudjoe “for the born and unborn”, are also sacred space and a cultural site in the global networks of modern migrant maroons who return to visit and participate in the annual Myal ritual (Besson 1995c, 1997, 1998, 1999, 2000, 2001).

In the Leeward Island of Nevis, where share-cropped estates were bought for government land settlements through rental, the peasantry has transformed the officially imposed solution of land settlement into an unofficial system combining the principles of common land and family land – despite the virtual absence of either long leases or legal freehold (Momsen 1987:57-66; Besson 1992a:207-208, 1995d:87-88). As Momsen (1987:63, 65) notes, many farmers “could trace their family’s presence on a particular estate back through the period of sharecropping to slave days”, and “even without land ownership settlers have often attempted to ensure that their heirs, resident or absentee, [were] allowed to take over occupancy of the settlement plot”. The Nevisian peasantry therefore “recreated its traditional attitudes to land within the formal structure of the land settlement” (ibid: 65). Some migrants were also retaining their settlement land. The symbolic role of such settlement land in providing a basis for kinship, community, security, and autonomy, and its frequent use as a form of common land for grazing livestock, parallels the role of unofficial tenures rooted in the proto-peasant past elsewhere in the English-speaking Caribbean (Momsen 1987; Besson 1979, 1992a, 1995d).

Caribbean customary tenures have also transformed state law in the wider context of a dynamic interplay between official land-tenure regimes and unofficial land tenure systems embedded in kinship lines, communities and ethnic identities

(Besson 1992a, 1995a, 1999, 2000, 2002b).<sup>39</sup> This dynamic interplay includes the imposition of state law on customary tenures (as in land retrieval, registration and taxation, and burial legislation); “crab antics” or the use of legal systems in family-land disputes (cf. Wilson 1995); selective reinforcement (such as the transmission of family land through making a will); and indirect legal reinforcement of customary tenures (as in picking from family-land fruit trees being legal evidence of land occupancy).

Most significantly, Caribbean unofficial tenures, based on cognatic descent traced through both women and men, have overturned Eurocentric and androcentric (male-biased) plantation primogeniture and led to the abolition of so-called “illegitimacy”: as in the Status of Children Act in Jamaica (1976), the Family Law Act of Barbados (1981), and also in Antigua-Barbuda. In the American Virgin Island of St John, family land has likewise now been recognised by the American legal system (Olwig 1997a:138).

The post-independence era has seen the introduction of legal restrictions on landlord-tenant relations and on foreign ownership of Caribbean land (Driver, personal communication 2003). The significant nationalisation of private land, as with some sugar plantations in Trinidad and Jamaica, has likewise played a part in the official creation of nation-states. Within such contexts unofficial tenures have also provided models for nation-building, as with “susu land” in Trinidad and Tobago (Besson 1995g:283 n9). In the case of the Jamaican squatter settlement of Zion, squatter-peasants (including Rastafarians), in dialogue with the state, are appropriating, transforming and developing a government-owned estate where their

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<sup>39</sup> The analysis of the dynamic interplay between official land tenure regimes and unofficial land tenure systems is partly indebted to my late father, Ken McFarlane, the longest-serving Attorney at Law in northern Jamaica (1935-86). All responsibility for this analysis is, however, mine.

ancestors were enslaved in the Caribbean plantation heartlands at the very core of “Babylon” (Besson 2000, 2002b). Likewise, the Leeward Maroon commons are becoming a symbol of Jamaican nationhood as national government representatives attend Accompong Town’s annual Myal rituals (Besson 1997).

In such ways small-scale landholders with their unofficial land tenures continue to build Caribbean culture and law and contribute to nation-building (Besson 1999), as did their ancestors in the post-conquest and post-emancipation past. In the current drive to expand land markets in the Caribbean region, and in dialogues between Caribbean governments and international donors and development experts, a secure place therefore needs to be found in land policy, administration and management for these customary tenures and their complex social relationships rooted in Caribbean history, culture and land.

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