CHAPTER 7: LAND TENURE

Introduction

The separation of the material on inheritance and descent into two chapters entitled "Land Tenure" and "Kinship" is an analytical procedure only, for in reality the two aspects are closely interrelated.

In the first of these two chapters the two systems of land tenure operative in Jamaica - the legal and customary - are first outlined. These are however to some extent abstract models. For although the legal system does exist as a 'system' or set of rules - and is practised as such by the middle and upper classes - the customary system is essentially a model built up from the non-legal elements of land tenure practised by the River Villagers; this model coinciding in its basic structure with the customary system of land tenure described by Clarke for the villages which she studied, (as well as with the customary systems of land tenure described by M. G. Smith for Carriacou and Greenfield for Barbados). For while there may be 'pure' cases of customary tenure, yet in many instances the land tenure of the River Villagers and their kin combines elements from both 'systems', and there is thus a great deal of interaction between these 'systems'. (And although to speak of 'systems interacting' is thus a reification of concepts, for the purposes of preliminary exposition we may speak of this).

Furthermore - contrary to Clarke's hypothesis - much of this interaction between the two systems does not occur in terms of conflict, the selection of legal elements being seen to reinforce the customary system in many respects; unintentional reinforcement of the customary by the

1) Clarke 1953 and 1966 op. cit. (see also Davenport 1961 op. cit.; Comitas op. cit.; Smith, M.G. 1956 (a) op. cit.; Greenfield 1960 op. cit.)
In view of this departure from Clarke's hypothesis, the final section of this chapter is an examination of the possible influence of Ashanti and English concepts of land tenure on the Jamaican customary system, and a comparative examination of certain concepts in Ashanti and English land tenure as well as a comparison of concepts in the Jamaican customary system with those in both the English and Jamaican legal system. For Clarke's argument that the two systems of land tenure operative in Jamaica are diametrically opposed and conflicting is a corollary of her hypothesis that the Jamaican customary system is rooted in West African principles of land tenure—specifically those of Ashanti—which she considers 'foreign' to the concepts operative in English Law (on which Jamaican Law is based); Comitas also supporting Clarke's hypothesis.¹

Emerging from the comparative discussion of the Ashanti, English and Jamaican legal and customary systems of land tenure however, it will be seen that not only are there similarities between the Ashanti and Jamaican customary systems; but that there are also similarities between the Ashanti and English systems, differences between the Ashanti and Jamaican customary systems, and similarities between the latter and the English system. And while certain differences are seen to exist between the Jamaican customary and legal systems, certain concepts are also seen to be common to both. Thus it is

¹) Comitas ibid: 151 where he states that the concept of family land is "foreign to those used to Anglo-American models of land tenure ..." and for different reasons M.C. Smith and Greenfield also put forward the hypothesis that the customary and legal systems are conflicting in Carriacou and Barbados respectively, Smith, M.C. ibid; Greenfield, ibid.
concluded - in opposition to Clarke - that not only does much interaction take place between the Jamaican customary and legal systems of tenure in terms other than of conflict, but that the systems per se are not in fact entirely opposed at the conceptual level. (Despite this conclusion, however, for purposes of initial examination the two systems are treated as separate).

Since the subsequent chapter on kinship attempts to show that Jamaican (lower class) kinship is characterised by the unrestricted cognatic or nonunilinear\(^1\) descent group, it will be necessary to use this term in the discussion of the customary system of land tenure in this chapter; the following chapter on kinship will attempt to justify this usage.

In the chapter on kinship, some of the main aspects of the current literature on cognatic kinship systems are first discussed, with specific reference to the theoretical model of the cognatic descent group, this being followed by an analysis of the processes accounting for the continuation of the unrestricted cognatic descent group in the Jamaican kinship system. Finally, my conclusions on the kinship system are discussed in the light of the current theory on cognatic descent groups, and the relevance of these conclusions are outlined.

The analysis of inheritance and descent is based on the data collected from the sample; and while all figures given refer to the actual or potential claims to land of the principal adults, further evidence for my conclusions is also based on the reports of informants regarding kin elsewhere in the island. Additional information also having been collected regarding the plans for the future inheritance of the informants' own rights to land. An 'actual' claim can be

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\(^1\) These terms may be used interchangeably.
defined as one where devolution of rights has actually occurred due
to the death of the person from whom the heir inherited these rights. A
potential claim being defined as one where the possibility of such
devolution exists since the informant's parent(s) has rights to land. In
some of these latter cases it is definite that the informant will actually inherit rights; in others, plans for inheritance are not yet explicit.

My argument is illustrated throughout by data from case studies, reference on the whole being confined to those cases included in the Appendix (and where this is so the relevant case number is given in brackets). Although in many instances fairly full reference is made to the case material on the specific point under discussion, the cases are included in an Appendix (Appendix IIA) to enable the reader to gain an impression of each case study in toto.

The Two 'Systems' of Land Tenure

The Legal System

Important aspects of the legal system affecting land tenure in Jamaica include:

(1) Land is conceived of in terms of real estate; - that is it includes "whatever is affixed to the earth's surface".1

(2) The concept of alienability:

(i) By sale; - land is regarded as a commodity to be bought and sold\(^1\) (although the 1925 English Law of Property Acts - which simplified the law of real property, making land easier to buy and sell - were not adopted in Jamaica).

(ii) By testamentary disposition; - this can be effected either by Deed of Gift during the devisor's lifetime, or by will.

(3) Individual ownership is an important element in the legal system; however land may also be held by several tenants (owners) at once, in which case they are either joint tenants or tenants in common. The main difference between these two types of tenure is that in the first case there is a right of survivorship while in the second there is not. In other words, when a joint tenant dies the whole land goes to the survivors, and on the death of the last survivor the whole land goes to the persons entitled to his estate (under his will or the Intestacy Rules). Whereas, when one tenant in common dies, his share does not survive to the others, but goes to the persons entitled to his estate (under his will or the Intestacy Rules). While a tenant in common may dispose of his share by sale, in the case of joint tenancy all the tenants have to agree before a sale can be affected.\(^2\)

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1) Land could be alienated through sale by a tenant in fee simple from 1290 by the Statute of Quia Emptores; - "Quia Emptores (Because purchasers). The Statute 18 Edward I, c.I - the Statute of Westminster III - which commences with these words. It enacted that every freeman should be at liberty to sell his lands, but that the purchaser should hold them of the feoffor's lord and not of the feoffer. The statute therefore abolished subinfeudation (q.v.), and made the future creation of manors, etc., impossible". (Osborn: ibid 263).

2) For a discussion of joint tenancy and tenancy in common see ibid: 173; 308.
Unlike the situation in England since 1925 - when the Law of Property Acts stated that a joint share in undivided land could only exist in equity - joint inheritance by will, or a joint share in undivided land is a legal as well as equitable estate in Jamaica, having been in existence there (as well as tenancy in common) for a very long time, probably since the time of the early English settlers.

It is possible to will land to be jointly inherited by a class of heirs and their children - for example to one's children and grandchildren (though not generally to one's great-grandchildren, the common law period regarding the vesting of interest being a life or lives in being plus twenty-one years).

(4) Although the most common form of freehold estate is a fee simple, an entailed interest may be created by will or deed (the Law of Property Acts, which among other things restricted the power to entail land and provided that an estate tail could only exist in equity, not being adopted in Jamaica as mentioned above). There is in Jamaica no Rule corresponding to the English Perpetuities Rule of 1964 (which added an alternative of a fixed number of years not exceeding eighty during which or at the end of which the interest must vest; the common law period before the rule being a life or lives in being plus twenty-one years), and entailed interests in Jamaica are not subject to any limitation period; the common law period regarding the vesting of interest being as stated above, a life or lives in being plus twenty-one years.

(5) In the case of intestacy, legitimate heirs are defined according to the concept of legitimacy by birth, and this therefore applies to children born in wedlock. (However illegitimate children whose parents marry at a later date are, in most cases, legitimised).

1) See the Legitimacy Law, Revised Laws of Jamaica 1953, Cap.217. This is based on the English Legitimacy Act (1926) whereby a bastard "is legitimated by the subsequent marriage of his parents, and entitled to succeed to property on intestacy". Osborn op.cit: 47.
Illegitimate children\(^1\) and concubines have no rights of inheritance, although this is qualified in certain cases\(^2\), and in the case of intestacy, if the children are illegitimate the property escheats to the Crown, although a \textit{squatter}'s Title may be claimed after sixty years or by petition.

By the Intestates' Estates and Property Charges Law\(^3\), the spouse of a deceased person dying intestate inherits the latter's "personal chattels absolutely" in addition to a net sum of £50 or a sum equivalent to 10% of the value of the estate (whichever is greater), free of death duties, and with 5% interest payable from the date of death. The remainder of the "residuary estate" is held on trust for the duration of the spouse's lifetime if the deceased leaves no issue. However, if there is issue, this estate is divided between the spouse and the issue; half being kept upon trust for the spouse during the latter's lifetime, and half being held upon trust to be divided equally between the children\(^4\). Jamaica being in advance of England in the abolition of primogeniture; such abolition occurring on the 1st June, 1937.

\(^1\) "At common law a bastard has no parents and cannot take property as an heir-at-law or next-of-kin through them". Osborn \textit{ibid}.

\(^2\) See the Intestates' Estates and Property Charges Law, Revised Laws of Jamaica 1953, Cap. 166 (retrospect to 1st June, 1937), Part II - Illegitimacy and Succession, whereby an illegitimate child (or his issue if he is deceased) may inherit from his mother provided she has no legitimate children (1); and whereby the mother of an illegitimate child may inherit from the latter as though she were the sole surviving parent of a legitimate child (2). Cf Clarke 1953 \textit{op. cit.} 118, Footnote (8).

\(^3\) Intestates' Estates and Property Charges Law \textit{op. cit.}

\(^4\) Such part of the estate to be held: "in trust, in equal shares if more than one, for all or any children or child of the intestate, who attain the age of 21 years or marry under that age, and for all or any of the issue living at the death of the intestate, who attain the age of 21 years or marry under that age of any child of the intestate who predeceases the intestate, such issue to take through all degrees, according to their stocks, in equal shares if more than one, the share which their parent would have taken if living at the death of the intestate, and so that no issue shall take whose parent is living at the death of the intestate and so capable of taking ..." \textit{Ibid} s. (5)(1)(1).
Rights to land can thus be held by, inherited from and transmitted through both males and females.

(6) The Registration of Titles Law (1889)\(^1\) land may be brought under the operation of this law through the Registration of Titles, and may be registered under either an absolute or qualified Title. A transfer is not complete (that is there is no legal fee simple) until the purchaser receives the Title. A Title is also needed for mortgages and for the building of houses under the Farm House Scheme.

(7) Under the Property Tax Law\(^2\) a tax of 8d per £10 unit of value (or part of such a unit) is charged on all property registered in the Valuation Roll. Land may be forfeited through non-payment of such tax.

The Customary System

Rights to land can be held by, inherited from and transmitted

\[\text{\textsuperscript{1}}\text{) See Revised Laws of Jamaica 1953, Cap. 340, which is retrospect to 1st October, 1889, cf. Clarke 1953 op.cit: 85; 1966 op.cit: 70, Footnote (18).\]

\[\text{\textsuperscript{2}}\text{) Revised Laws of Jamaica 1953, Cap. 312, retrospect to 23rd February, 1903.}\]
through both males and females. Of the seventy-five cases of actual (inherited) rights to land thirty-three of the holders are male, and forty-two female. In twenty-three cases these rights have been inherited

1) See also Clarke 1953 op.cit: 83; 92; 107; 112-3; 1966 op.cit. 44; 45; 48; 51; 61-2. Clarke refers to this as inheritance "through the name" or "through the blood" respectively. However she states that in some cases attempts may be made to exclude one line of descent, and in the examples she gives attempted exclusion is with reference to descendants "through the blood". She states that descent and inheritance tend to be through the blood in Sugartown, and through the name in Mooca, where inheritance "was predominantly unilateral and patriarchal at that". She therefore concludes that with reference to whether descent is "unilateral" or "bilateral", that "It is not so easy to resolve the statements we have in regard to the tracing of descent either 'by the name' ... or 'through the blood' ..." (1953 ibid: 112; 1966 ibid: 62).

I am puzzled by this statement, for apart from the few examples of attempted exclusion referred to above, her preceding data makes it clear that since inheritance is by all the children of an individual, then logically the nature of descent will depend on the sex of the parent who has rights to land; thus there is no contradiction between the principles. The fact that in Sugartown inheritance tended to be through the blood, and in Mooca through the name, is similarly not contradictory, since due to the ecology of the former, the core of the family land was in the hands of women; whereas in the latter more claims to land could be traced through male links, the lower part of the village being administered by an old man who was the head of a family "whose grandparents were given an acre of land by their mistress after Emancipation" (1953 ibid: 113). In addition, Clarke qualifies her statement regarding descent in Mooca by pointing out that "In practice, even in Mooca, this descent through the name breaks down when the inheritance passes through a woman" and she later concludes herself that the statements she received were in no way contradictory: "In other words where land is inherited from the father it passes to sons and daughters of the name, i.e. any of his children by any woman ... In the same way if the land is transmitted by the mother, her children, whatever their paternity, would also be of the family ..." (1953 ibid: 113). So in Clarke's terminology, descent is seen to be "bilateral" rather than "unilateral". Davenport (op.cit: 449) also notes that descent is bilateral, and refers to the examples of attempted exclusion quoted by Clarke as "a patrilineal innovation, possibly derived from Jamaican intestacy laws ..." (ibid: 449).
from or through the mother, and in forty-nine cases from or through the father. In three instances rights were said to have been inherited from "parents" with no further specification. Of the one hundred and forty-seven cases of potential claims, in sixty-three cases the potential claimant is male, and in eighty-four female. In sixty-seven instances the potential rights are from or through the mother, in seventy-eight instances from or through the father, and in three no particular parent is specified.

Inheritance of land is based on the principle of equal rights by "all the family", the latter in this context being defined as all the children of the individual who holds rights to the land, regardless of these children's sex, birth order or legitimacy (as designated by the legal code). The reckoning of socially legitimate descent in the customary system therefore coincides with purely biological descent.

The concept of "family" however excludes the spouse of the holder (regardless of whether or not the conjugal union is legalised), and any outside children of the spouse; for as informants say, "that would be

1) The slight predominance of actual/potential claims from father over mother can be attributed to the fact that where the origin of the land is known it was generally purchased and purchase of land by males tends to be more common than by females. Furthermore when the land is traced to the first ascending generation only (as is a fair proportion of it see below p.33), it is generally known to have been purchased.

2) Cf. Clarke 1953 op.cit.: 82; 67; and 1966 op.cit: 40; 44; 60.

3) Cf. Clarke 1953 ibid: 87; 91; 112; and 1966 ibid: 30; 48; 61; Davenport op.cit: 448. See also Smith, R.T. 1955 op.cit. and Horowitz 1967(a) op.cit. who note a similar point for British Guiana and Martinique respectively.
a different family"\textsuperscript{1). Thus co-heirs may on occasion be half-siblings, although not step-siblings. Although the spouse has no rights of inheritance to the land, he or she is entitled to a life interest in it\textsuperscript{2).}

These various principles in the definition of "family" in the customary sense are illustrated for example by the inheritance of rights to land from their father by Miss E., Miss CI. and Mr. CR. and their other siblings in Case I, "family" being seen to refer not only to the father's legitimate children (nine of these sixteen children being alive, these being of both sexes) but also to his four outside illegitimate children. Thus the co-heirs are of both sexes; some are legitimate but others are illegitimate children; and four of them are paternal half-siblings to the others, but all are the children of the individual from whom the rights are inherited (their father). The latter's wife is not regarded as an heir although the father had stipulated that she should have a life interest in the land. Likewise none of the wife's siblings or the latter's lineal descendants are heirs, for "that would be a different family". Neither are the spouses of the above-mentioned heirs included as heirs; for example Mr. CR. states that neither his consensual spouse nor her outside children are heirs to his father's land.

\textsuperscript{1) Davenport considers the processes of 'ascription' and 'exclusion' as mutually important in the consideration of descent and the formation of descent groups; Davenport, W.: "Nonunilinear Descent and Descent Groups" in American Anthropologist 61, 1959. Cf. Maine who considers both the inclusive and exclusive nature of Roman descent; Maine, Sir H.: Ancient Law (London: Oxford University Press, 1959 edition). This approach contrasts with Firth's, who prefers to concentrate on 'mobilization' rather than 'elimination' of members in the formation of descent groups; Firth, R.: "Bilateral Descent Groups" in Schapera, I. (Ed.): Studies in Kinship and Marriage (London: Royal Anthropological Institute, 1963). The categories of kin included and excluded in the customary system above are similar to those noted by Clarke, 1953 op.cit: 82;91;112-3; and 1966 op.cit: 44;48-9;61-3;106. Cf. Comitas op.cit: 152, who adopts Clarke's definition of "family".

\textsuperscript{2) Cf. Clarke 1953 \textit{ibid}: 92;95-6; and 1966 \textit{ibid}: 49."}
In Case 2, rights to the family land on Mr. N's mother's side have been inherited from his great grandmother (M) by the latter's two children (both daughters), with these children's children also being counted as heirs, viz.: Mr. N's grandaunt's child (a son) and his grandmother's two daughters (Mr. N's mother and maternal aunt). The grandaunt's son's children (two sons) are also counted as heirs, and so are Mr. N. and his three full siblings (two brothers and a sister, all illegitimate), although his paternal half-siblings are not so included. The children of Mr. N. and his full siblings will also inherit rights to the land, and while for example Mr. N's five children (four sons, one daughter) are legitimate, those of his brother Mr. Cv. (two sons and a daughter) are not. It can be noted that the reason that Mr. N's full siblings inherit rights to this land while their paternal half-siblings (four sisters and two brothers, all legitimate) do not, has nothing to do with the variable of half or full siblingship as such, but to the fact that the half-siblings are not children of the ancestor in question (Mr. N's mother). For Mr. N., his full siblings and their paternal half-siblings are all co-heirs in the inheritance of rights to their father's land.

Regarding the inheritance of rights to land from Mr. O's father (Case 3), while all the latter's children inherited (these being of both sexes), the father's wife had only a life interest in the land and her outside children were not counted as legitimate heirs. Likewise Mr. O's own wife will not inherit rights to the land if she survives him, although she would be allowed to remain on the land until her death.

Further illustrations of the customary definition of "family" include the inheritance of their mother's land by Mrs. Al, Mrs. P. and their siblings in Case 4, these heirs being of both sexes and illegitimate;
the inclusion of all Mrs. F's children (some of whom are half-siblings to each other and some of whom are illegitimate) as legitimate heirs of her family land while her husband and his outside children are not so defined; and the fact that Mr. Al's father and the latter's outside children are not defined as legitimate heirs of Mr. Al's mother's land. Also the inheritance of their father's land by Mrs. F. and her siblings (all of whom are illegitimate, with these heirs being of both sexes) in Case 5, with their mother retaining a life interest in the land; the inclusion of both Mr. A's children (a son and daughter) as heirs to his house-stock in Case 9, while his wife and her outside son are not so defined, Mrs. A. however retaining a life interest in the land. A similar situation regarding inheritance by all the children with the wife having only a life interest having been the case in the previous generation with regard to Mr. A's himself and his siblings' inheritance of rights to this land from their father (these heirs also being of both sexes). And regarding the inheritance of land by Mr. A's father and the latter's siblings from their father, it can be noted that one of these heirs was half-sibling to the rest, all however inheriting as they were all children of Mr. A's grandfather.

And Mrs. CC's father left his land to be inherited by his three children, who though full siblings, are illegitimate. These co-heirs are of both sexes: Mrs. CO. and her two brothers. Both Mrs. CO's parents are now dead, but her father predeceased her mother and the latter, as the father's spouse, had a life interest in the land.

The case of Mrs. AO's step-father's land in Maintown illustrates the definition of 'family' by focusing on those not counted as members of the 'family'. Mrs. AO's step-father is now dead, and while her mother has a life interest in the land - still living on it - it is to be in-
Inherited by Mrs. AO's maternal half-sister, the daughter of the above-mentioned step-father. Neither Mrs. AO. herself nor her other maternal half-sister (who has yet another father) will, however, inherit rights to this land since they are not the children of the man who owned the land, being rather his spouse's outside children, that is his step-children. Mrs. AO's several paternal half-sisters are likewise not designated heirs to her step-father's land as they too are not his children.

Inheritance of land by "all the family" is effected through joint inheritance in undivided land1) - as in the case of the inheritance of rights to both their father's own bought land and his family land by Miss R., Miss CI, Mr. CR. and their other siblings (Case 1); of Mr. N's family land on his mother's side (Case 2); of their father's family land (the plot on which Mr. O. lives) by the latter and his siblings (Case 3); the inheritance of rights to their mother's land by Mrs. AI, Mrs. P. and their siblings, and of their mother's land by Mr. AI. and his siblings (Case 4); of their father's land by Mrs. P. and her siblings (Case 5); of Miss BL's great grandfather's land by the latter's children (Case 6); of their parents' land by Mrs. H's mother and the latter's siblings (Case 7); of their father's family land by Mr. CN. and his siblings (Case 8); of both their father's house-spot and his family land by Mr. A. and his siblings, and subsequently of the former plot by Mr. A's children (Case 9); of Mr. D, and his siblings' inheritance of their family land, and Mrs. D. and her sister's inheritance of their father's land (Case II); of Mrs. C. and her siblings' inheritance of their mother's family land (Case 14); and of Miss CK's paternal grandmother and the latter's siblings' inheritance of their mother's land.

1) Cf. Clarke 1953 ibid:87;94; and 1966 ibid:40. See also Smith, R.T. 1955 op.cit. on British Guiana where joint inheritance in undivided land is based on Roman-Dutch Law.
Furthermore, in the customary system a will is not considered necessary to ensure the operation of these principles of inheritance. For example such joint inheritance in undivided land in the context of intestacy has occurred in the cases cited above of Mrs. AI, Mrs. P. and their siblings from their mother (and Mrs. P. states that she will not be making a will to ensure her children's rights of inheritance to this land) (Case 4); of Mrs. F. and her siblings from their father (Case 5); of Mr. A. and his siblings' inheritance of both pieces of land from their father (Case 9); and of Mrs. D. and her sister's inheritance of land from their father (Case 11). And of the family land on his mother's side (to which he has inherited rights through his mother and maternal grandmother from the latter's mother), Mr. N. says that his maternal grandmother (who is still alive):

"don't made no will. She said since her grandmother and her old parents never made no will, she will not made none; she just make there that for example I can go and inherit it, and if I die my children can go and inherit it also. And if they have children also, they can go and still inherit the land". (Case 2)

And speaking of the transmission of rights to the family land on her mother's side, which she traces back through her maternal grandfather to his father, Miss BR. says that her maternal grandfather died intestate: "You see, him don't make a will, because is just family land. One dead and leave it give the other [etc.] ...".

Corollaries of this situation are the tendancy towards intestacy (as in the cases cited above), or the postponement of making a will until very late in life with the concomitant result in some cases of intestacy if death occurs suddenly; - as in the case of Mr. A's father,  

1) Intestate succession is also an important feature of the customary systems of inheritance noted in Jamaica by Clarke, 1953 and 1966 ibid; in Carriacou by M.G. Smith, 1956(a) op.cit; and British Guiana by R.T. Smith, 1955 ibid.
who, although he lived long enough to have fourteen children, 'had no time' to make a will because he died suddenly of a heart attack (Case 9); this also being the case with regard to Mrs. N's mother. And Mr. A. himself, when interviewed regarding the future inheritance of his house-spot, said - at the age of seventy-four - that he had not made a will, but that "probably later on I may make a will", finally making one a year later, a few days prior to his death when he realised that he was not going to recover from his illness. Mrs. AI, too, though nearly sixty, said that she had not really considered the matter of the future inheritance of her family land, and had not made a will, saying in a non-committal manner that she might make one "when I feel to" (Case 4). Mrs. Z. too (Case 10), although almost sixty, also has not made a will regarding the inheritance of her three plots of land: "If I live, I out to make one". And Mrs. AB, an elderly woman, says that she might make a will "If life permits". Likewise Mr. O., at the age of sixty-six, has "not yet" made a will; and referring to his great grandfather (MFF) to whom he traces the family land on his mother's side, he states that this ancestor did not make a will, rationalising such customary intestate inheritance by reference to the ancestors' supposed lack of intelligence: "They wasn't so much intelligent; 1) ... So you see, those ancient people, they very few a them make any will. And most of them died intestate ..." (Case 3). Another informant's rationalisation of the situation where a parent has not yet made a will regarding the future transmission of his land being: "He's alive, so him don't make a will as yet". The implication being that he is alive and well and that a will (if it is made at all) is regarded as a death-bed occurrence; with the result, as

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1) Cf. Clarke 1953 ibid: 88, where one of her informants - speaking of his ancestors - said: "'The people then were not very wise which was why we (the descendants) have not got enough land ...'".
indicated above, that if death occurs suddenly, the individual dies intestate.

Thus in the customary system intestacy may be the rule rather than the exception, and the making of a will may be associated with some innovation\(^1\) - such as the inclusion of an individual in the inheritance who would not normally be considered an heir in the customary system; the selection of a particular individual as heir; or with the subdivision of land between the co-heirs which leads to their inheritance of individual shares rather than to joint inheritance.

For example while Mrs. D. inherited joint rights in undivided land to her father's share of family land in the absence of a will, she was included as an heir to her step-father's land through a will (not being defined as a legitimate heir of her step-father in the customary system) (Case II). And Mr. R. has made a will in order to ensure that his favourite child (one of six children) will inherit all his property. Regarding subdivision, a will was made to subdivide Mrs. AT's paternal grandparents' land between the grandfather's children so that each child would inherit his own individual share (Case I); as was also the case with Mr. CN's great grandfather's land which was subdivided between the latter's three sons in a will (Case 8). In the case of Miss BP's paternal step-grandfather (her father's step-father, that is her father's mother's husband) the making of a will with regard to the inheritance of his land is associated with two innovations. Firstly, the inclusion of his step-children (that is his wife's outside children, such as Miss BP's father, who would not normally be defined as his legitimate heirs in the customary system) along with his own children in the inheritance.

\(^{1}\) Cf. Smith, M.G. 1956(a) *op.cit.* 127, who states that in Carriacou "Wills record or initiate departures from folk custom ..." and Clarke notes that in the Jamaican customary system wills are associated with individual ownership and attempts at exclusion, 1953 *ibid.* 86; 96; 1966 *ibid.* 39; 42; 44.
And secondly, the subdivision of the land into equal shares of half an acre each between all these children (Miss BP says there were eight or nine of them in all).

And Miss CZ's father left his bought land and house in a will to his "cousin" (his father's matrilateral parallel cousin, a woman) rather than his own children because the former had lived in his house for many years prior to his death in order to care for him in his ill-health.

Likewise Mrs. AD's father inherited individual rights to a plot of land in a will; inheriting those rights from an unrelated woman because 'he took care of her'.

A Deed of Gift is similar to a will in that both transmit property from a donor to a donee, the difference being that the former document effects this transmission during the donor's lifetime, while the latter effects it contingent on the donor's death; and where transmissions of rights to land by Deed of Gift were noted in the study, it was found that these were also (as with wills) associated with innovations from the point of view of the customary system of inheritance. For example, in the case of Mrs. AL's mother, the latter gave her half-acre of bought land and everything on it to Mrs. AL (one of her two children) and the latter's husband by Deed of Gift: "She gave me a written document, giving it to me". The mother's other child is Mrs. AL's older brother, and he had not wanted any of the land ("He could do without") and furthermore Mrs. AL had looked after her sick mother for several years.

In another case, that of Mrs. A's mother's maternal aunts' land in River Village (Case 9), two transmissions of the land were effected by Deed of Gift. The first was when Mr. A's mother's two maternal aunts with whom she had been fostered as a child (the aunts having no children of their own) "gave their land over" to Mr. A's father "for the benefit
of my mother" during the aunts' lifetime by Deed of Gift. In return Mr. A's father supported the aunts as "when they were alive they were unable to support themselves", and in fact the aunts remained on the land which they had gifted until their deaths, Mr. A's father not assuming actual control of that land on behalf of his spouse until the aunts' deaths. Mr. A's mother in turn also gave the land to Mr. A. during her lifetime by Deed of Gift. She did so when she had left River Village to live with her daughter in Kingston. At this time she had only three children alive: Mr. A., the latter's sister and brother. The latter had emigrated abroad, Mr. A. was living on the family land in River Village (to which all his father's children had rights) and his sister, who had left River Village to live first abroad and then in Kingston, did not want any land in River Village. So Mr. A's mother told him to:

"'Take my piece of land, do as you like with it, because your sister don't want it; your sister don't want nowhere in River Village. So you take it, and do as you like with it: rent, sell or lease'".

Thus his mother effected the transfer of individual rights through a Deed of Gift, also giving him permission to alienate the land if he should so wish (another innovation to the customary system); and at a later date Mr. A. did in fact sell the land.

The association of intestacy with joint inheritance in undivided land, and the making of a will with individual inheritance, is inherent in the following remarks made by informants; - Mrs. P., talking of her father's family land in the interior of the parish, commented that:

"We don't go there; you know, we's not interested, because is not a case to say it did definitely will out that we have any [specific individual] claim over it. Just family". (Case 4).

And Mr. N. draws a clear distinction between family land and individually owned land; family land, he says, is like when a person's father has land,
"and he die, and he doesn't make a will, and he die and leave it [the land], and the mummy [father's spouse] die, and still leave it, and you have a child, you still leave it to that child, and you' child come [grow] up, and still have a child; and he die, or she die, and leave it still ..."

and so on. Whereas:

"if a will is made, each person have their own place separate. They have to take out a different Title [for each share]. (Such land) wouldn't be a family land, for a will make". (Case 2).

Mr. AS (Case 15) likewise draws a distinction between land which is passed to specific heirs through a will, and "inheritance" or "heritage" - that is intestate inheritance of family land:

"Some families don't will, they just leave it [the land] to the mother [life interest] and children, and then the mother dies ...".

and the children inherit it.

Thus informants, in speaking of family land in which they have no specific individual interest, use phrases such as: "I don't directly own the land"; "it's just family land"; "just heritage"; "just inheritance"; with intestate inheritance being referred to by phrases such as: "just leave it"; "just leave everything"; "just succeeded". Mrs. D., for example, says of her paternal grandparents' land that: "No will wasn't made; just leave it as it is ..." (Case 11); and Mrs. AS says of her great grandmother's land that no will was made as it was inherited "just as heritage" (Case 15).

In the customary system joint inheritance and intestacy tend to be associated with family unity - it being seen below that the essence of the system of family land is that all the family can use the land whenever they have need of it; and that an absent member never loses this right, this being the ultimate sanction of the unrestricted cognatic descent group - whereas the making of a will and individual ownership of shares tends to be associated with "fuss" or family disunity.

Miss BL, for example, says that she does not think that the transmission of her family land down the generations from her great grandfather has
been effected through a will, explaining that if a family "lives loving"\(^1\)
there is no need to make a will (Case 6). Likewise, Mr. AJ. discussing
the transmission of his deceased father's land, notes that:

"I shouldn't think a will was made, the family live so in unity ...
One building on it and everybody - before them get big - everybody live who want to live there ..."

And Mrs. D., referring to the intestate transmission of her family land,
remarked that: "No will wasn't made; just leave it as it is ... as everybody goes and come together [lives in unity] ..." (Case 11). Mr. N., discussing his mother's family land which is very small and has remained undivided, says that in such a situation if a will were to be made, "It will bring fuss ... because the land don't big enough". (Case 2). And in Case 13, although the question of a will was not under discussion, Miss BW. associates joint inheritance in undivided land with family unity as against subdivision and individual shares, for she believes that confusion and conflict are inherent in the process of subdivision:

"Me no measure nothing give them [her children]; for you know when you measure things give them, any [amount of] fuss. This [one] don't want people to come over here, and that don't want other to come over here ..."

and so on. But undivided as the land is now, "Nobody can stop one another from go and come".

The actor's concept of "family" has both a past and future orientation as well as a present one. The past orientation is verbalised in references to the ancestors from whom the land has been inherited:

"The old, old ones"\(^2\) or "the older heads", and the expression often used in the discussion of family land: "I born come see the land". The

\(^1\) Greenfield 1960 op. cit. 168 notes a similar phrase in relation to the Barbadian customary system of family land.

\(^2\) Greenfield 1960 op. cit. 167.
future orientation is manifested in the dictum that land acquired in this way should not be sold, but transmitted to "children's children" to "serve generations".\footnote{1)} The "family" can therefore be comprised of as many as three categories of members: deceased ancestors, actual holders of the land, and potential heirs - as yet unborn\footnote{2)}. These principles are reflected for example in Mr. P's statement regarding his wife's family land (to which he does not however regard himself as an heir, referring to her 'family') that: "Just the same way like how we get up and see that it has been passed through the family, the same way it carries continuously ...", with Mrs. P's daughter also remarking (regarding the inalienation of family land) that: "Them say the old ones dead and young ones take it; ... it go right over till great grandchildren have it". (Case 4). Likewise Mrs. Z., in speaking of one of the three plots of land which she has inherited in the village, and which she regards (in contrast to the other two) as family land, that her father "get the land as a inheritance" and that "that land now, not to be sold; not to be sold. It must go from generation to generation; we call it the family land". (Case 10). Mr. O., too, says of the land to which he has inherited rights from his father (who in turn had inherited them from his father) that:

"The old grandfather say the land should not be sold, it is for his heritage going down; it must go from children to grandchildren, right down ... not to be sold". (Case 3).

\footnote{1)} Cf. Clark 1953 \textit{op. cit.}: 83, 88-9; 95; and 1966 \textit{op. cit.} 40-5; 60; Davenport 1961 \textit{op. cit.}: 448 Lowenthal \textit{op. cit.} 5; Greenfield 1960 \textit{ibid.} 172-3.

\footnote{2)} Cf. Clarke 1966 \textit{ibid.} 45; Lowenthal \textit{ibid.} 5.
And Miss BL. states, in the discussion of her family land, that:

"I don't believe if you have a piece of land which is just family land you should do away with it. If the older ones even passed away, they should leave it and give it to the smaller ones that coming up. I believe everybody should come up and inherit". (Case 6).

And talking of his family land which he traces to his father's mother's paternal uncle's father, Mr. CR. says that:

"Some of the families them, you know, they leave the land for inheritance to generations; we have a property that cannot be sold. At the first, the older ones them said it must serve generations. One dead and leave it give the other; other dead leave it give the other; and everybody inherit it". (Case 1).

With reference to his family land on his mother's side of the family, Mr. N. says that it did not "directly belong to my own mother; is not she bought it. My mother born come see the said land. It's kinda family business". And regarding the future inheritance of the land he states that:

"All of them [Mr. N's generation of heirs] just occupy it, until they die, and if they have any children, then their children come and still inherit it, for we not selling it ... because is just a family place". (Case 2).

In the case of another informant, Mr. AU, the latter's father has bought eight squares (just over three-quarters of an acre) of land in Mr. AU's natal village elsewhere in the parish, and the father has stipulated that - presuming he predeceases his spouse, Mr. AU's mother - that "After the death of our mother" the land is to be inherited by his (the father's) lineal descendants: "It is to remain, and the children's children inherit ... It musn't sell". The father has five children.

The respect with which this proscription against the alienation of family land may be regarded is illustrated by two cases where such land became eligible for forfeiture to the Government. One of these concerns the above-mentioned plot of family land in River Village inherited by Mrs. Z. - After the death of her previous consensual spouse, Mrs. Z. had
been given an allowance by the Parish Council to help with the support of her children. However some time later she was informed that since she had this land she did not in fact qualify for such financial assistance on the Pauper Roll, and that she must therefore either repay the money that she had received or forfeit the land. This culminated in a court case, and Mrs. Z. repaid the money rather than forfeit the land (and while she is adamant that this plot must not be sold as it is "family land", she says regarding another plot to which she has rights but which she does not regard as family land that 'perhaps' that could be sold) (Case 10).

In the second case the land concerned was eligible for forfeiture due to the non-payment of taxes; Mrs. D's maternal half-brother, the only one of the co-heirs actually living on the land (which is elsewhere in the parish) owed taxes on it, and the Tax Office informed Mrs. D. of their intention to confiscate part of the land in order to sell it and so claim the money owed. Mrs. D. informed her other maternal half-brother (who lives elsewhere in the island) of the situation, and he in turn informed his son who is at present living in the United States:

"So he [Mrs. D's brother's son] send back to say not a piece of the land is to be sold, because he is young and coming up, and we the older ones are going down, and the land must finish in Wilson's name [the 'family' surname]. When all the Wilsons gone then the land can go; but while he is alive nobody can ... [alienate] the land". (Case 11).

Though not a custom in River Village itself for reasons outlined above (see Chapter 6) the burial of members of the family on family land elsewhere in the island is another feature of the customary system and contributes towards the proscription against alienation of such land since this would be "selling out the dead". 1) For example Mr. CN's ancestors

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1) Cf. Clarke 1953 op.cit: 89; 1966 ibid: 45. See also Chapter 6, p. Footnote (2) above.
have been buried on his family land in another parish for generations (he thinks from the time of slavery) and this part of the land: "that burying ground ... three square, four square of it ..." must not be sold (Case 8).

And Mr. CM's mother, maternal grandfather and mother's paternal grandfather are all buried on his family land in the neighbouring village of Friendship (Case 12). Miss BW's family land elsewhere in the parish, "can't sell; not selling, for is there mother and father bury". (Case 13).

And Miss BL's family land, also elsewhere in the parish, which is traceable to three ascending generations, is used as a family burial ground:

"When one member of the family dies, it's just round there they bury him. Because I have a [grand] auntie died last year and she buried there on the same land". (Case 6)

And in the interim between field work and my return visit Mrs. P's brother died and was buried on the siblings' family land in their natal village elsewhere in the parish (Case 5). Likewise when old Mrs. Y. (the mother of Miss E., Miss CI. and Mr. CR) died she was buried next to her husband on their housespot in a village further inland (Case 1).

The actor's model of family land then (as well as the observer's model) is based on the concept of an ancestor-oriented descent group based on the ideology of unrestricted cognatic descent, holding rights to land in perpetuity; descent in such a group being reckoned with reference to the focal ancestor or ancestral pair first known to have acquired the land.¹)

¹) Clarke uses the concept of the consanguinely related "group of kindred" to refer to this group, 1953 op.cit:83; on the basis of her data it can be concluded that such a group is ancestor-focused. However her use of the term 'kindred' suffers from the terminological confusion current at the time, since she also uses it to refer to the ego-centred category of kin. (She does at one point refer to the former type of 'kindred' as a lineage, but with specific West African connotations).

Davenport refers to this group as a corporate land-holding group comprised of "all the bilateral descendants of the original holder". 1961 op.cit.:448

Clarke also notes that "It is not uncommon for two brothers to club together and purchase a piece of land and in such cases we get joint occupation of land by the kindred ..." 1953 op.cit.: 97.
Thus the individual members of the group regard themselves as having rights of usufruct rather than of unlimited interest in the land\(^1\), this concept being expressed by informants when they explain that they do not "directly own" the land which is "just family" (see e.g. Cases 1, 2, 6, 14, 16); it being seen above that such land is opposed to individually owned land and referred to as "heritage" or "just inheritance".

Such usufructory rights include the right to live on the land, build a house there, pick from the economic trees generally found on such land\(^2\), and if there is sufficient space, to cultivate there.

Such a descent group is seen to exist for example with reference to the family land which Mr. CR. traces back to his father's great grandfather (MFF), which is seven generations deep, three of which are comprised of living members (Mr. CR's generation; that of these children and of the latter's children - such as Miss E's grandchildren) with four being comprised of deceased ancestors. Of this land Miss E. states that "everybody" (all the heirs) is entitled "to go in and they pick right through whatever you want ..." or "just work what you want" as a ground; and Mr. CR. states that his cousins can all use the land (Case 1).

Likewise in Case 2 a similar descent group can be identified with reference to Mr. N's great grandmother (MMM) which is comprised of all the latter's descendants: her two daughters (Mr. N's grandaunt and grandmother); the grandaunt's son and the grandmother's two daughters (Mr. N's aunt and mother); with the next generation consisting of Mr. N. and his three full siblings and the grandaunt's son's children; with the children of this generation also being included, for example Mr. N's five children; his brother Mr. CV's three children and his sister's six children. Both the

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1) Cf. Clarke 1953 *ibid*: 87; 1966 *op.cit*: 40; Davenport 1961 *op.cit*: 448; Smith, N.G. 1956 (a) *op.cit*: 135.

2) Cf. Clarke 1953 *ibid*: 87-8; 1966 *ibid*: 40, 43; Comitas *op.cit*: 152.
great grandmother's daughters had house-spots on the land, and of his generation and future generations of heirs Mr. N. says that they can "Just live on it same way ... all of us will occupy [inherit] the whole place".

In the case of Mr. O's family land, the inheritance of the land is traced back through his father to his paternal grandfather, and includes all Mr. O's father's children (Case 3).

The descent group associated with Miss BL's mother's family land is five generations deep, Miss BL tracing the transmission of the land back to her great grandfather (MMP). All the latter's children (who were by two women) inherited joint rights to the land: "They just own the whole thing", and subsequent generations also have rights to the land (Case 6).

A descent group of five generations deep is also associated with Mrs. H's father's family land inherited from her father's paternal grandfather by the latter's children, grandchildren, great grandchildren (for example Mrs. H) and great great grandchildren (such as Mrs. H's children) who can all pick from the trees there and "take anything you want".

And with regard to family land on her mother's side left by Mrs. H's maternal grandfather to "all the children and grandchildren", Mrs. H. as an heir to this land "can go there and pick whatever me want" (Case 7).

In Case 8 a descent group of seven generations exists with regard to family land inherited from Mr. CN's great grandfather (PPP); Mr. CN, for example, having children, grandchildren and great grandchildren.

Mrs. Z. has inherited family land which she traces back two ascending generations, and all her descendants (of which she already has five children and twenty-seven children, with three more grandchildren "on the way") are included in the descent group; the land:

"is not to be sold ... It have to leave for 'gran'; the daughter and sons' children; everybody touch up [share] ... Them can partake anything; all of them, go over and pick". (Case 10).
Mrs. C's maternal grandfather can be seen to be the focal ancestor of an unrestricted cognatic descent group, for he died leaving family land to:

"all the children and grandchildren; all of us can go on the land and pick; but no selling ... as long as ever; as long as till every generation dead out". (Case 14).

A similar descent group is beginning to develop in relation to Miss BW's bought land which is being transformed into family land, for any of her several children designated heirs can come and build on the land or pick fruit from the trees there: "If they choose to get spot [to build] they will get it; if they don't choose, they go and come". (And even the three children whose names are not on the Title can come and pick fruit: "Them go and come, and anything them want them get".) And many of the children in turn have children; for example Mr. BV, Miss BW's only child to actually live on the land, has ten children and another of her sons has thirteen children and Miss BW already has great grandchildren also (Case 13).

And a similar descent group is also being founded in relation to Mr. AU's father's bought land. For the father's five children are to inherit it and "no-one should object to each other going to build" their house on the land. And the latter is not to be sold - "It is to remain, and the children's children inherit it".

The case of Miss CK's father's family land also provides evidence of an unrestricted cognatic descent group. This land, which is in another parish (the informant's natal parish, Miss CK, having emigrated from that parish several years ago to live in River Village) was left by Miss CK's great grandmother (FMM) in a will to her four children: three daughters and a son. Of these co-heirs only one, Miss CK's grandaunt, is still alive, but Miss CK does not know her as the grandaunt emigrated to live elsewhere in the Caribbean very many years ago. The grandaunt, though abroad, is - as the last remaining sibling in the most senior generation of co-heirs -
regarded as being in charge of the land, and in her absence the land is
looked after by an overseer, who sells pimento and coconuts from the land,
paying the taxes from the profits and banking the rest in the grandaunt's
name. However, after the grandaunt's death the land will be inherited by
the focal ancestor's other descendants, for the great grandmother had
stipulated that the land should not be sold but should "serve generation
to generation as family land". Of the great grandmother's four children
only one, Miss CK's grandmother, had children: two sons (maternal half-
siblings), Miss CK's father (who has his own land elsewhere in that parish)
and paternal uncle (who lives in yet another parish). The paternal uncle
has no children, and after the grandaunt's death Miss CK's father will be
in charge of the land and his eleven children will all inherit rights to
the land from him. Although all of these children are not legitimate,
Miss CK says that "according to my father" there will be no dissension
among them regarding the inheritance; all will be included in the latter
regardless of whether they are legitimate or not.

Descent groups created in the way described above may be associated with
a particular surname - generally that of the focal ancestor - and if, for
example, this was "Brown" the land may be referred to as "Brown land".
However this association is not a literal one and is not evidence of
inheritance along the patri-line. For in such contexts the informant is
seen to refer to persons of "Brown" blood, some of whom bear the surname,
but some of whom do not. For female heirs who marry and take another
surname, or children of female heirs - who take their father's surname - are
still included in the group; while women who marry male heirs and take the
surname of the group are not considered members of the group. In addition,
moved women may be referred to by their maiden name in the context of the
discussion of their rights to family land. The following cases illustrate
these points.
Mrs. H., whose maiden name was Davies - has rights to family land which she has inherited from her great grandparents - her father's paternal grandparents, who were married. The great grandfather's surname was Davies. The land is owned corporately by all the great grandfather's descendants:

"All the families them, the other families them - all the Davieses them. For we all are 'Davieses', and there are grandchildren [to her father's generation] coming up; for it's not me along have children, you know, is plenty family. Them scattered all about".

In speaking of her great grandfather's descendants as "Davieses" Mrs. H. is not being literal, for she is aware that her children, for example, were not born surnamed "Davies". Rather, she is referring to an ancestor-oriented cognatic descent group, holding corporate rights in land, which is descended from her great grandparents - the focal pair - and recruited on the basis of an ideology of unrestricted cognatic descent. Such a group, based on the concept of biological rather than legitimate (in the legal sense) descent - for example Mrs. H's two outside children are illegitimate - is therefore comprised of members who all have "Davies" blood although all may not have that surname. (Case 7).

In Case 4 Mrs. AI. and Mrs. P's (full sisters, but illegitimate children) family land is associated with the name of "Williams", the sisters' maiden name. For example Mrs. P's daughter in talking about her aunt's (Mrs. AI) land, differentiated between the AI's own yard in the village, which is bought land, and Mrs. AI's family land elsewhere in the village by saying that the latter is "Williams" land and the former "AI" land; - "Williams" being the aunt's maiden name and "AI" her married name. And she went on to explain with regard to her mother, Mrs. P., who lives on the sister's family land that "Me mother is on 'Williams' land because me mother is 'Williams'." Again, however, this is her mother's maiden name, her married surname being "P". In addition, although the sisters'
brother's children would have the surname "Williams", none of the sisters' children - whom the sisters state will be included in the inheritance of the land - have that surname, all being named after their respective fathers (who are not included in the "Williams" descent group). Mrs. P's various children, for example, have three different surnames as they are by three different men, but this does not alter the fact that they are all counted as heirs; "No difference for they are all for one mother". Further evidence that the association of the land with the name of "Williams" is not symptomatic of a bias towards patrilineal inheritance is that the first member of the "family" to hold the land was a woman. Finally, the siblings took their surname of "Williams" from their father, while they inherited the land from their mother. And since they are illegitimate, their mother would not have taken their father's name, not being married to him; so that she in fact had a different surname from her children.

All the children of Mr. N's father have inherited rights to the latter's property. This property consists of two plots of land, one which Mr. N's father inherited from the latter's mother (Mr. N's paternal grandmother), the other from Mr. N's paternal grandfather. These paternal grandparents were married, and like Mr. N. were surnamed "Edwards". Mr. N's father had two sets of children - four illegitimate children (three sons and a daughter) by Mr. N's mother, and six legitimate children (two sons and four daughters) by his legal wife, Mr. N's step-mother. Both sets of children bear their father's surname "Edwards". The plot which Mr. N's father inherited from the latter's father has now been inherited by Mr. N., his three full (illegitimate) siblings and his two legitimate paternal half-brothers. The other plot has been inherited by Mr. N's four legitimate paternal half-sisters. All of Mr. N's father's descendants are to continue to inherit rights in this property; for of the plot held by Mr. N., his three full siblings and his two half-brothers, Mr. N. states that the children of these siblings and
himself must inherit rights to this plot. And of the other plot, he
explains that "It must work same way - that [the step-mother's]
daughters' children them come inherit it". "But", he continues:

"her family them on her side, can't; they don't have no
claims. That's my mother-in-law's [step-mother's] 1) sisters or brothers. They have no claims on it; for
that premises belongs to 'Edwards', so it must be only
'Edwardses'. And she were 'Philips' before [the
step-mother's maiden name]; so no 'Philipses' have
no dealing with it; - must be bare [only] 'Edwards'."

However, it is not simply a matter that all those surnamed
"Edwards" are included in the group while those surnamed "Philips"
are not. For although when the step-mother married Mr. N's father
she took the surname "Edwards", "she were 'Philips' before", and
as a spouse has only a life interest in the land rather than an
estate of inheritance descendable to her heirs. In addition,
the children of Mr. N's father's daughters will, like those of his
sons, inherit rights to the land, and they would not have the surname
'Edwards' as they would be named after their respective fathers.
(Case 2).

In Case 10 Mrs. Z., tracing the transmission of the family land
which she has inherited from her father David Boyd - who in turn
inherited it from his paternal aunt Sybil Boyd, who inherited it
from her brother Peter Boyd (David's paternal uncle)-and which
Mrs. Z. intends to leave as family land to her descendants, referred
to herself by her maiden name "Boyd" in the context of the discussion
of the land rather than by her married surname "Z":

1) Cf. Davenport 1961 op. cit. 424 who notes a similar usage of the term
"mother-in-law" for "step-mother".
Me father told me that he had an aunt, and the aunt told him that she get the land from Peter Boyd [her brother]; and ... Sybil Boyd give David Boyd, which is my father, the land; and David Boyd give it to Jane Boyd, which is me.

The descendants to whom Mrs. Z will leave the land include her twenty-seven grandchildren - the children of all her various children (four sons and a daughter), these being all illegitimate. However none of these children have the surname "Boyd", all having their respective father's surnames - three different surnames as they are by three different men. Furthermore, her daughter's children do not have the same surname as each other as they too are by different men, thus adding to the variety of surnames held by the biological descendants of Mrs. Z's father David Boyd.

Further evidence that an association of family land with a particular surname is not a literal association and therefore not evidence of patrilineal inheritance or, as Clarke phrases it, inheritance "through the name", is seen from Case 3 with reference to Mr. O's family land.

The furthest which informants generally traced the transmission of rights in land was three ascending generations. Of the seventy-five cases of actual inherited rights in thirty-six cases the transmission was traced to the first ascending generation; in twenty-nine to the second; in nine to the third and in one case to the fourth ascending generation. Of the one hundred and forty-seven potential claims, in fifty-six cases the transmission was traced to the first ascending generation; in seventy-one to the second; in twenty to the third and in no case beyond that.

However since many informants have children, grandchildren and sometimes even great grandchildren, descent groups with a depth of up to seven generations can be identified.
The origin of much of the land referred to as "family land" by informants is obscure, for in several cases the informants are not aware of how the first ancestor to whom they trace possession of the land had obtained it. For example although Mr. CR. traces his father's family land back to the latter's great grandfather(MFF), he does not know how the latter obtained it: "I couldn't tell you, because is far up; far, far..."; adding that he thinks this man inherited the land "from family" although he does not know whom (Case I). Likewise, while Mr. N. can account for the transmission of the family land on his mother's side back to his maternal grandmother's mother, he says that: "I couldn't tell you how she got it; - I did born come see it". (Case 2). And while Mr. CN. traces his family land back to his great grandfather (FFF), he is unaware of how the latter obtained it (Case 8). Other examples include Mr. A., who, while tracing one of the two pieces of land on his father's side to the latter's father, does not know how this grandfather himself obtained it (Case 9); Mrs. Z., who while tracing the origin of her family land back through her father to his paternal aunt to the latter's brother (who was not Mrs. Z's grandfather) says that she does not know how this granduncle himself obtained the land (Case 10); Mrs. D., who traces her father's family land to her paternal grandparents, but does not know how they obtained it: "We just can't say; because we only grow up and see them with it. But how they come by it we cannot tell". (Case II); Mrs. C., who traces her family land back to her maternal grandfather, but is not sure how he obtained it (Case 14); and Mrs. AQ, who while tracing her family land back to her maternal grandparents, does not know whether or not one of them inherited it: "When I came up [was growing up] I saw them with it and I didn't bother inquire how it went ..." (Case 16).
In such cases it is therefore questionable whether or not the informant has in fact traced the origin of the land to the focal ancestor. This point is illustrated in certain cases where more than one member of the same cognatic descent group was interviewed and the informants differed in their identification of the focal ancestor; such genealogical discrepancies generally being due to generational or age differences between the respective informants - as for example in Case 1, where, while all informants are agreed that Mr. Y. (Miss E., Miss CI. and Mr. CR's father; and Miss CU. and Mrs. AT's maternal grandfather) inherited rights to the land from his mother, Miss E. - the mother of the latter two informants - is able to trace the inheritance of the land back one further generation, while Mr. CR. can trace it back yet one more generation. The accounts of these two siblings further differing in that while Miss E. states that her paternal grandmother inherited the land from the latter's father, Mr. CR. states that the grandmother inherited it from her paternal uncle. Likewise in Case 4 while Miss CW. (Mrs. P's daughter) is only able to trace the origin of the land back to her maternal grandmother, both Mrs. P. and the latter's sister Mrs. AI. are able to furnish information on one further link, although they disagree as to the actual nature of this link - Mrs. P. stating that her mother inherited the land from an "old man" who was the mother's "brother-in-law" (the mother's older sister's spouse) while Mrs. AI. states that this old man was her mother's "step-father" (the mother's maternal aunt's spouse), who with the mother's maternal aunt had raised Mrs. AI's mother. It is possible that since Mrs. AI. is some years older than Mrs. P. that the former may have been more familiar with these facts prior to their mother's death.
Nevertheless it is possible that, even where the informant is uncertain as to the actual origin of the land, he may still in fact have traced the land back to the focal ancestor - especially in the case of elderly informants - since the acquisition of the land by the peasantry was in general a post-emancipation phenomenon, and as Davenport points out, "slavery, even in the longest genealogies, is but four or five generations removed ..."\(^1\)

In a few cases informants are in fact aware that they have traced their family land back to the early post-emancipation era. Mr. O., for example, (who is nearly seventy) traces the origin of the two pieces of family land on his father's side back to his paternal grandfather who "touch a little of the slavery; he was in slave days ...", living on a property just outside River Village; the grandfather purchasing these plots in the village after emancipation. And he says that a third piece of land - on his mother's side in the neighbouring village of Friendship - was also obtained by his mother's paternal grandfather at this time, this ancestor also having been a slave (Case 3). And Mr. CN, who traces the transmission of his family land back to three ascending generations thinks that the first of his ancestors to be buried on this land were slaves. In addition, the fact that his great grandfather (FFF) to whom he traces the line of inheritance "come out from England and come out ya" suggests that the latter may have been a planter who made a grant of his property to his children by a Negro woman (for Mr. CN. himself appears to be of almost full negro descent).

In addition, the total size of the land passed down by the great grand-

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1) Davenport 1961 \textit{op.cit.} 447.
father was (if Mr. CN's calculations are correct) four hundred and five acres, a size which further suggests that the great grandfather was probably a planter (Case 8). The case of Mrs. H. who, although also of predominantly negro descent, traces the origin of her family land as far back as her great grandparents, stating that her paternal grandfather and his siblings were of Scottish descent ("My grandfather was a pretty man, have pretty hair, and the eyes kinda blue; so him always tell me that his grandfather is from Scotland ...")\(^1\) also indicates that her family land may possibly have originated from a planter in the pre- or early post-emancipation era (Case 7).

In almost every case in which the informant is aware of the origin of the land it had been purchased by the focal ancestor (and therefore does not fall into the "original" category of family land described by Clarke, which was created through grants of land made to ex-slaves by individual planters in the pre- or early post-emancipation period\(^2\))

Examples of such land which was purchased include two of the three plots to which the siblings in Case 1 have inherited rights, these two plots having been purchased by their father; Mr. O's family land, purchased in the early post-emancipation era by his paternal grandfather (Case 3); Mr. A's family land on his mother's side, purchased by his mother (Case 4); Mrs. F's family land, purchased by her father (Case 5); one of Mrs. H's two pieces of family land on her father's side, purchased by her paternal grandfather, and the family land on her mother's side, purchased by her maternal grandparents (Case 7); Mrs. A's maternal grandmother's three pieces of land, purchased by the latter (Case 9); Mrs. D's step-father's bought land (Case 11); Mr. CM's family land, bought by his mother's paternal grandfather (Case 12); and Miss EW's family land, bought by her parents (Case 13).

1) Note the positive evaluation of 'Europeanness' noted by Henriques 1968 op.cit.
2) See Clarke 1953 op.cit: 88-9; 106; 1966 op.cit: 36; 60.
In a few cases the land had been received as a gift from an individual outside of the family, generally an employer, as in the case of Mr. A's father who had been given a plot of half an acre in River Village by his employer (Case 9); or of Mr. AS. and Mr. AR's father, who had been given "a slip of land by the riverside" at the edge of the village by his employer who owned a property just outside the village (Case 15). Such transfers had occurred relatively recently, and resemble the original type of transfer which first created family land in the "primary" or "historical" sense referred to above.

In the customary system houses are considered moveable property and may therefore be held under a different tenure from the land on which they are built; this of course ties in with the concept of family land which enables individual members of a descent group to build their houses on the land, with the latter still however remaining the corporately held property of the entire group.

In addition to the original family house on Mr. N's great grandmother's (MMM) land for example (the latter being held corporately by all the great grandmother's descendants), an additional house had been built by one of the great grandmother's grandchildren for himself and his mother; and on land inherited jointly from their father by Mr. N's paternal half-siblings there is, in addition to the father's house and a second house provided by the Government when the first house was partially destroyed, also a third house which one of Mr. N's paternal half-sisters "build up for her own self on the premises". (Case 2)

On Mrs. P's family land there is, in addition to the house in which her mother used to live, another house belonging to her brother Tom's son. Tom had also at one time had a separate house on land (Case 5). And in
addition to the grandparents' original house on the family land inherited from Mrs. H's maternal grandparents, Mrs. H's maternal uncle has built a second house for one of his daughters (Case 7). And on family land inherited from Mr. A's father, Mr. A's daughter and her consensual spouse (the latter has no rights of inheritance to the land) had - subsequent to Mr. A's death - built their own house; Mrs. A. continues to live in the As' own house (Case 9).

Mrs. Z. has family land in River Village and although it is to be inherited corporately by all her descendants, one of her sons has built his own house on the land (Case 10), a similar situation occurring in case 13 with regard to Miss BW's bought land which is to be jointly inherited, one of her sons however building his own house there. And of the family land on her mother's side which she traces to her great grandfather (MFF), Miss BR. says: "Is just family land - everybody just live (there is no subdivision) ... one build dem house there, and one build here. Build them own house on it". Her grandfather's house "was one part of the land" and the other members of the 'family' who remain on the land (the informant's brother and maternal uncle's daughter) "live at the other part" of the land.

The phenomena noted in Chapter 4 of actually moving houses from one house-spot to another, and of tenants erecting their own houses on house-spots rented or leased from other villagers (as on Mr. A's family land) further illustrates the point that houses are considered moveable property in the customary system of land tenure.

The fact that houses are considered moveable property and can therefore be held under a different tenure from the land enables not only the above-mentioned feature of individually owned houses being built
on family land, but also a feature which more properly belongs in a later section of this chapter (and will be discussed more fully there) since it concerns the selection and combination of elements from both the customary and legal systems of inheritance, viz.; the combination of the joint inheritance of family land with the individual inheritance of the family house. (Although such houses may also be inherited jointly as in the case of Mr. AI's mother's house which was not left for any particular child, being - like the land on which it was built - inherited jointly by her three children (Case 4). Similarly, the original house on Mrs. AQ's family land (her maternal grandparents' house) was not left for any one member of the 'family' in particular. And the house which Mrs. AQ's mother had built to replace that one when it was destroyed was likewise not left for any particular person (Case 16). And Mrs. CO's father left both his bought land and his house to be inherited jointly by his three children. The new house on Miss E. and her siblings' father's land, built to replace the original one, will be left for "all who want it" (Case 1). And Miss NW's house is likewise not earmarked for any particular child to inherit: "Anyone want to come, them come" and use it (Case 13)).

Houses are not however such an important focus of inheritance as land, not only for the obvious reason of comparative value, but because they are frequently extremely weak structures which fall rapidly into disrepair, this being exacerbated by the destruction wrought by hurricanes which frequent the area. Thus in Case 7, while Mrs. H's paternal

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* Clarke 1966 op.cit: 55 states that "Houses are subject to the same principles of group and individual inheritance as operate for family land and may be transmitted in either the male or female line." See also Clarke 1953 op.cit: 101.

1) Hurricanes and the ensuing destruction to houses are also cited by informants as being responsible for the destruction and loss of documents such as Titles and Birth Certificates.
grandfather and his siblings had inherited their father’s land and house, the house has since broken down and none of the "family" in fact live on the land although it is still corporately held by the great grandfather’s descendants. And in Case 1 Miss E’s parents’ original house was destroyed by a hurricane; Mrs. F’s parents’ first house "mash down" and her brother’s house on the same land had also "knock down" (Case 5); Mr. N’s great grandmother’s (MMM) house "did break down in the time of storm", and regarding his father’s house on other family land he says that "a part of it did break down by same breeze-blow ..." (Case 2). Mr. A’s parents’ house has "tumbled down", and although Mrs. A. has inherited land from her maternal grandmother, the latter’s house has long since broken down (Case 9). Mr. CM’s mother’s house "break down" (Case 12); the original house on Mrs. AQ’s mother’s family land also "got broken down"(Case 16); "breeze blew down" the original house on Mrs. J’s family land; Miss BR’s maternal grandfather’s house on his family land has also broken down and although Miss CA’s maternal grandmother died leaving a house it subsequently "mash up". And Miss B., in discussing the future plans for the inheritance of the family land on which she lives, commented that her house there "would soon break down".

Houses therefore frequently have to be rebuilt by individuals, as for example with Miss E’s parents’ house (Case 1) and Mrs. F’s parents’ house (Case 5); and Mr. N’s father’s house had to be repaired (Case 2). And the house in which Mrs. J. now lives on her family land has been rebuilt on the same spot as the original house which had been destroyed. Miss BR’s maternal grandfather’s house on his family land had broken down, and those of the ‘family’ who now live there (her brother and her maternal uncle’s daughter) have built their own houses on the land. Likewise, when the original house on Mrs. AQ’s mother’s family land
broke down Mrs. AQ's mother had another one built (Case 16). Or in other cases if none of the 'family' wish to live on the land, the house may not even be rebuilt; as in the case of Mrs. H's family land inherited from her father's paternal grandfather (Case 7) or Mrs. A's maternal grandmother's land (Case 9). And when Miss CA's maternal grandmother's house (in which the latter's son lived for a while after his mother's death) broke down, Miss CA's matrilateral cross-cousin dismantled the house completely, and none of the 'family' now lives on the land.

The Interaction between the Two 'Systems' of Land Tenure in River Village Social Organisation.

So far we have been speaking of two distinct 'systems' of land tenure. These are however, as mentioned previously, to some extent abstract models; for although the legal system does exist as a 'set of rules' per se, the customary system - as a unified system - is essentially a model built up from the non-legal elements of land tenure practised by the villagers. For while there may be 'pure' cases of customary tenure - for example the case of Miss BL's family land (Case 6) where the land, which was inherited jointly by all her great grandfather's children in the absence of a will, still remains undivided two generations later; with the ancestors being buried on the land, which is not supposed to be sold, or the case of Mr. N's great grandmother's (MMM) land which has been in the "family" for several generations and has still never been divided, with such transmission always having occurred in the context of intestacy (Case 2); - yet in many instances the social organisation of the land tenure of the villagers and their kin combines elements
from both 'systems'. Thus a distinction can be made - following Firth\(^1\) - between social structure and social organisation.

For although the land tenure of the villagers includes customary elements such as the concept of the inalienability of land in the eyes of the "family"; joint inheritance by "all the family" (with the absence of any distinction between legitimate and illegitimate children) and the concept of the ancestor-oriented unrestricted cognatic descent group, sanctioned by the principle that all the members of the group may use the land whenever they have need; the limitation of an individual's interest in his/her spouse's land to a life interest; intestacy; the absence of Registered Titles; the burial of ancestors on the family land and the fact that houses are considered moveable property; - yet the land tenure of the villagers also incorporates legal elements. These include the purchase, sale and subdivision of land; documents such as Titles, wills, deeds and Indentures; individual ownership and individual inheritance, the joint inheritance of land which is such a common feature of the customary system being also a legal estate when it is created by will (or deed); the right of survivorship in joint tenancy; inheritance by the spouse; the distinction between legitimate and illegitimate children; the concept of real estate; the absence of the burial of ancestors on family land; the registering of land for purposes of taxation; and the mortgaging of land.

Thus while all the customary elements outlined above do exist in the land tenure practised by the villagers as a whole, yet in specific cases all these various elements may not be found clustered together, but interspersed with elements from the legal system.

First, a few cases will be cited simply to illustrate this point, and then I will attempt to show that the combination of elements from both 'systems' of land tenure does not always occur in such a way as to cause conflict between the two systems.

In Case 5 for example, elements of both the customary and the legal systems are apparent, viz.: Mrs. F's father's land has been inherited (undivided) jointly by all his children, all of whom are illegitimate; his spouse retained a life interest in the land but did not inherit it; no will was made; a Receipt of Purchase was regarded as proof of ownership rather than a Title; and Mrs. F's brother was buried on the land. The Fs' own house-spot will also be left undivided to be inherited jointly by all their children, and Mr. F's outside illegitimate child will inherit from him as well as his legitimate children. These are all elements of the customary system of tenure.

Legal elements which are apparent include the purchase of land (three plots: the Fs' two pieces and Mrs. F's father's land); Mrs. F's plans to have the family land surveyed and subdivided "and everybody get their own piece of paper [Title]"; tax is paid on the land; there is evidence of the specific selection of individuals regarding the inheritance of certain property; Mrs. F's mother mortgaged her husband's land at one point in order to raise a loan to have a second house built; and the Fs have a Title for their bought land in River Village.

Elements from both the customary and legal systems can likewise be identified in Case 12. The transmission of the land at Friendship down the generations of Mr. CM's family is an element from the customary

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system, along with the absence of wills in such transmission, and the burial of the ancestors on the land. However, Mr. CM's mother left the land to him alone as he had borne most of the responsibility towards his family. Such selection of a special heir is more typical of the legal than customary system. Nevertheless, despite the fact that Mr. CM. is "in charge" of the land, the important customary principle that land should provide security for "all the family" still operates, for Mr. CM. would allow any of his siblings to use the land if they should so wish, "for we are sisters and brothers". However, the special allocation of the land to Mr. CM. by his mother influences the future inheritance of the land, for it will only pass to his children and not those of his siblings. While this is evidence of exclusion of some of the family, such exclusion is neither based on the principle of utrolateral affiliation nor on the question of non-residence on the land (see chapter 8). For Mr. CM. himself has not lived on the land for over forty years, and his children have never lived there, and yet they will inherit it. His siblings do not live there, and yet they may return and use it.

Customary principles are evident in the discussion of the future inheritance of Mr. CM's house-spot: all his three children (illegitimate) will inherit; it will remain undivided; and this transmission may possibly occur in the absence of a will since Mr. CM. has not yet made one. And despite the special allocation of the family land at Friendship to Mr. CM., customary principles recur in the intended transmission of the land to all of Mr. CM's children; and again this may occur in the absence of a will.

Legal elements are however recognised by Mr. CM: in the discussion of the transmission of his family land, he commented that his son might "like to get a will for it" - by which he appears to mean a Title; and
he recognises that the next generation of heirs might want to sell the land after his death. In addition his house-spot in River Village is mortgaged, for which he had to surrender the Title (elements of the legal system).

Both legal and customary elements can also be identified in Case 10. For while customary principles are to apply to the future inheritance of one of Mrs. Z's plots of land in River Village - it is to remain undivided to be jointly inherited as family land by her several descendants (her children all being illegitimate and by three different fathers); and it is "not to be sold. It must go from generation to generation ..."; the legal element of the selection of specific heirs from among her five children occurs in relation to the inheritance of a second plot. However the fact that Mrs. Z's husband has only a life interest in this latter plot is an element in accordance with the customary system.

Furthermore, the transmission of the first-mentioned plot down the generations - from Mrs. Z's father's paternal uncle laterally to the father's paternal aunt, and subsequently to Mrs. Z's father and then herself - is in accordance with the customary principles of family land; yet the fact that she was specifically selected by her father's will to inherit that plot (her brother not being included in such inheritance) illustrates the legal element of selection. However, the fact that her brother (a legitimate child, her paternal half-brother) inherited her father's second plot of land shows that both the father's children were included in his inheritance, in accordance with the customary system. And furthermore, while both Mrs. Z. and her paternal half-brother inherited from their father, Mrs. Z's two maternal half-siblings Mr. X and Miss CL. (who live on her house-spot) were not included in the inheritance of Mrs. Z's father's property, being the latter's step-children and therefore not members of his "family" as defined according
to the customary system, although Mrs. Z., an illegitimate child of her father, is so defined. In addition to the legal elements mentioned above, others include the court case over one of the plots of land; the threat of its forfeiture; and the registration of land for taxation.

Clarke, Comitas and Davenport all stress the opposition between the customary and legal systems of land tenure in Jamaica - as do Greenfield for Barbados and M.G. Smith for Carriacou - stating that each system is practised by a different segment of the population\(^1\); the model of the total society presented in such analyses being therefore one of a "plural society"\(^2\). Clarke's analysis does, however, provide some evidence of the 'encroachment' of the two Jamaican subcultures on each other, and of a certain degree of interaction between the two associated systems of land tenure. All such interaction is, however, conceived of by her in terms of conflict\(^3\). In the following section the interaction between the two 'systems' of land tenure evident among the River Villagers and their kin is considered under three separate headings:

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1) Clarke 1953 *op.cit.* 86-7; 116; 1966 *op.cit.* 40; 44; 66; Comitas *op.cit.* 151; Davenport 1961 *op.cit.* (although Davenport does state that interaction and overlap do occur between the segments of Jamaican society, yet his actual analysis does in fact perpetuate the plural society model) Smith, M.G. 1956 (a) *op.cit.* 103; Greenfield 1960 *op.cit.* 175; (see also Greenfield *ibid.* 165 on Clarke and Smith's analyses).

2) See Smith, M.G. 1965 *op.cit.*

3) Cf. Greenfield 1960 *op.cit.* 167, who refers to "Two conflicting sets of attitudes ..."; see also pp. 168; 174; and Smith, M.G. 1956 (a) *op.cit.* who refers to two "rival" systems. See also Mason, who in his discussion of the "Two Creole cultures" in the 'Caribbean, describes the customary system of land tenure as being "altogether at variance" with the legal system, *op.cit.* 291.
(1) Directed Contact Change; (2) Selective Contact Change; and (3) Unintentional Reinforcement of the customary system by the legal system in ways which do not fall under (2) above. And it will be seen that while the first of these supports Clarke's hypothesis regarding the conflict between the two systems of Jamaican land tenure, that the second and third do not.

(1) Directed Contact Change\(^1\). This occurs through the imposition of elements from the legal code on the customary system, such as the need for a Registered Title for certain purposes; the registration of land for taxation; and the alienation of land through forfeiture due to the non-payment of taxes\(^2\).

For example, although factors such as illiteracy, poverty and the presence of a customary 'system' of land tenure all operate against the consistent use of the legal system and associated legal documents (to say nothing of the fact that even when such documents are obtained they may subsequently be 'lost' - as in the case of Miss B., who says that her father had "an old Title" for her family land, but that it is now lost; Mrs. A. likewise stating that although her husband had a Title for his house-spot, she does not know where it is now (Case 9); and in Case 4, the Title concerning Mrs. AI's family land was destroyed in a hurricane); and although purchase of land can take place without resort to legal procedure (for example Mrs. AB. sold a piece of land without either

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1) Defined by Rogers as change "which is caused by outsiders who, on their own or as representatives of programs of planned change, seek to introduce new ideas in order to achieve definite goals". \textit{op.cit:} 18.

consulting a lawyer or a surveyor\(^1\), she and the purchaser simply agreeing on a price; and of their two pieces of bought land, the Fs have a Title for only one) — nevertheless from the legal point of view the transfer of land is incomplete without a Registered Title, and the latter is also necessary for obtaining loans from the Peoples' Co-operative Bank used by the villagers. Some informants therefore do have Titles for their land. For example, Mr. O. had to obtain a Title in order to borrow money from the P.C. Bank for house-building (Case 3), and Mr. CM's bought land is mortgaged, his "paper" being in the P.C. Bank (Case 12). As seen above, the Fs have a Title for one of their pieces of bought land, and Mrs. F. plans to consult a lawyer regarding the subdivision of her family land between her two brothers, each of whom will receive their own Title (Case 5). In the case of Mr. AS's land inherited from his father, the Title was originally in the father's name, Mr. A-S. taking out another Title in his own name subsequent to his father's death. And when his father was given a piece of land by his employer, the latter had also given him "a Title to cover it" (Case 15). And when Miss HW's ex-consensual spouse bought the land on which she now lives, he first took out a Title in his own name, subsequently taking out a joint Title in her and some of his children's names (Case 13).

The registration of land for taxation is a common practice among the peasantry, being required by law, and is referred to specifically by several informants (see for example Cases 1, 5, 9, 10, 11, 12 and 13); reference also being made to forfeiture of land or the possibility

\(^1\) As Clarke notes \textit{(ibid:38)} surveying the land "is now a pre-requisite to acquiring a Registered Title".
of such forfeiture due to non-payment of taxes. For example, Mr. A. pointed out that if he had not paid the taxes on his family land it would have been confiscated since none of the other joint heirs (all absent) had been paying any taxes; and in the case of his wife's maternal grandmother's three pieces of land one had in fact been confiscated due to the lapse of tax payments. And although no tax was paid on the other two pieces for several years, Mrs. A. has had to start paying these taxes due to recent enquiries by the Tax Office. Similar enquiries had also been made regarding Mr. A's father's family land elsewhere in the parish; for of his father's generation of co-heirs only his father had bothered to pay the taxes, these lapsing after the latter's death as no-one lived on the land (Case 9; see also Case 11 regarding similar enquiries into lapsed tax payments on Mrs. D's step-father's land). And Mr. X's maternal grandmother's land was forfeited due to non-payment of taxes, for these lapsed after her death - Mr. X's mother having predeceased the grandmother, and his maternal uncle having emigrated to Cuba; and, Mr. X. says, by the time he realised the situation the land had already been confiscated and sold.

Informants are aware of the distinction which exists in the legal system between legitimate and illegitimate children - based on the fact that in the eyes of the law the latter have no parents and are therefore not entitled to inherit as heirs-at-law; and this distinction is sometimes manifested in the social organisation of the villagers. For example, Mrs. AD's father had two children - herself, an illegitimate child, and her paternal half-brother, a legitimate child. The father had two plots of land and Mrs. AD. says that her brother
wanted to inherit both plots as she is illegitimate. (Her father, however, made a will, leaving one plot to each child, see below p. 57). And in Case Mr. C., while recognising - in accordance with customary principles - the possibility of his outside illegitimate son's inclusion in the inheritance of his family land, also recognises the legal distinction between legitimate and illegitimate children. For he says that although this child can inherit along with the legitimate children if "we all come to one agreement", yet this child "can't come in [to the inheritance] of his own accord".

And in the case of Miss BI, an illegitimate child, whose father has inherited land from his father, while she is not certain as to her father's plans for the future inheritance of his land, she 'feels that the lawful children would get it'. The father has three legitimate children (two sons and a daughter) and five illegitimate children (one son and four daughters) in addition to the informant. The legitimate children are all of course paternal half-siblings to the informant, the other illegitimate children also being her paternal half-siblings.

And another informant Miss BB, says that she cannot count on inheriting rights to her father's land since she is illegitimate. Her father has had thirteen children by various women and four of these children are legitimate; and she feels that the latter would have priority to the land.

And while Mrs. AO's father has land, and although she is not sure of his plans for its future inheritance, she 'is not looking' to inherit any since "he never married to my mother and he have nine children ..." eight of which are by his wife and therefore legitimate. However, the question of legitimacy may not be the only factor to be considered in this case since Mrs. AO. hardly knows her father, not having seen him
since she was eleven years old (she is now nearly forty). And she does not even know whether or not her parents ever lived consensually, for ever since she can remember she cannot recall her father ever living in the same house as her mother (with whom the informant grew up.)

Similarly in the case of Miss BI, referred to above, not only is she illegitimate, but she was born to her mother as a result of a casual extra-residential encounter concurrent with a previous (more stable) consensual union of the mother. For the latter (who is also an informant in the study, living elsewhere in the village with another consensual mate, Miss BI's step-father) in discussing her five outside children born prior to her current union says that four of these (the first, second, third and fifth) were born to a previous consensual mate in a union which lasted for more than eight years; while the fourth, Miss BI, was born during this union (four years before the birth of the fifth child), referring to this short-lived union as just "teef pass" - a phrase which denotes its extreme casualness.

In other words, where illegitimate children are likely to be excluded from the inheritance of rights to a parent's land, this may be as much a result of the lack of contact between a parent and child which may result from the dissolution of an early unstable conjugal union of the parents (see Chapter 8, p. 153) as to the illegitimate/legitimate distinction per se.

In theory land belonging to intestates escheats to the Crown in the absence of legitimate issue, and the case of Mr. AB, who 'inherited' land from his maternal uncle but was unable to keep it because he was illegitimate, provides an example where such a principle probably came into operation. Similarly in the case of Mr. CQ, his
father's only child - born to his mother in an early unstable union (Mr. CQ. has five maternal half-siblings all younger than himself); -for while Mr. CQ. has inherited rights to land from his mother although she died intestate, he did not inherit his father's land which - according to customary inheritance - "is supposed to be my own", because his father died intestate:

"I didn't have no claim because my grandaunt never show me a piece of paper definitely, that say well: this is my father's land. Only say is my father's land. And what really happen is Parochial Board take it up, and lease it out. And I believe the Government sell it to a lady up there". (My emphases).

(2) Selective Contact Change

This occurs through the selection of elements from the legal code by individuals to adjust or reinforce the customary system to suit their particular ends, viz.:

(a) The transformation of bought or individually owned land (held fee simple) into family land through a written or verbal will

Such a process was reported in several cases of the longer established holdings

1) Defined by Rogers - in contrast to directed contact change - as change "which occurs when outsiders unintentionally or spontaneously communicate a new idea to members of a social system, who in turn select those ideas they wish to adopt ..." Op.cit: 18. Both directed and selective contact change are contrasted-as the broader category of Contact Change with Immanent Change, "which occurs when invention takes place within a given social system with little or no external influence ..." Ibid:17.

2) The process of transformation of bought or individually owned land into family land is also noted by Clarke 1953 op.cit: 83; 87; 97; 107; 111; 1966 op.cit: 40; 61; 63; and Davenport op.cit. 448; 450. See also Smith, M.G. 1956 (a) op.cit. and Greenfield 1960 op.cit. who note a similar process in Carriacou and Barbados respectively. However Clarke and Smith stress the conflict of the legal and customary systems inherent in this process, and furthermore both associate such transformation with intestacy. Davenport does however note that such a transformation may be effected through a will, ibid: 448; 450; and Greenfield states that "The elders of Enterprise Hall invariably created settlements [thus effecting such a process of transformation] by leaving a will at their death" Ibid: 173.

of family land as well as those acquired more recently (for example in the previous generation). In addition there was evidence that some of the holdings of land purchased by informants themselves are also destined to undergo this process.

In such cases a will both ensures the life interest of the widowed spouse and limits his/her interest in the land by stipulating the joint inheritance of the land by the children.

Mrs. H's paternal grandfather and his siblings (of both sexes) for example inherited family land from their parents in a will; and two generations later the land is still regarded as family land belonging to all Mrs. H's great grandparents' descendants ("all the Davieses") - an ancestor-oriented unrestricted cognatic descent group holding corporate rights in land traced to the great grandparents and recruited on the basis of an ideology of unrestricted cognatic descent. A second piece of family land has also been created through a will on Mrs. H's father's side of the family; this time with her paternal grandfather as the focal ancestor. He bought a piece of land and although some of it has been sold, the rest was left in a will to be inherited jointly by the grandfather's three children. Subsequently one of these children has died and her rights have been inherited laterally by the two remaining siblings. These in turn plan to pass the land on to the next generation of heirs: their own children and also those of their deceased sister (Case 7).

Mr. CN's father's share of family land which originally belonged to the latter's paternal grandfather has been passed on as family land to Mr. CN and his siblings in a will: "Me father make the will and give it over to me mother". The will stipulated that the land should be inherited by the father's seven children (who have inherited joint rights in undivided land) and that his spouse (Mr. CN's mother) should remain on the land "till death" (Case 8).
Regarding the family land in Case 1, Miss E. states that her father made a will leaving the land for "family", and stipulating that his wife (Miss E.'s mother) was to retain a life interest in the land, but that she could not sell it: "After the death of the mother, deliver to children". And although there is disagreement between Miss E. and her two siblings Miss CI. and Mr. CR. (who are also informants in the study) on the point as to whether or not their father actually made a will, Mr. CR. states that there was originally a will concerning this land: "They got will at first; the older ones, far back". The land has subsequently been inherited by "generations" and "cannot be sold".

Mr. O's family land was also created by a will. For his paternal grandfather purchased two plots of land in River Village and left both these plots to his only son, Mr. O's father, in a will, further stipulating that one plot should be passed on to the first legitimate daughter to be born to the latter, and that the second piece should be inherited by all the other grandchildren. Mr. O. and his siblings, then, inherited joint rights in the land where Mr. O. now lives, which remained undivided. Mr. O's father made an addition to the original will: that his wife "should rest there till the end of her days". She could not, however, have sold the land:

"According to the will she couldn't sell it; (and she had no intention of that neither).... The old grandfather say the land should not be sold, it is for his heritage, going down. It must go from children to grandchildren, right down".

For the original will had stipulated that the joint heirs "must live in peace" and that the land was "not to be sold". Thus the will ensured the main principles of customary inheritance: joint inheritance by all the grandchildren; and the life interest only of the spouse (Case 3).
In Case 13 a similar transformation of individually owned bought land to family land has been effected through the joint registration of Title.

Miss CK's great grandmother (her FMM) left her land to her four children - three daughters and a son - in a will; the latter also stipulating that the land should not be sold, but should "serve generation to generation as family land".

Mr. BT's paternal grandfather's will both ensured his wife's life interest in the land (the wife "was to live on the place until the death of her") but also limited her interest in the land in accordance with the customary system by stipulating that her interest in the land should be a life interest; - thus ensuring that his children would inherit the land. (The will also stipulated a subdivision of the latter between the grandfather's children).

And Mrs. CO's father, who died long before her mother, made a will which both ensured his spouse's life interest to his bought land (the couple were not married) but also limited her interest in the land to a life estate while stipulating that the land should be inherited jointly by his three children.

Although Mr. A's father did not make a will, "he always use the word that he leave the land for his children". Thus although he died intestate, there is an element of the legal code here: testamentary disposition to create family land from individually owned land. For the surviving children held joint rights in the land which remained undivided, and Mr. A's mother retained a life interest in the land. Mr. A. in turn made a death-bed will to ensure the continuation of customary principles: the joint inheritance in undivided land by his children and the life interest of his wife (Case 9).
In Case 4 Mrs. AI, in discussing the origin of her family land which she traces through her mother back to the latter's maternal aunt's spouse, states that "a will had to read over" and that the old man from whom the land had originated also gave her mother a Title for the land. These documents thus enabled the creation of family land from a source outside the "family"; that is through an affinal rather than consanguineal link, and the land has subsequently been inherited jointly as family land by Mrs. AI. and her siblings.

Further, a will may reinforce the customary principle of inheritance by "all the children" by ensuring the rights of any illegitimate children of the holder\(^1\); as for example in Case 15 where Mr. DC's will provided for the inheritance of his illegitimate outside daughter as well as for his three legitimate sons. And in Case 10 Mrs. Z.'s father's will included Mrs. Z., his outside illegitimate child, in the inheritance of his property as well as his legitimate son. Likewise Mrs. AD - her father's outside illegitimate child - inherited one of her father's two plots of land in a will, her father's other child (Mrs. AD's legitimate paternal half-brother) inheriting his other plot. The will ensured her rights of inheritance against her brother who, she states, wanted this second plot as she is illegitimate. And the joint registration of Title in Case 13 ensures the rights of several of Miss BN's children - all of whom are illegitimate. In Case 2 the grandfather's will ensured that both his son's illegitimate and legitimate children would inherit rights to the family land, (and also limited his son's legal wife's interest in the land to a life interest). And the rights of inheritance to their father's land of Mrs. CO. and her two brothers - who are all illegitimate - was ensured by their father's will.

\(^1\) Cf. Davenport 1961 op.cit: 448.
Just as a will may reinforce the customary principle of inheritance by including the holder's illegitimate children, it may also do so by excluding the holder's spouse's outside children (that is the holder's step-children) who, according to the customary principle of inheritance, are not defined as legitimate heirs - being, like the holder's spouse, "a different family". For example when Mr. A. made his will regarding the future inheritance of his house-spot, his spouse's outside child was not included with the couple's two children (Case 9). Similarly, Mrs. DC's outside child was not included in her step-father's will regarding the inheritance of his various plots of land (Case 15). Likewise in the joint registration of Title reported in Case 13, Miss BW's outside child was not included (the land was originally purchased by Miss BW's consensual spouse rather than by Miss BW herself).
(b) The customary principle of inheritance by "all the children" may be combined with the legal element of individual inheritance through the subdivision of family land between the respective heirs. For example Mr. CN's great grandfather owned a large property and he

1) This process of subdivision is also noted by Clarke (1953 op. cit.: 93-4; 97-9; 106-8; 115-7; 1966 op. cit.: 46; 50-1; 53; 57; 60-1; 67;) who refers to it as "sharing". However she stresses the conflict of the legal and customary systems in this process: "It [subdivision] is however, always regarded as a breach of custom and ... leads to family friction". 1953 ibid: 94; and it was a more common process in Orange Grove where the land had been more recently acquired, than in Mocca or Sugartown. Davenport also notes this process of subdivision in relation to Black Point family land (having pointed out that family land is not supposed to be converted into fee simple holdings, ibid: 448, but qualifying this by stating that "division and conversion into fee simple holdings " does occur, ibid: 450). But, like Clarke, he interprets this process in terms of conflict between the customary and legal systems and states that such "destruction of the corporate holding" (ibid) is due to the "constant attempts to bring about ... (the consolidation of family land) around fewer kin". Ibid. It must be pointed out however that subdivision and conversion into fee simple holdings alone does not result in such consolidation unless shares are bought out by one or some of the heirs (a possibility which Davenport refers to on p.449).

Greenfield (1960 op. cit: 168-9) and Horowitz (1967 (a) op.cit: 29-30) also note this process for Barbados and Martinique respectively.

However, whereas subdivision is a secondary variant in the Jamaican and Barbadian systems of family land, it is the primary one in Martinique, the secondary variant in the latter being joint inheritance in undivided land - when subdivision fails to take place for various reasons; see Horowitz ibid: 30.

The variant of subdivision appears to be absent in British Guiana (Smith, R.T. op. cit.) because the norms governing inheritance are based on Roman-Dutch law which specifies joint inheritance (i.e. inheritance in undivided land).
divided this between his three sons in a will: "It cut up fe John, Charles and James. Dem surveyor off fe dem part give dem; them get their own share". In addition to the combination of individual shares and the customary principle of inheritance by all the children, the inheritance of the latter was ensured by a will - another element of the legal system. In the next generation Mr. CN's paternal grandfather (James) divided his share equally between all five of his children (three of whom were illegitimate):

"That land (James' share) cut up ... That land share ... all five of them get; equal pieces. Well, the other granduncles of mine (John and Charles), them don't business ... in a that land; for them was surveyor and cut off fe dem, their own place ..."

In this case the customary principle of inheritance by all the children regardless of the question of legitimacy as defined by the legal code (for only Mr. CN's father and one of the latter's sisters were legitimate) is combined with the legal element of individual shares (Case 6).

Mr. N's father and paternal uncles also inherited individual shares in their parents' land; each inheriting a plot from both their father and their mother's land (Case 2). And Mrs. F. plans to subdivide her father's land between her two brothers, with each of them receiving "their own piece of paper" (that is their own Title) (Case 5); while Mrs. Ali has already subdivided her mother's family land giving Mrs. P. (her sister) her individual share (Case 4).

The conversion of family land into fee simple holdings through subdivision means that the holders do have rights of alienation over the land which are sometimes mobilised, as in the case of Mr. N's paternal uncles (Case 2), or of the four sisters referred to in Case 15 who each sold their share of family land to Mr. AS's father. And talking of the potential subdivision of her family land, Mrs. Ali - who has already
allocated a share of this land to her sister - says regarding her brother's position vis-a-vis the land that:

"Him can get his own [share] and sell it, and sell out the [that is his] children them; and [or] if him wanted to give it to dem, ... can give it; so I really can't tell what he will do". (Case 4).

However, subdivision does not automatically lead to a cessation of the principles associated with family land. For the subdivision may be accompanied by a proscription against alienation which may be respected, and each share may subsequently be inherited by each heir's children - this being effected either through a further subdivision, or through reversion to the principle of joint inheritance in undivided land. For example although Mr. CN's great grandfather subdivided his land between his three sons, Mr. CH's paternal grandfather passed his share on to his children subdividing it between them, and Mr. CN's father has passed most of his share on to his children (having sold seven acres but retaining twenty acres). And although Mr. CN. and his siblings are planning a further subdivision, Mr. CN. - though not sure as to the exact future of his share - does not, from what he says, intend to sell it. Furthermore, he says that the part of the family land where his ancestors have been buried for generations must not be sold (Case 8).

And although there has been some subdivision in the transmission of the family land in Case 1, Mr. CR. states that the land "cannot be

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1) Cf. Clarke 1966:51, who despite her above-mentioned views that subdivision conflicts with the principles of the customary system, does note that "the process of sharing does not abrogate the principle of group inheritance and the prohibition on alienation".

sold. At the first, the older ones them said it must serve generations" - and it has been retained in the "family" for several generations.

While two of Mr. N's paternal uncles sold their shares of family land, the shares of the other two siblings (Mr. N's father and the latter's brother Stanley) have been retained within the family. And regarding the future inheritance of Mr. N's father's shares in the latter's mother's and father's land respectively, which have been inherited by Mr. N's children, they must be passed on to the next generation of heirs (Case 2).

Similarly, while Mrs. P. has received her own share of her mother's land, she does not intend to sell it but to leave it to her children "Just the same like how we get up and see that it has been passed through the family, the same way it carries continuously". And even though Mrs. AI. points out that, when her brother gets his own share of the land, he could either sell it or pass it on to his children as he wished, nevertheless her phraseology that he can "sell out his children" indicates that she regards this possibility as a betrayal of familial principles1). (Case 4).

1) Cf. Clarke ibid: 46 who notes a similar expression used by one of her informants (although she is in fact referring to bought land), viz.: "The mother sold ... [her land] 'to spite her children' ...".
Although Mrs. D's paternal grandparents' land was subdivided between her father and paternal aunt, neither sold their share, the aunt's being inherited by her son, and Mrs. D's father's share by his two children. And even in this generation none of the original land has been sold although Mrs. D., for example, is now an old woman (Case 11).

And while Mrs. C's maternal grandfather had subdivided his land giving each of his children their own portion, he had stipulated that the land must not be sold but "must stay there serve everybody - as long as till every generation [of his descendants] dead out". And Mrs. C's mother's portion for example has been jointly inherited (undivided) by her eight children (Case 14). And Mrs. F., though planning to subdivide her father's land between her two brothers, has also designated heirs to inherit these shares in the next generation (Case 5).

In Case 1 although Mrs. A's father had at one point considered selling his portion of his father's land (which had been subdivided between all the latter's children), nevertheless he had subsequently decided not to sell it since he has four children and would like to leave the land to them.

The case of Mrs. C's paternal grandfather's land provides an interesting example of the variation which may occur in the combination of the various principles outlined above. Her paternal grandfather made a will stipulating that his land should be subdivided between his three children - Mrs. C's father, Daniel; her paternal uncle Tim and paternal aunt Sadie. Sadie emigrated to another parish, eventually dying there. Subsequent to her death her son - who was also living in this latter parish - returned to Sadie's natal parish and sold her
share of the land. Tim also died, leaving his share in a will to be further subdivided between his five children (two daughters and three sons), and these children still have the land. Mrs. G's father's share was fifteen acres, and he sold most of this by the 'lot', little by little, until only two acres were left. He died when Mrs. G. - the youngest of her parents' sixteen children - was eleven years old, leaving the two acres of land. Mrs. G., whose mother had died when she was four, was subsequently fostered with one of her elder brothers and his wife in another parish. Some time later she returned to her natal parish "to find out how the land go", to discover that another brother had sold half of what had been left of her father's share; a sister subsequently selling the remainder.

Thus while the original subdivision of the grandfather's land combined the legal principle of individual inheritance with the customary principle of inheritance by all the children, only one of the grandfather's children (Mrs. G's father) had sold any of the land - and even in this case this child had retained a small piece of his share. In the next generation, however, all but one share of the original holding was alienated through sale. However, this one share, though further subdivided in transmission to Tim's children, has never been alienated, still remaining in the family.

The combination of the legal element of individual inheritance with the customary principle that land should not be sold is also seen to occur even outside the context of subdivision. For example where Mrs. Z. inherited the total holding of her father's family land, but says that this land - which has been in her family for some generations - must not be sold, but passed on down the generations (Case 10). The combi-
nation of the legal element of individual ownership of land with the customary principle that the land should not be sold also occurring in cases where individually owned bought land is passed on either as family land to the next generation, or to selected heirs in younger generations; as in the cases cited under (a) above, or as in the case of Miss CK, whose paternal step-grandfather (her paternal grandmother's husband) has promised to leave one of his two pieces of bought land to her and her eldest son in a will: "He told me that when he give it to me I not to sell it". And in Case 3, although Mr. O's paternal grandfather left all his property to his only son, Mr. O's father, nevertheless he stipulated that this land should subsequently be inherited by his grandchildren: "The old grandfather say the land should not be sold, it is for his heritage going down; it must go from children to grandchildren, right down".

As mentioned above, a share in subdivided land may be passed on to the heir's children either through a further subdivision or by joint inheritance in undivided land; thus both variants of inheritance by all the children may be involved in the transmission of the same (original) total holding of land. The selection of the particular variant seems to be influenced by the variable of resources: people optimum. Thus both principles may operate in different generations of heirs with reference to the same holding of land. For example, a holding which may be large enough to be subdivided between the first generation of co-heirs may subsequently be considered too small for further subdivision, and so the shares may be left undivided for future generations. Similarly, land which is insufficient to be divided among a large number of heirs may - if the number of heirs subsequently decreases - be sufficient to subdivide.
For example in the case of Mrs. AI. and Mrs. P's family land, the land was initially inherited jointly (i.e. undivided) by several siblings; however as a result of the death of some of these co-heirs a potential threefold subdivision between the three surviving siblings is feasible - one of these siblings already having received her individual share since she wished to return to live on the land, although no further subdivision regarding the remainder of the land has yet been effected. Although the siblings have not yet made any definite plans for the future inheritance of the land it appears from their discussion of the subject that each one's share may be inherited undivided by their respective children. For, due to the increase in the number of heirs (Mrs. P. has four children, and Mrs. AI. seven; it is not in fact known how many the absent brother has) further subdivision might not be practical (Case 4). Likewise, while Mrs. D's father subdivided his parents' land between himself and his sister, he did not further subdivide his own share between his children, who inherited it jointly (Case 11).

In Case 8, if Mr. CN's information is correct, the "big property" owned by his great grandfather would have been four hundred and five acres, and the threefold subdivision which occurred in the distribution of the land between the great grandfather's three sons was therefore practicable. Even in the next generation a subdivision of the land was feasible, since each of the three sons would have had one hundred and thirty-five acres. In the case of Mr. CN's grandfather, this land was subdivided between his five children, each receiving twenty-seven acres. Mr. CN's father sold seven acres of his share, leaving twenty acres to be jointly inherited (undivided) by his seven children; - as the land had become increasingly fragmented the number of heirs had also increased, and so the land had not been subdivided. Nevertheless a
subdivision is still feasible, especially now that there are only four surviving heirs: Mr. CN. and three of his siblings, and a potential subdivision is being discussed.

While Mr. N's father and the latter's three siblings each inherited an individual share in both their father's and mother's land (Mr. N's father's shares being approximately half an acre and one acre respectively) Mr. N's father's shares have not been further subdivided in the transmission to the next generation of heirs. For he has several children (ten) and the share from his mother's land has been inherited jointly (undivided) by four of the children, while the share from his father's land has been inherited undivided by the other six children. And for example the latter share - inherited by Mr. N., his three full siblings and two of his half-siblings - will, in the next generation, be inherited by the children of all these heirs (Mr. N. alone has five children); thus further subdivision is impracticable.

Whereas the land on Mr. N's father's side of the family has been subdivided in his father's generation, the land on his mother's side - which Mr. N. traces to his great grandmother - has remained undivided, for it is only three squares in size (just over a quarter of an acre). And while each of the great grandmother's two children had a house-spot on the land, the latter was not divided: "It just a plain piece a place; it never surveyor". And regarding the future inheritance of the land by the ever-increasing number of heirs, Mr. N. says that the land "can't divide up, for it is very small. All of us will occupy [inherit] the whole place". And he explained that if subdivision were to occur:

"It will bring fuss ... because the land don't big enough. If it was from a acre upwards now, you could say 'alright: one square for this brother, or a next square fe that sister', and go on until it [the subdivision] complete". (Case 2).
And while Miss BT's maternal grandmother's land (two acres) in another parish (the informant's natal parish) was subdivided between the grandmother's two surviving children, Miss BT's mother and maternal aunt, with each of these siblings receiving a share of one acre, Miss BT, is doubtful whether for example she - one of her mother's ten children - will receive any specific 'share' or portion of her mother's share; although she says that any of her mother's ten children (at least eight of which, including the informant, have emigrated from her natal parish) can go and live on the land. Similarly, Mr. AN's mother's land is too small to be subdivided between her three children because it is only "a little piece"; it will therefore be inherited jointly by them.

The situation concerning Mrs. Z's family land in River Village illustrates how impractical it would sometimes be to subdivide family land between the co-heirs. For this land is only three squares in size and yet Mrs. Z. has stipulated that it must be inherited by all her grandchildren, of whom she already has twenty-seven (with another three "on the way"): "All of them to go over and pick". (Case 10).

From the combined information given from the various informants in Case 1 it seems that there has been some subdivision of their family land involved in the transmission in previous generations; Mr. Y's share, however - which has been inherited jointly by his thirteen surviving children - has not been subdivided.

And while Mrs. C's maternal grandfather's land was subdivided between his children, her mother's share - which is only three-quarters of an acre - has been inherited undivided by her eight children (Case 14).

Subdivision may be effected either by the original holder of the land, or through joint agreement by the co-heirs subsequent to the former's
death\textsuperscript{1}). For example in Case 3 the subdivision of the great grandfather's land between his three sons was effected by the great grandfather himself; and James, Mr. CH's paternal grandfather, likewise divided the land between his children. Mr. CH's father did not however subdivide the land between his children, although his four surviving children may possibly do so themselves. And while no subdivision was effected by Mrs. F's father when he left the land for his three children, Mrs. F. is planning to subdivide it between her two brothers (Case 5). Likewise, although Mrs. AI. and Mrs. P's mother left the land undivided to her children, a partial subdivision has since been effected, and a further subdivision is possible (Case 4). In Case 14 the subdivision of Mrs. C's grandfather's land was effected by the grandfather himself.

As seen from the preceding discussion there are thus two processes of fragmentation operative in the system of land tenure practised by the villagers and their kin: firstly, that involved in joint inheritance, where fragmentation of rights is the only type of fragmentation which occurs. Secondly, when subdivision of the land occurs the process of fragmentation of rights is accompanied by the additional fragmentation of the land. Nevertheless as indicated above, the latter type of fragmentation need not have disastrous cumulative effects, for it may be checked by a reversion to the principle of joint inheritance in undivided

\textsuperscript{1} Cf. Clarke 1953 \textit{op. cit.} 99 who notes that when subdivision occurs that "in some cases the father or mother leaving the land may define each child's share, more commonly the children themselves agree on a definition of their share".
When joint inheritance occurs, in the event of the death of one or all but one of the joint heirs, lateral consolidation of rights by the surviving sibling(s) takes place, preceding vertical devolution of rights to the deceased's children. However, if the land is subdivided, direct vertical devolution of rights to the deceased's share takes place with regard to his children.

In the case of Mr. CN's family land for example, direct vertical devolution of rights to the deceased's children has occurred: his paternal grandfather's share being inherited by the latter's five children, and his father's share being inherited by his (the father's) seven children (Case 8). And when Mr. N's father died, the latter's shares of family land were not inherited laterally by the father's surviving siblings (Mr. N's paternal uncles), but vertically by the father's children (Mr. N. and his siblings) (Case 2). Similarly, in Case 14, Mrs. C's mother's share of the family land has been inherited vertically by the mother's children, rather than laterally by her surviving siblings. But in Case 7, where Mrs. H's father and his two siblings inherited rights in undivided land, the rights of one of Mrs. H's paternal aunts who has died have been inherited laterally by Mrs. H's father and the other paternal aunt: "The both of them just take it, and them don't

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1) This is an important qualification of Clarke's data - in which these two variants of inheritance seem to be more distinct, i.e. the application of the two variants to the same (original) holding of land in different generations does not seem to be an important phenomenon. Thus "sharing" typifies Orange Grove inheritance (vis-a-vis Mocca and Sugartown) and fragmentation occurs in each succeeding generation (Clarke ibid: 99), a situation which causes her to remark that "this process of fragmentation gives rise to some anxiety for the future of what is, at the moment, one of the most prosperous, progressive and well-integrated farming communities in Jamaica" Ibid: 117.
give us [Mrs. H's generation of heirs] any yet*. However, these siblings intend to pass the land on to the next generation of heirs including the children of their deceased sister. Lateral devolution can also be seen to precede vertical devolution with regard to the land on Mrs. H's mother's side. And in the case of Mr. O's family land (Case 3) and also of Mr. A's (Case 9) - where the land has remained undivided - the surviving sibling has inherited the rights of the other siblings (lateral devolution). And rights to Mr. Y's share of family land, which was left undivided to all his children, have been consolidated laterally by the thirteen surviving children after the death of some of their siblings (Case 1). Similarly in Case 4 the rights of the deceased siblings have been inherited laterally by the surviving siblings: Mrs. AI, Mrs. P. and their brother.

Whereas in the first variant (joint inheritance in undivided land, with lateral devolution preceding vertical inheritance) subsequent heirs would all inherit equal fractional shares of the total original holding, in the second (subdivision, with direct vertical devolution) they would - if each sibling has a different number of children - inherit unequal fractional shares to the original holding since each would inherit a fraction of the parent's share rather than of the original holding. This perhaps goes some way towards clarifying the discrepancy on this point between the reports given by Clarke and Davenport, referred to by the latter in his discussion of Black Point family land, viz.:

"According to Clarke it is intimated, but not expressly stated, that all these descendants, regardless of number, generation or genealogical connection share equally in any one piece of family land ... Black Point family land remains undivided by definition, yet differs from what has been summarised above [Clarke's version] by not being held equally among all descendants ... for each of these first inheritors transmits his fractional share to be equally distributed among all his children, and when each has a different
number of children, their shares become unequal"\(^1\)).

However, whereas my first variant does resemble that reported by Clarke, my second one only partially resembles that reported by Davenport. For in my second variant the land is subdivided, whereas in Davenport's it is not, and therefore the pattern of inheritance which he describes is identical with that associated with the legal estate of tenancy in common; a point which he fails to mention, and which qualifies to some extent his hypothesis that the customary system of land tenure in Black Point and the legal system of tenure are opposed and conflicting.

When family land is held jointly (undivided) the lateral consolidation of rights by surviving siblings resembles the feature of "survivorship" in the legal estate of joint tenancy. But the subsequent inheritance in the next generation by children of all the siblings (rather than just those of the last survivor) ensures the continuation of the customary principle of inheritance by "all the family". So that the similarity with joint tenancy in the legal system is not complete, the legal element being modified somewhat by customary principles. However it can be noted that in the legal system it is in fact possible to will land to be held jointly by a class of heirs (for example one's children) and their children, and there is thus a great deal of similarity between this and the situation described above.

\(^1\) Davenport 1961 \textit{op.cit}: 448-9.
(c) The process of subdivision may also combine the customary principle of inheritance by "all the children" with the favouring of a specific individual (allowed in the legal system through testamentary disposition) by giving one child a larger or extra portion of the land. For example, in the subdivision of both Mr. N's paternal grandmother's and paternal grandfather's land between the grandparents four sons, each of the latter did not receive an equal portion of the land, the size of the share varying according to their affection for each child:

"You know, they might love some more than some, although it is the same children them; but you know, some is with them more than some from they were child".

In addition, Mr. N's paternal uncle Stanley - the eldest of the four sons - received an extra share of his father's land; for while each son was given a plot on the father's land to cultivate, Stanley in addition inherited the plot which the grandfather had cultivated himself. Furthermore, the grandparents' own house-spot on the grandmother's land was inherited by Stanley's youngest son after the death of the grandfather; this grandson being selected from among several of Stanley's sons to inherit this house-spot because the grandfather "love that [grand-] son; he take that son - he just 'adopt' that son as his own". (Case 2).

In Miss B's account of the transmission of her father's family land there is also evidence of the combination of these principles. For regarding the subdivision of the land in her grandmother's generation, she states that each of her great grandfather's daughters (her paternal

1) Cf. Clarke 1953, op. cit: 97 who cites an example of such a case - of a man who "'left the land at his death to all the children, and their offspring. However, the youngest son was given by his father a piece of land (2 1/2 squares) all to himself, plus his share of the remainder ...' ".
grandmother and grandaunts) received shares of one acre each, except for the youngest who was given a larger share of one and a half acres. And while Miss E., along with her eight full siblings and four paternal half-siblings, has inherited joint rights in her father's share (which he inherited from his mother), she has also inherited rights to an extra portion of the original family land in that she inherited the share of one of her paternal grandaunts (Case 1).

Another example is of the stipulations made by Miss BP's father's step-father (her father's mother's husband) regarding the inheritance of his land. As mentioned above in another context, Miss BP's paternal step-father made a will including both his own children and his wife's outside children (his step-children) - for example Miss BP's father - in the inheritance, stipulating that the land should be subdivided between all these children. The land was surveyed and each child received an equal share (half an acre). However, in addition to this subdivision of the land the grandfather left an extra half-acre which he stipulated should be inherited by whoever stood the expense of his funeral. (Miss BP. does not know which child did in fact do this; she is only thirty and her step-grandfather died "long time").

These two principles may also be combined in other ways, viz.:

(i) If there is more than one parcel of land to be inherited, by treating the two holdings of land as a unit in which all the children inherit, but leaving one parcel to a particular child, while leaving the other for all, or all the other children; - as occurred for example in Case 3 where Mr. O's paternal grandfather stipulated that one of the two plots of land which he left to his son should be inherited by the latter's first legitimate daughter, while the second should be left for all the son's other children. And while all the Fs' six children will jointly inherit
their parents' house-spot (bought land) in River Village, Mrs. F. states that their third child will in addition inherit a share in Mrs. F's family land in her natal village; a similar principle being illustrated by the fact that while all seven of Mr. F's children will inherit from him, his six legitimate children will inherit joint rights in undivided land to the house-spot in River Village, with his outside child inheriting another piece of bought land elsewhere in the parish from him (Case 5).

Another example is that of Miss BT's paternal grandfather's two pieces of land. The two pieces, which were eight acres and twelve acres in size, were about a mile from each other, the grandfather purchasing the twelve-acre piece in conjunction with one of his sons, Miss BT's father. The latter had emigrated to the United States and sent money out to the grandfather towards the purchase. The twelve-acre piece was therefore owned jointly by the grandfather and this son. In addition to the latter, the grandfather had another set of children; for after the grandfather's first spouse (Miss BT's paternal grandmother) died he had remarried and had several children - Miss BT's father's paternal half-siblings. When the grandfather died the twelve-acre piece was inherited solely by her father (who already had joint ownership of it) - she does not know if this was in a will - while the second piece was left in a will to be subdivided between the rest of the grandfather's children, his wife having a life interest in it.

And in the case of Mrs. Z., individual inheritance has been combined with the customary principle of inheritance by all the children through her father's allocation of one of his two plots of land to each of his two children (Case 10). And in Case 15, each of Mr. DC's four children has inherited rights in his property (which is comprised of five plots of land); his outside daughter has, along with four of his grandchildren,
inherited rights to one of these plots, while each of his three sons have each individually inherited one of the other plots. And while Mr. DC's grandchildren can therefore subsequently inherit rights to his property through his respective children, certain of his grandchildren were, in addition, selected to inherit rights in the above-mentioned plot (held jointly with the grandfather's outside daughter) and also in a fifth plot.

Mrs. Z's plans for the future inheritance of her land illustrates a more complex combination of these principles. For she plans to leave one plot to be inherited as family land by her descendants, while a second plot (her present house-spot) is to be allocated to specially selected heirs: two of her five children (a son and a daughter, the youngest two of her children). Balancing to some extent this special selection is the fact that two of her remaining three children now live on the plot designated to be family land - one in Mrs. Z's former house, the other having built his own house on the land. While to some extent, then, the two plots can be regarded as a unit for the allocation of rights to her respective children, yet the two who will inherit Mrs. Z's house-spot will be the only two heirs to that land, whereas the plot which is to be regarded as family land is to be inherited by all Mrs. Z's descendants, and the two children now living there - although they may remain there as long as they wish - have no special rights over the several other heirs to the land. Regarding her house-spot, there is further selection from among the two designated heirs in that Mrs. Z's four-roomed house is to be inherited by the son (as he built the house for her and also allows her to cultivate a ground on his bought land outside the village). This allocation of the house thus singles him out as the most favoured heir (Case 10).
Case 13 shows a slightly different variant of the combination of the customary principle of inheritance with the legal element of special selection. For while Miss W's house-spot is destined to be transformed into family land by the customary principle of joint inheritance, there has in fact been a certain degree of selection among the children by placing some and not all of their names on the Title; (although the rest of her children by her ex-spouse - the latter pur chased the land - also have rights to the land: "Them go and come and anything then want, then get").

(ii) Secondly, these principles may also be combined by leaving the land to be jointly inherited, but allocating the family house to a specific individual: a combination made possible by the above-mentioned feature of the customary system - that houses are considered moveable property and may therefore be held under a different tenure from the land on which they are built.

For example, while Mrs. F's family land in her natal village elsewhere in the parish has been inherited jointly by herself and her two brothers, one of the latter inherited the parents' house as he had assisted his mother in financing its rebuilding. And regarding the F's own bought land in River Village, while Mrs. F. intends to leave the land to be jointly inherited by her six children, the house will probably be left for her eldest son she says as he had helped her to repay a loan in the past (Case 5). Similarly, while Mr. CH's father's family land was left to be jointly inherited by all the father's seven children, the parents' house was left for the youngest daughter who had looked after the mother (Case 8). And while Mrs. Z. plans to leave her house-spot (one of her three plots of land) to two of her children,
her house - as mentioned above - is to be inherited by only one of these - a son (the youngest of her four sons) who not only built the house for her, but allows her to cultivate a ground on his own bought land elsewhere (Case 10).

Such specific selection of a particular child from among many children is based - as in the case of allocating an extra portion or plot of land - either on special affection for the particular child, or as a reward for particular 'dutifulness'1) rather than on any other structural principle such as primogeniture or ultimogeniture. For it can be seen that there is no consistency in such selection with regard to either the variable of sex or of birth order. In the case of Mr. CH's family land the child to inherit the house is a daughter, whereas in the other three cases cited here the selected individual is a son. And of these three, one is the eldest of six children (Mrs. P's son); another is the youngest of three children (her brother); and in the third case - that of Mrs. Z's son - although he is a youngest son he is not in fact the youngest child. And in the cases referred to previously where a particular child was selected to inherit an extra portion or plot of land there is similar variation with regard to

1) 'Dutifulness' is also an important consideration when the straightforward selection of the legal element of individual inheritance occurs. See for example the cases cited above in the discussion of innovations to the 'pure' customary system being associated with wills of Miss C2's father who left his land to his "cousin" because she had cared for him in his ill-health; and of Mrs. AD's father, who inherited land from an unrelated woman because he 'took care of her'. Other cases of individual inheritance which are related to the concept of duty include that of Mr. AF, who inherited individual rights to his maternal aunt's land because her own son "was never attentive". The final demonstration of Mr. AF's own 'dutifulness' being that he buried his aunt. And the case of Mr. AS's father (Case 15) who inherited individual rights to his maternal aunt's land "because he maintain her until her death".
these variables. One is an eldest son (Mr. N's paternal uncle Stanley); one a youngest son (Stanley's son) (Case 2). Another is a youngest daughter (a child of Miss E's great grandfather); yet another is the eldest daughter (Miss E.) (Case 1); with still another also being an eldest daughter (Mr. O's sister) (Case 3). And while Mrs. F's eldest son referred to above has been selected to inherit the Fs' house, her second son (her third child) has been selected to receive an extra share of land (part of Mrs. F's family land); this being because he financed and organised his maternal grandmother's funeral (Case 5).

(d) Allocation of land to selected individuals through a will (legal element) may be combined with the customary principle of keeping the land within the family to provide for future generations by literally leaving the land to "children's children" - that is to grandchildren - as in Case 15, where old Mr. DC. left two of his five plots of land to some of his grandchildren in a will; and Case 2, where Mr. N's paternal grandfather made a will, after the death of one of his sons, to ensure that some of the son's children would inherit his (the grandfather's) land. Mr. O's paternal grandfather also specified in his will that his grandchildren should inherit his land (Case 3).

Such specifications regarding the inheritance of land by grandchildren may also take place without the actual making of a will as in Case 1, where Miss CU. says that her maternal grandmother has specified that one of her husband's two pieces of bought land "must share fe all the grandchildren dem". And Mr. F's father has specifically included two of his grandchildren in the future inheritance of his land (Case 5).
In such cases where the rights of grandchildren are specified, the rights of the holder's children are not overruled; for example in Case 15 referred to above, all of Mr. DC's children were also included in the inheritance of some part of his property (which consisted, as mentioned previously, of five plots of land); in Case 2, Mr. N's paternal grandfather made the specification concerning his grandchildren because of the death of his son, their father; and in Case 3, while it was stated that Mr. O's paternal grandfather's grandchildren should inherit the grandfather's property, the latter was first inherited by Mr. O's father before being passed on to the latter's children.

In Case 1, while, according to Miss CU's account, one of Mr. Y's two pieces of bought land was left for his grandchildren, the other piece was left for his children. And his family land was also left for his children. And Mr. F's father, while including two of his grandchildren in the future inheritance of his land, has also included his son, Mr. F. (Case 5).

(e) The distinction made by the Law between legitimate and illegitimate children may be combined with the customary principle of inheritance by all the children in the following way: if the parent common to the various sets of half-siblings has two pieces of land, one piece may be left for all the legitimate children, and the other for all the illegitimate ones. The case of Miss BR. whose father left one of his two pieces of land to his wife and legitimate children, and the other to his three illegitimate children (who were by three different women) provides an example of this. A similar arrangement is also the case with regard to the future inheritance of Mr. F's two pieces of bought land, one of which will be left jointly to all his legitimate children, the other being for his il-
The legitimate/illegitimate distinction also formed the primary basis of the allocation of rights in Mr. N's father's land. For one plot was left for the father's four legitimate daughters, his legal wife also having a life interest in this piece; while the second plot has been left to his four illegitimate children (three sons and a daughter), his two legitimate sons however also being included in the inheritance of this piece (Case 2). And in both the case of Mrs. Z. (Case 10) and Mrs. AD. one plot of their father's land was left to them - the illegitimate child - a second plot being left for their half-sibling - the legitimate child.

In a few cases the distinction between legitimate and illegitimate children provides the basis for the non-exercise of rights by the illegitimate ones. However, this is more a distinction between sets of half-siblings who have had little contact with each other, than to any notion that the illegitimate children should be excluded. For it may be the illegitimate child who emphasises the distinction, as in the case of Mr. AI. with reference to his father's land in the interior of the parish (Case 4) or Mr. AI. with regard to his father's land also elsewhere in the parish. In the case of Mr. AI., he is not very familiar with his father's legitimate children, his half-siblings; for they live in the interior of the parish, and: "I leave up there from small boy, so I don't have no idea of the land. I never grow with my father"; Mr. AI's mother had brought him to live in the neighbouring village of Friendship as a small boy. It is not that he 'couldn't' use his father's land, Mr. AI. says, just that he 'wouldn't'. Mr. AJ's father's land is also further inland in the parish, but he (Mr. AJ.) himself grew up on a property just outside River Village as
his father worked on this property; so he "wasn't along with them [the rest of the family, for example his half-siblings] at all". So while he could go and use the land - for example pick fruit from it - it is his father's wife and legitimate children who in fact use it.

(f) The elements of the sale of land (legal element) and the prescription against alienation of land (customary) have already been discussed under (b) above in the context of individual inheritance and individual ownership, where it was seen that not only may family land become alienated when it is subdivided (which represents the conflict of the two 'systems' of land tenure), but that the opposite process may occur, viz.: the customary element of a prescription against alienation may become attached to individually inherited or bought land; this representing the selection of elements from both 'systems' in a way which reinforces the customary system of inheritance. It can further be added here that a compromise between the legal element of alienation through sale and the customary prescription against alienation is sometimes effected through the sale of a portion of the land only with most or some of the land retained as family land. As occurred for example in Case 8 where seven of the twenty-seven acres of Mr. GN's father's share of the family land were sold, the other twenty however being retained as family land, with the three or four squares of the land which are used as a burial ground being further regarded as particularly 'inalienable'.

A similar situation exists with regard to Mrs. H's paternal grandfather's land, approximately half of which was sold in the grandparents' lifetime, with the other half being left jointly to the grandfather's children (Case 7). And in the case of a plot of land in River Village which has been jointly inherited by five siblings, a portion has been sold to an immigrant couple as a house-spot, while the rest is retained as family land.
Or if a person has more than one plot of land, one of these may be sold while the other(s) are retained to be transmitted as family land. As in the case of Mrs. C0's father who, prior to his death had bought two plots of land; one, three-quarters of an acre in the neighbouring village of Friendship; the other, a quarter of an acre, in River Village; and who eventually sold one plot (the one in Friendship) while leaving the other to be inherited according to customary principles. Miss B's father also sold one of his two plots of land, but left the second as family land. And while in Case 9 Mr. A. eventually sold both his mother's land (to which he inherited individual rights) and (with his sister's permission) his father's family land (which was in another village), his father's is still retained as family land. And Mrs. Z's father (Case 10), while selling one of his plots of land, left the other two to his children. And Mrs. Z. says of one of these plots that her father "got the land as an inheritance", that it is "family land" and is "not to be sold".

Furthermore, the customary principle of joint inheritance may still be followed even while the "family" recognise that the land could in fact be sold; in other words, recognise the true status of the land from the point of view of the legal system. This is the case for example with regard to Mr. O's family land. For although this has been transmitted as family land from his paternal grandfather, and will still continue to be so transmitted as far as Mr. O. is concerned, nevertheless the latter is aware that he could in fact sell the land despite his grandfather's prescription against the alienation of the land as "conditions changes now" and "there is nobody to stop me" - all the other heirs having either died (as in the case of his siblings), or
living abroad permanently (as in the case of his siblings' children) (Case 3). And Mr. CM, who traces his family land to three ascending generations and whose ancestors are buried on this land, says that his children - who will inherit the land after his death - could sell the land if they wished, as 'after one dies one does not know what happens' (Case 12). And Mrs. CO, who along with her two siblings has inherited joint rights to her father's land, in discussing the future of the latter likewise recognises the two alternatives available, viz.: the possibility of alienation through sale (permitted in the legal system) or of the land's continued transmission down the generations of the 'family': "If they [her siblings] want to sell it, if we agree to sell it [it could be sold]. If we don't agree, well, we still have it [the land], serve generations". There is however at present no discussion of selling the land and Mrs. CO, a widow, lives there with one of her sons, one of her grandchildren and a great grandchild. (Mrs. CO's siblings - both brothers - are in Kingston).

While the transformation of bought into family land discussed above may be independent of the burial of ancestors on the land (as in River Village), nevertheless such burial may further reinforce this process as in the case of Miss E., Miss CI and Mr. CR's father's bought land (Case 1) and Miss HI's parents' bought land (Case 13). The elements of the purchase of land and of the burial of ancestors on the land being elements selected from the legal and customary systems respectively and combined in a way which again reinforces the customary system of inheritance.
(3) Unintentional reinforcement of the customary system by the legal system in ways which do not fall under (2) above.

(a) Although the reinforcement of the customary system of inheritance through the purchase of land (legal element) has already been discussed to some extent under (2) above, viz.: the transformation of bought into family land through a will (a); through a prescription against alienation (b); and through the burial of ancestors on bought land (g); such discussion focused on the selection and combination of elements from the respective 'systems' from the individual's point of view. However the fact that land is available as a commodity for purchase (although in limited supply) in the legal system is a necessary precondition for the various combinations outlined above where bought land is involved. Thus while such combinations focus on the choices of individuals, the availability of land for purchase can itself be considered as a way in which the legal system unintentionally reinforces the customary system by making it possible to obtain the necessary resources around which cognatic descent groups of the type outlined above may emerge.

Further, not only does an individual who purchases land become the potential focal ancestor of such a descent group; but if he already has rights to family land, then he also becomes the potential focal ancestor of a segment of a descent group. For if customary inheritance occurs with regard to this second piece of land, then the purchaser's descendants would have rights to two pieces of family land, each traceable to a different focal ancestor, one of whom is descended from the other. Thus the complementary processes of segmentation -

1) This cannot be classified as 'directed contact change' (Rogers op.cit.) because although the influence is external to the (sub-) system, it is not consciously directed towards the achievement of a specific goal. Neither can it be classified as 'selective contact change' since reinforcement occurs independently of selection by members of the sub-system.
fission and fusion - noted by Firth in Polynesian ramoses 1) would take place; - as has occurred for example in the case of Mr. Y. who already had rights to family land but also purchased two other plots of land, all three plots having been passed down to his descendants (Case 1). Or Mrs. H's paternal grandfather who both inherited rights to family land and also purchased an additional plot, both of which have been passed down to his descendants (Case 7).

Cases where the potential for a similar process exist include that of Mr. N., who although he has rights to family land on both his father's and mother's side, is also purchasing his own land in River Village under a 'lease and sale' arrangement (Case 2). And Mr. BV. who lives on his mother's land - which will be transformed into family land after her death as a result of the joint registration of Title - has in addition bought his own land some distance outside the village (Case 13). In Case 4, while Mrs. AI. and her siblings all have rights to family land, both she and her brother also have their own bought land. And Mr. AJ, who has rights to three pieces of family land elsewhere in the parish, also has his own bought land in River Village. (In some cases - such as that of Miss BL, who has rights in family land in her natal village elsewhere in the parish and has also purchased her own land there (Case 6), Mr. CR. who in addition to inheriting rights to both his father's (Mr. Y.) family and bought land is also purchasing his own land under a 'lease and sale' arrangement (Case 1), and Mrs. G.

1) Firth, R.: "A Note on Descent Groups in Polynesia" in Man 57(2), 1957. However see below p. of Chapter 8 for a qualification of this comparison.
who in addition to her family land in another parish also has her own bought land in River Village - while the potential for a similar situation also exists, the individual who has bought the land, unlike the previous cases cited where the individuals concerned all have children, has no children; or had children who died at an early age. Thus such individuals in fact (as yet) have no lineal descendants).

Thus not only does the legal system unintentionally reinforce the customary one by making it possible to obtain resources for the establishment of a descent group; but also by enabling the subsequent reinforcement of the resources of such a group with the concomitant process of segmentation.

(b) The proscription against the alienation of family land is frequently reinforced unintentionally by the deterrent provided by the legal conveyancing of land which is jointly held. For although in many cases the traditional proscription that the land must not be sold is itself a sufficient deterrent against the alienation of family land, several informants also commented on the difficulties and complications which would be involved from the legal point of view if family land were to be sold, for "so many people involved"1; and "fuss" and disagreement are often associated with attempts to sell such land. All the joint heirs would have to agree to the sale and sign the necessary documents, and if one of the joint heirs did sell such land without the agreement of the others, the latter could then start proceedings against the purchaser.

1) Cf. Clarke 1953 op.cit.: 88 - "... Even though one member paid the taxes and had it registered in his name, he was only a trustee and he could not dispose of it. They would say 'too many people involved.' "
(See for example Cases 2, 6, 11, 14 and 15 for remarks to this effect; and Case 9 where Mr. A's sister had to come down from Kingston in order to sign the necessary documents before Mr. A. could sell their father's land).

(c) The practice of "Gazetting" or advertisement of the intent to take out a Registered Title for land (for example in order to sell the land, obtain a subsidy for a Farm House or a loan for building a house) allows for the possibility of there being multiple claimants to a piece of land, and therefore prevents an individual from obtaining a Title without the permission of other claimants.\(^1\)

(d) The distinction made in the customary system regarding an heir who is resident on family land between usufructory as against individual rights of ownership is reinforced by the fact that in the legal system a tax receipt (often paid by the resident heir) is evidence only of possession and not ownership of the land.\(^2\)

(e) Furthermore, the fact that in the legal system if there is proof of trustee-ship, exclusive possession (i.e. a Squatter's Title) cannot be claimed by a person resident on the land against absent owner(s) of the land - regardless of the length of such residence - reinforces the customary principle of the unrestricted cognatic descent group.

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1) See the Registered Titles Law Revised Laws of Jamaica 1955, Cap. 340. s.46 for bringing land with 'doubtful title' under the operation of this Law.

2) Cf. Clarke ibid. 86; 1966 op.cit. 39, who states that the only "real value or use" of such a document in a Court is evidence of possession."
(f) Ironically, the continued functioning of the customary system of corporate land-holding groups in their primary role of providing security as 'insurance' against poverty, rather than as residential groups (see Chapter 8) is enabled by the opposition between the two ideologies of group/individual ownership stressed so much by Clarke. For the positive evaluation of individual ownership and the dissatisfaction with the restrictions of family land which lead to the acquisition of bought land, or simply to neolocal residence (see Chapter 8) are two reasons which contribute to the continued process of voluntary non-exercise of rights to family land.

(g) In her discussion of the Jamaican customary system of land tenure Clarke states that:

"the peasant theory of land tenure, based on African principles, came into conflict with English Law chiefly in the matter of joint inheritance and of what are regarded as the equal rights of all the family ..."1)

the aim of this statement being to show the opposition between the Jamaican customary and legal systems since the latter is based on English Law. In the context of this discussion Clarke states that primogeniture is the rule in the legal system, viz.:"the law ... recognises the eldest son as the rightful heir where there is no testamentary disposition ..."2). As mentioned above, however, Jamaica abolished primogeniture in 1937; and although some allowance must be made in the criticism of Clarke for the fact that primogeniture did exist in Jamaican Law until 1937, nevertheless the Law has provided for the equal rights of the children (regardless of sex and birth order, though not of legitimacy) since that time.

2) Clarke 1953 and 1966 ibid.
Furthermore, although Jamaican intestacy laws provide for the equal rights of children rather than joint inheritance *per se*, nevertheless - as noted elsewhere in this chapter - joint tenancy in land by will or deed has been a legal estate in Jamaica for a very long time (probably since the time of the early English settlers in the sixteenth century, and thus prior to the introduction of African slave labour) - as indeed it was in English Law prior to 1925. Thus on the point of joint inheritance the customary system is to some extent reinforced by the Jamaican legal system.

And with regard to Clarke's intimation that there is something peculiarly 'African' about joint inheritance and equal rights, it will be seen below in the comparative discussion of English, Ashanti and Jamaican systems of land tenure that this is not in fact so.

The analysis which I have endeavoured to make in the preceding pages does not support the 'plural society' model. Rather it provides evidence that a certain amount of structural adjustment has already taken place at the level of actual social organisation between the two 'sets of rules' governing land tenure - the legal code and the Ideal Type customary system - and that further adjustment along these lines is possible. As was concluded in Chapter 5 with reference to family structure, then, the organisation of village tenure is therefore more accurately depicted through the use of Fallers' structural model of the nature of integration in peasant societies, which - to reiterate the point made in Chapter 5 - views the social organisation and value system of such societies as:

"a 'folk' version of a 'high culture'; it is neither the same as the latter nor independent of it, but rather a reinterpretation and reintegration of many elements of the high culture with other elements peculiar to the peasant village ..."[1]

1) Fallers *op. cit*; 39.
Comparative Discussion of Ashanti, English and Jamaican Legal and Customary Systems of Land Tenure.

Before embarking on this discussion it will be necessary to first outline briefly the basic principles of traditional Ashanti land tenure.

(a) Ashanti land tenure.

Rattray distinguishes three concepts essential to the understanding of Ashanti land tenure:

1. The land itself, in its most literal sense, i.e. the soil, the earth.
2. The usufruct, the use to which the soil may be put; in other words the right of occupation as distinct from the property in the soil.
3. The all-important fact that crops, trees, and even houses, were not regarded as 'part of the reality' ...

Ashanti land tenure can be seen to be closely interrelated with the political structure of the society, and both in turn with Ashanti religious beliefs. This interrelationship can be traced to the early periods of Ashanti-Akan history. Rattray suggests that the germs of any "comparatively advanced" legal system can be found in that society's early social organisation, and accordingly, he centres his analysis of Ashanti law and Constitution on the unit which from early times formed the basis of their social organisation; - the "family" or "domestic establishment".


2) By this Rattray refers to the "undivided household" (op.cit: 2).

This consisted of some or all of the following categories of people (all relationships are with reference to the family head):

(a) The family head ('father');
(b) His wife/wives;
(c) Unmarried children of both sexes;
(d) Married sons, their wives and children;
(e) Mother; younger brothers and unmarried sisters;
(f) Sons and daughters of married sisters;
(g) Household pawns and slaves (ibid: 3)
whose members were under the authority of the family head or "housefather" (Fie-wura). The role of the family head - and later that of the various categories of Chiefs (which emerged with the segmentary development of the lineage into the clan, the clan into the tribe or Territorial Division, and eventually the tribes into the Ashanti Kingdom) whose authority was modelled on that of the family head - can only be fully understood by examining all three facets mentioned above.

Although Rattray is primarily concerned with the basis of social organisation in this family unit which emerged after the advent of settled agricultural activities, he nevertheless traces the evolution of some of the basic influences on land tenure to an even earlier period, when the Ashanti lived as hunters. At this time, the land was regarded primarily in the first sense mentioned above, that is, simply "as an area of the world's surface over which mankind might roam for food ...". Rattray states that the land was personified in the Earth Goddess, Asase Ye, who alone possessed it, and that this idea was later merged with the concept that the land belonged to the ancestral spirits (Samanfe) of the tribal Stool. The land was therefore considered immoveable in a legal as well as literal sense, and since it was being continuously used by the tribal group:

"it was wholly dissociated from any particular individual; it therefore could never ordinarily be without some one who was interested in what it produced, because this interest was embodied in a community, a quasi-corporate society which never died. The death of an individual or the death of scores of individuals did not affect its legal status at all. It could never therefore be the subject of individual testamentary disposition because every one from birth was a beneficiary under a kind of universal succession. It belonged absolutely to past, to present, and to future generations yet unborn. Land could not be sold, land could not be given away, land could not be willed, or be the subject of inheritance outside the tribe". 

1) Ibid: 345.
2) Her birthday was Thursday (Asase), and it was taboo to till on that day.
3) Rattray op.cit. : 346.
Here, then, was the basis of the inalienability of the use of the land.

The seeds of exclusive usufructory rights to the land on the part of kin groups, which developed with the advent of agriculture, could also be seen to have existed in one particular context while the Ashanti were still hunters. This was with regard to the sacred groves where the ancestors were buried. Rattray suggests that:

"In the personal proprietorship to which such an association must almost inevitably have given rise, we have in all probability the very earliest conception of the ownership, or restriction of the use of land to any body of men less than the aggregate of the whole tribe. The dead man used it; he continued to use it - for ever. The spot marked by his grave was regarded as the particular property of his kinmen ..."¹

Thus the idea that the land belonged to the ancestral spirits of the tribe (Samanfo) came to be merged with the concept that it belonged to the Earth Goddess².

It was with the advent of agriculture that the distinction between the land as soil and the usufruct of the land developed more clearly. For the usufruct of a wandering tribe evolved into that of a settled family, with the recognised right of a kin group to the usufruct of a particular area of land. In the earlier stages of settlement, the kin group was the lineage, comprised of the lineage segments which were the "family" units referred to above.

¹Ibid.

²Hoebel, however, suggests that Basia's interpretation of the concepts associated with the land as soil is more accurate. The latter states that the Ashanti conceived of the Earth only as a female principle. The ancestors and the earth were considered inseparable through burial. The female principle of matrilineal descent is one which permeates the society, and the relationship between the ancestors, the land and the living. The land therefore provides the bridge between the living members of the family and lineage, and later the clan and tribe, and their ancestors, and this unity was symbolised in the Stool. The hierarchy of Heads and Chiefs who occupied these Stools acted as the mediators between the living and the dead, and as such were trustees for the land. The aim of Ashanti Law was to uphold this unity by ensuring that the living members acted in accordance with the Natural Law of the ancestors. Inalienability lay in the concept that, "Divisions of the Earth belonged to the ancestors collectively; no man could claim to own a part of her". Hoebel, E.A.: *The Law of Primitive Man* (Cambridge, Mass.: Harvard University Press, 1961 Edition) p.225.
Although the domestic establishment was "bilateral" or "multilateral", the corporate group associated with the inheritance of rights to property, political status and legal responsibilities - and therefore associated with the ancestors - was unilateral, based on the principle of matrilineal descent\(^1\). The \textit{potestas} of the house-father was therefore avuncular rather than paternal, being exercised in the role of maternal uncle rather than father; and his authority was sanctioned by the fact that he was the representative of the ancestors. The \textit{potestas} of the house-father was couched in terms of duties and obligations rather than rights and privileges; he was:

"the custodian of, and mediator between, the ancestral ghosts ... administrator of all family property, custodian of the family traditions, and arbitrator in the family quarrels"\(^2\)

\(^1\) By this a child inherited its mother's blood, and belonged to the latter's clan (\textit{abuesu}). Only the following categories of people were therefore under the avuncular \textit{potestas} of the house-father:
(a) Younger siblings; sisters' children;
(b) Grandchildren by sons who had married their patrilateral cross-cousins;
(c) Household slaves, certain categories of the latter's children; and to a modified degree, household pawns. Rattray \textit{op cit.} 7.

Other categories of people in the domestic establishment fell under the authority of their own house-father who lived in another domestic establishment. However, a child inherited its father's \textit{ntora} or \textit{nton} (totemic spirit), and this principle provided the basis for the formation of patrilineal exogamous groups (Rattray). Hoebel and Murdock refer to these as patrilineages, postulating a double descent system for the Ashanti. Hoebel \textit{op cit.} 214; Murdock, G.P. "Double Descent" in \textit{American Anthropologist}, 42, 1940. In Goody's and Fortes' terms, however, this is a system of matrilineal descent with complementary filiation; Goody, 1969 \textit{op cit.} Fortes, M. "The Structure of Unilineal Descent Groups", in \textit{American Anthropologist}, 55, 1953.

\(^2\) Rattray, \textit{op cit.} 4. This can be compared to the role of the lineage head in patrilineal societies such as the Tallensi of Ghana and the Bugbars of the Uganda-Congo divide.
In addition, he had power to punish and pawn those under his authority, but his authority in this, as in all spheres, was subjected to checks, in that its exercise was conditional on the opinions of his advisors. The estate which he administered was the joint property of the "blood-group" - which Rattray designates a *corporation* - and he was responsible for guarding against the alienation of such property from the group. The prescription against alienation constituted: "a perpetual safeguard that living clansmen, and as yet unborn generations of 'the blood', will never be reduced to poverty". Although this property was the inalienable estate of the "blood-group" the individual families had perpetual rights to the usufruct of particular parts of this estate.

The lineage structure gradually developed through the process of fusion into the wider "blood-group" or clan (abusua) and the clan into the tribe or main Territorial Division. The role of each type of Chief in the hierarchy of Chiefs which emerged was based essentially on that of the house-father. Succession to office was still based on matrilineal descent, and the Queen Mother of each tribe was the senior woman in the royal lineage (generally the Chief's sister, but sometimes his mother).

With regard to land tenure, therefore, these Chiefs acted as trustees of the land both for their subjects and the ancestors, and mediators between the two categories of kin:


2) Rattray also shows that, just as family usufruct had evolved out of tribal usufruct, so also individual usufruct evolved out of family usufruct. This occurred when a man cleared primordial forest without the help of the wider family group. However, he could depend on the labour of his wives, children and slaves in this venture.

3) The clan, unlike the lineage, was not localised.
"The State in this part of West Africa was symbolised by the 'Stool', ... All land belongs nominally to it, but really to the spirits of the ancestors of the tribe. It was thus held for them, no less than for the living and yet unborn, by the occupants of the various principal and subordinate Stools who were constituted as the trustees of the land for the Oman (tribe)"¹

When this segmentary structure was completed as a result of the amalgamation of the tribes into a "kind of loose Confederacy" to form the Ashanti Kingdom under the Asante Hene (King of Ashanti)² the effect on the system of land tenure was far-reaching, for now all categories of Chiefs nominally held their land (either directly or indirectly) from the Asante Hene:

"A kind of multiple proprietorship arose. The King became the superior owner of all land, i.e. soil, in the kingdom, but this claim coexisted with many grades of inferior ownership right down a descending scale until the inferior property of the family land-holder was reached"³

Rights in family land were therefore not those of ownership of the soil, and this was illustrated by the words of a Chief when he allocated land to a subject: "I take this land (i.e. soil) and give it you to eat upon". However the usufruct of the land so granted was held in perpetual tenure by the subject and his heirs, subject to the fulfilment of certain conditions⁴).

Although no-one could own land, there was, nevertheless, the concept of private property with regard to chattels among the Ashanti. Included in this category were crops, trees and houses, acquired through an individual's own efforts⁵).

1) Rattray, op.cit: 361.
2) This emerged as a result of the unification of the tribes or main Territorial Divisions for military purposes under Carli Tutu, the Head-Chief of Kumasi, to meet the Denkyira invasion; the latter was defeated at the Battle of Fyiamase, A.D. 1719. The unity of the Kingdom - the living members and the ancestors - was symbolised by the Golden Stool. According to legend, this was produced from the skies by Carli Tutu's priest and councillor, Konfo Anotche - "the cardinal Wolsey" of Ashanti". (See Ibid: 270; Hoebel op.cit: 213).
3) Rattray op.cit: 76; see also Ibid: 341.
4) See Rattray op.cit: 361.
5) The individual was defined as in Footnote (2) p.95 above. Women and children could also hold private property.
The family head (Fie-wura) of the smallest segmentary unit (lineage segment) could therefore hold two categories of chattels. Firstly, those belonging to the clan, which could not be alienated without the joint agreement of all its members. Such property reverted to the clan head (Abusua Hene) on the death of the family head.

Secondly, private property in the above-mentioned sense, that is, chattels acquired through his own efforts. Such property originally reverted to the Abusua Hene when the family head died, but the custom developed that these should be inherited directly by the next of kin of the deceased. When such property was inherited, it became transformed into family property, and although the succeeding family head had individual usufructory rights to this in his life-time, it was not his private property. Thus, as Rattray states: "'property held in severalty in one generation in the next would relapse into a state of joint tenancy'"\(^1\)

Although land, in the sense of soil, could not be willed, testamentary disposition was not unknown in Ashanti. For a man's private property could be given to his son (and therefore alienated from the Clan) without the permission of his clansmen. This could be effected either through a gift in the father's lifetime, or a verbal will which would become effective after his death. This was known as Semansie, or "that which is set aside by the ghost". In addition, if a man had rights of individual usufruct to land (cleared by his own efforts alone) he could, with the permission of his clansmen only, alienate a portion of this usufruct through the same procedure. In this way, a son could gain from his father's toil, while the matrilineal basis of the society was still maintained.

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1) Rattray, op.cit. 338.
If individual usufruct to land was alienated to a person outside the holder's Territorial Division, however, the devisee generally only held a life interest in the usufruct^{1) which was not inherited by his heirs.

(b) Similarities between Ashanti land tenure and the Jamaican customary system of family land.

Similar to both systems is the concept of a kin group holding corporate rights to land in perpetuity, such a group being comprised of deceased ancestors, living members and future generations yet unborn. In neither is a member's spouse(s) included in the group. Individual members of the group in both societies have a limited interest in the land - rights of usufruct. In both cases these rights are inheritable by a member's heirs.

Closely associated with the element of corporateness in both societies are the concepts of trusteeship and the inalienability of the land from the kin group. In Jamaica, as in Ashanti, any individual holder of family land is regarded simply as a trustee for the wider kin group; similarly, no individual has the power to alienate the land from the group. In both, the proscription against alienation provides restrictions on the individual, but provides security for future members of the group. Nevertheless it has been seen that cases of alienation of family land do occur in both societies; this, in both cases, must, however, only take place through the agreement of the joint heirs. (However while this applies to all land in Ashanti, it only applies to family land in Jamaica).

In both societies the burial sites of ancestors have significance with regard to the association of a particular holding or area of land with the kin group. It can be noted that this is in fact one of the

1) See ibid:357 for further details on this type of arrangement.
ways in which family land is still being created in Jamaica, although this is not a common practice in River Village itself. The proximity of such graves to the living quarters reported for other parts of Jamaica can be likened to the burial of the ancestors underneath the family head's hut, a custom which developed among the Ashanti once they became a sedentary people.

In Jamaica — as in Ashanti — an individual who cultivates on family land has sole rights to such produce, but this does not entitle him to individual possession of the soil on which they are grown. (However, if such land were cleared alone, it would entitle him to individual usufruct in Ashanti, but this would not be so in Jamaica). Trees in Ashanti are, if cultivated through individual effort, considered private property; this is also the case in Jamaica, but most trees on family land have been handed down from the ancestors, and are therefore regarded as part of the land to be jointly inherited. In fact joint rights in such trees provides one of the most important bases for the exercise of joint rights to family land.

In both cases houses are not considered part of the realty, and are treated as moveable property. This means that in both societies a house may be owned by an individual even though the land on which it rests may not. In Jamaica, for example, an individual may build his own house on family land, or the parents' house may be inherited by one heir while the land is inherited jointly.

The transformation of private property into family property through the process of transmission is also a common feature. This is an important factor in the perpetuation of the Jamaican system of family land, through creation of the latter from bought land. Individually planted trees, or trees purchased with the land, thus also
become part of the family land, and houses may, or may not be included in this process. In Ashanti, this process only applies to chattles privately owned in the "strictest sense" - i.e. acquired by an individual's own efforts. However, a similar idea is contained in the transformation of individual usufruct in land individually cleared to family usufruct, at the death of the family head.

Testamentary disposition, though not a marked feature in either, is known in both systems, and in both is associated with innovation: alienation from the customary heirs among the Ashanti - this also being one such innovation in the Jamaican customary system. However while in Jamaica such disposal (either through a verbal or written will, or by gift in the holder's lifetime) can occur with regard to individually acquired land as well as other individually owned property without the permission of members of the "family" - for although the latter would expect to inherit, the property does not at this stage belong to the group - in Ashanti this could only occur with reference to privately owned chattles. Testamentary disposition of individual usufruct could only be effected with the permission of the clan, because not even this category of land could be individually owned.

The concept of life estate - a freehold not of inheritance - operates in both systems; in Jamaica this is with regard to a spouse's rights of use to family land. Such rights do not result in membership of the corporate group, and they cannot be transmitted through such individuals. In Ashanti such a life interest applied when a family head alienated his individual usufruct to a person outside his Division; for at the latter's death, the usufruct did not generally descend to his heirs.
Comparison of some of the concepts operative in Ashanti-English land tenure.

One of the essential concepts in Ashanti land tenure is that the land as soil cannot be owned. Although this concept is seen to be closely interrelated with religious beliefs which have no parallel in the English context, it can nevertheless be pointed out that the concept that land as soil cannot be owned is not alien to English Law. For in his Modern Law of Real Property Cheshire states that "English Law has never applied the conception of ownership to land"¹, and that in contrast to the Roman concept of dominium - the "absolute and exclusive right of property in ... land ..."² - English Law concentrates on seizin or possession, and it is this which forms the root of title³.

Clarke, in her analysis of the opposition between the two systems of tenure in Jamaica states (as noted previously):

"the peasant theory of land tenure, based on African principles, came into conflict with English Law chiefly in the matter of joint inheritance and of what are regarded as the equal rights of all the family where family land is concerned, and its corollary that family land is not 'owned' by any one member of the family, but belongs to all the family, and, secondly, in the traditional proscription on the alienation of family land"⁴.

Apart from the fact that (contrary to Clarke's intimation) there is nothing peculiarly 'African' about either joint inheritance or equal

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2) Ibid.
3) Thus in conveyancing the vendor does not have to satisfy the purchaser that his title is 'good against the whole world', but simply that he has a better title than anyone else.
4) Clarke 1966 op.cit: 40; see also 1953 op.cit: 86-7.
rights of children - for British Guinean intestacy laws provide for joint inheritance, this being based on Roman-Dutch Law rather than 'African principles'; and Martiniquan intestacy laws provide for the equal rights of children (regardless of sex and birth order), this being based on the Napoleonic code of inheritance - and that prior to 1925 joint tenancy was a legal estate in English Law itself; some similarity can also be noted between Ashanti and English Law with regard to the concept of inalienability. For on this point Rattray suggests that the position of an Ashanti subject in relation to his land was - with certain qualifications - comparable to the position of the English subject who held his land in fee simple prior to the Statute of Quia Emptores and the Statute of Wills. For:

"A grant in fee simple did not originally empower the owner to sell or alienate land. A grant to A and his heirs was construed as it was intended by the donor, and A could not alienate or part with the land by sale or gift, or on his death, by will".

He thus goes on to point out that early English Law and Ashanti Law were "almost identical" in this respect, and that:

"The whole history of our own early land laws seems to show a struggle to attain the right to alienate land. Every device and subtlety of the legal mind had to be brought to bear to destroy the barrier raised in the remote past, owing to deeply rooted and perhaps now forgotten causes which were in opposition to alienation".

1) See Smith, R.T. 1955 op.cit.
2) See Horowitz 1967 (a) op.cit.
4) Ibid.
However, in view of Rattray's qualification of this analogy - that the Ashanti tenant was far more restricted than his English counterpart because he was a member of a corporate group and therefore had to account to his clansmen - a more appropriate comparison can be made between the Ashanti tenant and the English tenant in tail prior to 1925. For the element of inalienability persisted in English Law long after the above mentioned Statutes in the concept of the estate tail. In English Law, "The estate represents the extent ... of the tenant's right to seisin ..."¹, and since "estates vary in size according to the time for which they are to endure"², the estate tail is a lesser or more restricted estate than an estate in fee simple.

In both the Ashanti lineage and the English Settlement³, the individual holds an estate of inheritance rather than a "mere freehold" or life estate; in both he is a member of a kin group holding rights to land in perpetuity⁴; and in both the prescription against alienation restricts the rights of the living heirs while protecting those of the unborn.

2) Ibid.
3) This was a device employed by the English upper class to "order the future destiny of their land and to prevent it from being sold out of the family ..." Cheshire quoted in Greenfield 1960 op.cit: 172. Osborn (op.cit.) refers to four types of entail (general; special; male; female;) and Cheshire points out that this leads to six possible variations, Bura op.cit.
4) Cheshire states that: "the attempts which were constantly being made by settlers to keep their land within the family, although they varied in details, all had one object in common, namely, by a combination of estates tail and contingent remainders or executory bequests to set up unbarrable entails, and it was this particular species of inalienable estate that was regarded by the lawyers of the seventeenth century as a perpetuity" Bura ibid: 263. See also Firth 1963 op.cit: 25 (Footnote): "It would seem that the control of property in certain types of European wills in effect maintains a bilateral descent group in operation for some generations through the common interest of every one of the members in the administration of the property".
It can therefore be seen that the opposition between English and Ashanti law on the points mentioned by Clarke is not as great as might be supposed 1).

Nevertheless, an important distinction still remains; for Rattray makes a second qualification in his analogy between the Ashanti tenant and the English tenant in fee simple. In the latter case the heirs are the tenant's issue, whereas in the former they are not - descent being reckoned matrilineally - and this distinction still remains in my comparison between the Ashanti tenant and the English tenant in tail 2).

Rattray also compared the concepts of inferior and superior ownership which emerged in Ashanti with the development of the segmentary basis of their society, and the hierarchy of trusteeship associated with the various Stools, to the "chain of enfeoffments" 3) which existed under the English feudal system. Hoebel has objected to what he refers to as Rattray's interpretation of the Ashanti system as an "almost exact replica" 4) of English feudalism, pointing out that although there was such a resemblance this was a superficial one, for in Ashanti lineage rights were inalienable. Two points can be noted here, however. Firstly, that not only does Rattray himself qualify this analogy by pointing out that whereas the most superior 'owner' in England - the Sovereign - was

1) Clarke does qualify her point in a footnote (1966 op.cit. 70, footnote 23), but still concentrates on the differences between family land and the estate tail in order to support her general thesis.

2) Nevertheless Rattray's example of entailment in Ashanti provides an equivalent situation; this is when a wife's clan makes a grant of land to her husband, which is held by him as a life interest, not descending to his heirs, but reverting (on his death, or in the event of divorce), rather to his wife's clan, of which his issue are members.

3) Hoebel, op.cit.: 226.

4) Rattray 1956 op.cit. quoted in Hoebel ibid.
vested with absolute ownership\(^1\) of the land, the Asante Hene was still simply a trustee for the land on behalf of his subjects and the tribal ancestors. Secondly, that as regards Hoebel's point that the usufructuary rights of the Ashanti tenant were held by him and his heirs in perpetual tenure - that these rights were perpetual only as long as certain services were rendered to the Chief.\(^2\) Inferior ownership in Ashanti was therefore comparable to inferior ownership in English feudalism\(^3\). In addition, the rights of the English feudal tenant were as perpetual as those of the Ashanti tenant, for the feudal lord had no claim to the land "as long as the tenant fulfilled his duties"\(^4\).

A comparison can also be made between the semantics of the Ashanti, which took place before witnesses, and the muncupative will operative in English Law until 1837\(^5\).

\(\text{(d) Differences between the Ashanti system of land tenure and the Jamaican customary system; and similarities on these and other points between the latter and concepts in English land tenure.}\

Despite the various similarities outlined previously between the Ashanti and Jamaican systems - which in the Jamaican case may or may not be due to Ashanti influence since there are also similarities between the latter and English Law - there are certain important differences which cannot be ignored. These are all the more significant

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1) He is the only person so vested; see Osborn op.cit: 230.
2) These were, however, later abolished under English rule (Rattray op.cit.)
3) Under the English feudal system there were three types of tenure - military socage and copyhold - held under different types of services. Osborn states that: "Both military and socage tenures were freehold tenures; they were held in return for services a free man might not think it derogatory to perform" op.cit: 142. Copyhold tenure continued until 1925 at which time it was abolished; see Burn op.cit. 83).
4) Burn ibid: 27.
5) After this date, however, such wills were rendered invalid, except in the case of seamen and soldiers. (Osborn op.cit: 335).
when it is realised that on these points the Jamaican system closely resembles features in English Law.

(1) The definition of legitimate heirs. While legitimate heirs are defined on the basis of matrilineal descent among the Ashanti, they are defined on the basis of cognatic descent in the Jamaican customary system. Although the definition of legitimate heirs in the latter context differs from the concept of legitimacy operative in the Jamaican legal code, yet it is identical with the definition of legitimate heirs in the general estate tail which was so common a feature of English Law until 1925. In the general estate tail, the category of heirs selected were the "heirs of the body" as opposed to a special estate tail which might restrict the interest to specified heirs such as legitimate issue or issue by the first wife. The general estate tail therefore included not only children of both sexes, begotten by any spouse, but also illegitimate children.1) It would seem that if the Jamaican system of family land were rooted in the Ashanti system of land tenure, that the important principle concerning the definition of legitimate heirs would be one of the most likely features to have been retained2).

(2) The creation of family land in Jamaica, both in the past and at the present time, resembles the making of a Settlement in English Law in that both are created by an individual. In addition, the position of the focal ancestor who establishes a descent group in the Jamaican system can be compared to that of the English owner in tail in the following respects:-

1) See Burn op. cit. 109, and Greenfield 1960 op. cit.: 172-3. Greenfield refers to this as "seed to seed" inheritance.
2) And on the point of descent, i.e. cognatic rather than unilineal, the Jamaican customary system also bears greater similarity to the old Scottish clan (an institution which could also, from a historical viewpoint, possibly have influenced the Jamaican customary system) than to the Ashanti system.
(a) As owner of the original fee simple estate, he has the power to alienate the land to anyone he wishes.

(b) He also has the choice as to whether or not he will entail the land - that is whether he will leave it to "family's family" or to a specific individual for it must be noted that not all land acquired individually by the peasants is transformed into family land.

(c) Once the land is entailed, he restricts his own interest to one of a life estate.

Although a superficial parallel could be drawn between the creator of an entail in English Law or the Jamaican focal ancestor and the Ashanti Chief who allocates land to a subject and his heirs, yet it must be noted that in the Ashanti case the Chief is not the individual owner of the estate as is the owner in tail or the focal ancestor. He is simply a trustee, and has no powers of alienation. For perhaps the main point of Rattray's analysis of Ashanti land tenure is that the concept of individual ownership expressed in the modern usage of the term fee simple had never existed in Ashanti.

(3) Clarke - who is concerned to show the differences between family land and the estate tail (to support her general thesis that the two systems of land tenure in Jamaica are diametrically opposed and conflicting) - states that this difference is twofold:

(i) that whereas an estate tail is created deliberately by a will, joint inheritance of family land operates in the case of intestacy.

(ii) Secondly, a "functional difference...since in England [the estate tail] was associated with the principle of primogeniture and operated to prevent fragmentation".

1) See Burn op.cit.
2) Clark 1966 op.cit: 70 footnote (23).
3) Ibid.
With regard to the first point; - while in the customary system a will is not considered necessary to ensure joint inheritance, it was seen above that family land is in fact often created by the focal ancestor through a will (or a specific verbal decree, resembling a nuncupative will). Thus in some cases while there may be no will regarding the joint inheritance by a specific descending generation, yet such inheritance in the apparent context of intestacy may in fact be governed by the original decree of the focal ancestor\(^1\).

Secondly, it can be noted that since joint inheritance denotes inheritance in undivided land, this does in fact prevent fragmentation of the land - although it obviously does not prevent fragmentation of rights to the land.

However, Clarke's point regarding the operation of entails in conjunction with primogeniture is a valid one\(^2\) and cannot be ignored, despite the fact that Greenfield does not take this into account in his discussion of "seed to seed" inheritance in Barbados. For whereas in the joint inheritance of family land all the heirs of the senior generation have \textit{simultaneous} seisin of the land, in the estate tail the heirs have \textit{successive} seisin\(^3\), the priority of males and the rule of primogeniture determining the order of succession\(^4\). However, in the event of there being no male heirs, "but two or more females of the same degree, all the females inherit together and are called coparceners"\(^5\).

1) Cf. Greenfield 1960 \textit{op.cit} 173 who states that "The elders of Enterprise Hall invariably created settlements by leaving a will at their death".

2) See Burn \textit{op.cit} 190.

3) See \textit{ibid} 34 for a discussion of the concept of the fee simple in English Law "as an aggregate out of which any number of smaller and simultaneous estates may be carved".

4) \textit{Ibid} 190, this would not, however, be relevant in interests in tail female; with reference to an "interest in tail female general" however, Cheshire states that, "Though this is a possible form of limitation, it never arises in practice". \textit{ibid} 191.

5) \textit{Ibid} 190.
The purpose of this discussion on the influence/lack of influence of Ashanti and English concepts of land tenure on the Jamaican institution of family land has not been to prove the influence of one and the lack of influence of the other. For in certain respects the question of the origin of the system can only be surmise, particularly in the absence of concentrated research directed to such an end; and secondly, because such a question must, in any case, take second place to a synchronic analysis of the structural features of the system. Its aim has been, rather, to question Clarke's hypothesis regarding the West African origins of the system of family land because of the effect which this view has had on the structural analysis of land tenure in Jamaican villages. For this hypothesis has led to an interpretation which regards the two systems of land tenure practised in Jamaica as diametrically opposed, as conflicting and as incompatible; such a hypothesis contributing towards the perpetuation of the "plural society" model.

(e) A comparison of the concepts in the Jamaican legal and customary systems.

We can now - in the light of the preceding analysis - reconsider the position of the two 'systems' of Jamaican land tenure vis-a-vis each other.

An implicit comparison of the legal and customary 'systems' of land tenure in Jamaica was made in the discussion of these two ideal 'systems' at the beginning of this chapter, and the main points of contrast can be summarised explicitly as:

(i) While land is considered alienable in the legal system it is considered inalienable in the customary system.

(ii) Devolution of rights to land are more closely associated with testamentary disposition in the legal than customary system.
While individual ownership of land is the most common estate of freehold in the legal system, the customary system is based on the institution of corporate ownership in family land.

While only legitimate children are considered heirs-at-law, illegitimate children are defined as legitimate heirs in the customary system.

While land is conceived of as real estate in the legal system, it is not in the customary system; for example houses are considered moveable property.

Despite these basic oppositions between the two 'systems' however, it can be seen that not only (as illustrated above) does the actual social organisation of the land tenure of the villagers include elements from both systems in ways which do not always provide evidence of conflict between the two systems, but that in fact the two systems as ideal systems are not in fact as conceptually different as Clarke and others have suggested. The previous comparative discussion bore this out by showing that while there are certain similarities between the Ashanti and Jamaican customary systems of land tenure, that there are also certain conceptual similarities between Ashanti and English land tenure; that there are also important differences between Ashanti and Jamaican customary land tenure and similarities between Jamaican customary and English land tenure. Implicit in this analysis is the point that since the Jamaican legal system is based on English Law, that there are similarities both between the Ashanti and Jamaican legal system and the Jamaican customary and Jamaican legal systems.

The conceptual similarities between the Jamaican customary and legal systems are however even closer than this analysis has indicated, due to two important differences between the Jamaican legal system and modern English Law which have not been noted by other writers. The
first was referred to previously in this chapter, viz.: the fact that Jamaica was in advance of England in the abolition of primogeniture; such abolition being in 1937. And while, as also mentioned above, some allowance must be made in the criticism of Clarke for the fact that primogeniture did exist in Jamaican Law until 1937, nevertheless the Law has provided for the equal rights of the children (regardless of sex and birth order, though not of legitimacy) since that time.

The second is the non-adoption by Jamaica (in contrast to Barbados) of the 1925 English Real Property Laws, with the concomitant result that the effects of these Laws on restricting entailment (the legal estate to which the institution of family land bears most resemblance) and abolishing joint tenancy as a legal estate did not occur in Jamaica. Thus the cultural lag which Greenfield shows to exist between the Barbadian customary system of land tenure vis-a-vis the Barbadian legal system, and the concomitant conflict between these two systems, does not exist in Jamaica. For while Greenfield argues that the Barbadian customary system is based on English rather than African principles, he states that the institution of family land (in Barbados) developed as "an application by the rural folk of certain principles of the English common law of an earlier period ..." (i.e. the pre-1925 period) and that at the present time the Barbadian customary and legal systems are conflicting since the former is opposed to "contemporary legal theory"; - Barbados having adopted the 1925 English Laws of Real Property, "One effect [of which] ... was to end the legal status of family land".

1) Greenfield 1960 op.cit. 166.
2) Ibid. 169.
3) Ibid. 175.
And finally, because of the non-adoption by Jamaica of the 1925 English legislation, there is compatibility between the classes of estate recognised in the customary system and those distinguished in the legal system. For the latter distinguishes between:

(a) Estates less than freehold

(b) Estates of freehold:

(i) Freeholds of inheritance:

(a) fee simple

(b) fee tail

(ii) Freeholds not of inheritance:

(a) estate for life

- and all of these estates are recognised in the customary system, viz.:

(a) Estates less than freehold - held by a tenant who leases or rents family land (generally from non-kin).

(b) Estates of freehold:

(i) Freeholds of inheritance:

(a) fee simple - the owner of individually acquired land out of which family land may be created.

(b) fee tail - heir to family land.

(ii) Freeholds not of inheritance:

(a) estate for life -

(i) creator of family land (of owner in tail)

(ii) spouse of heir to family land (of tenant in courtesy).

1) See Burn op.cit. 33 for a classification of estates "according to their duration".

2) See ibid: 213 for discussion of this estate (now only an equitable estate in English Law).
The distinction which exists in the customary system between the nature of the estate held by an heir to family land and the spouse of such an heir is therefore equivalent to the distinction in the legal system between a mere freehold or life interest and a fee tail, which is an estate of inheritance. For in the case of the latter the individual may pass his rights on to his descendants; whereas in the case of the former this is not so.

In conclusion, then, the plural society model as applied by previous writers to the interpretation of land tenure in the Caribbean area gains no support from this analysis of land tenure in River Village. For not only has this model been shown to be inadequate and oversimplified in the interpretation of the actual social organisation of River Village land tenure - Fallers' analytical model of peasant societies proving more useful; but the plural society model provides an inaccurate representation of the interrelationship of the two ideal 'systems' of land tenure even at the conceptual level.
CHAPTER 8: KINSHIP

In the preceding chapter the phenomenon of the unrestricted descent group was identified. In this chapter the processes accounting for the existence and continuation of such groups will be examined. First, however, brief comment will be made on the current status of cognatic kinship models; their position vis-à-vis models of kinship systems in general; and the application of the concept of the cognatic or nonunilinear descent group to the Caribbean.

Models of Cognatic Kinship Systems

Despite the fact that approximately one-third of the world's societies have cognatic kinship systems, 1) this sphere of kinship suffered gross neglect 2) until the 1950s and '60s, all such systems being referred to by the blanket term "bilateral" (Murdock's 1949 classification) and treated as a residual amorphous category vis-à-vis


2) This neglect is noted for example by Goodenough, W.: "A Problem in Malayo-Polynesian Social Organization" in American Anthropologist 57 (1), 1955; Solien 1959 op cit; Davenport 1959 op cit; Ember op cit; Murdock 1960 op cit; Freeman op cit; Goody 1969 op cit.

Ember refers to "our traditional indifference to such [nonunilinear descent] groups ..." op cit: 573; and Murdock states that "Despite significant pioneer efforts" made in this field since his 1949 publication, that there is still no "solid consensus regarding organizational principles, typology, or terminology comparable to that achieved for unilinear social systems ..." 1960 op cit: 2. See also Gulliver, P.H.: Neighbours and Networks (Berkeley: University of California, 1971) p. 6 who states that "disagreement and lack of refinement seem to persist" regarding the concept of the kindred; see also ibid: II on this point.
unilineal systems. 1) But as Goody points out, "an examination of the so-called 'bilateral' societies reveals little that is common to them apart from an absence of UDGs." 2) Associated with this neglect was the terminological confusion regarding the concept of kindred, 3) which was used inconsistently to refer to basically different aspects of social organisation. - This is a feature of Clarke's work, for example. 4)

The landmark in the refinement of models of cognatic kinship systems was Goodenough's article on Malayo-Polynesian social organisation in which he underlines the important distinction between kindreds as ego-oriented, non-perpetuating "kin groups", and kindreds as ancestor-oriented, perpetuating corporate groups; reserving the concept of kindred for the former and naming the latter the nonunilinear descent group. In addition he classifies all descent groups together as ancestor-oriented as against ego-oriented kindreds. He also subdivides descent groups into two types: Restricted and Unrestricted

1) On this point see Davenport 1959 op cit; Goody 1969 op cit.

2) Goody ibid: 91. In addition, such a classification is meaningless, all kinship systems being bilateral - see Firth 1963 op cit;

3) Noted by Goodenough op cit; Solien 1959 op cit; Freeman op cit; and as recently as 1971 by Gulliver op cit: 6.

4) See e.g. Clarke 1953 op cit: 82-3.
(illustrating his point with the Malayo-Polynesian material, particularly his own on the Gilbert Islands), classifying groups with unilineal and ambilineal descent as simply different variants of the Restricted type. 1) Thus he defines the Unrestricted descent group as one which

"includes all of the founder's descendants, whether through males or females. Such groups must of necessity overlap in membership, for each individual will belong to as many of them as he has known ancestors." 2)

(This type of group is illustrated by the Gilbertese oo.) While the Restricted descent group he defines as one which "restricts membership to include only some of the descendants of the original ancestor." 3) He outlines four ways of doing this: (a) by the unilinear principle; (b) restriction to those who possess actual land rights (for example the Gilbertese bwotj); (c) parental residence (for example the Gilbertese kainga); and (d) by the individual's residential choice (no example of this is given from Onotoa (Gilbert Islands), and while the Iban bilek cannot truly be considered a descent group yet this principle can be seen to operate along with (c) in the choice of bilek affiliation - before marriage affiliation is based on parental residence, after marriage on the choice of the couple).

Goodenough points out that the latter three groups "can readily function as land-holding units" in a way similar to the lineage.

1) Goodenough op cit, see also "Review of Social Structure in Southeast Asia" in American Anthropologist, 63, 1961. Freeman's article on the concept of the kindred (op cit) is also concerned with sorting this terminological confusion. However he concentrates primarily on the ego-centred (bilateral) kindred.


3) Ibid.
Goodenough's model of cognatic kinship systems has provided the basis for most of the subsequent models in cognatic kinship in which several anthropologists have reiterated or elaborated his main points. Thus although there are certain variations (some of which are referred to at a later point) in these subsequent models, the basic distinction within cognatic systems made by Goodenough between ego-oriented categories and ancestor-oriented descent groups has been noted for example by:

<table>
<thead>
<tr>
<th></th>
<th>Ego-Oriented</th>
<th>Ancestor-Oriented</th>
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<tbody>
<tr>
<td>Davenport</td>
<td>'personal kindred'</td>
<td>'nonunilinear descent group or sept'</td>
</tr>
<tr>
<td>Solien</td>
<td>'bilateral kindred'</td>
<td>'nonunilinear descent group'</td>
</tr>
<tr>
<td>Freeman</td>
<td>'bilateral kindred'</td>
<td>'cognatic descent group'</td>
</tr>
<tr>
<td>Murdock</td>
<td>'bilateral (Eskimo)'</td>
<td>'ambilineal (Polynesian)'</td>
</tr>
<tr>
<td>Goody</td>
<td>'personal kindred'</td>
<td>'descending kindred'</td>
</tr>
<tr>
<td>Firth</td>
<td>'personal kindred'</td>
<td>'cognatic or bilateral descent group'</td>
</tr>
<tr>
<td>Freedman</td>
<td>'kindred'</td>
<td>'bilateral descent group and ramage'</td>
</tr>
<tr>
<td>Otterbein</td>
<td>'personal kindred'</td>
<td>'nonunilinear descent group'</td>
</tr>
<tr>
<td>Fox</td>
<td>'unrestricted cognatic kindred'</td>
<td>'cognatic lineage'</td>
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1) Murdock also suggests a third subdivision of cognatic kinship systems - "quasi-unilineal (Carib)" - which, he states, is transitional between unilineal and bilateral types; 1960 op cit.


Freedman op cit; Murdock 1960 op cit, Goodenough 1961 op cit, Freedman op cit and Fox op cit all point out that there can also be a unilateral variant of the ego-centred kindred. Gulliver (op cit;12) points out that not only can there be other kinds of internal differentiation within kindreds apart from "linearity" (for which I would suggest the more appropriate concept of "laterality") e.g. "genealogical and geographical closeness, political and economic advantage ..."; but also that there are cases which cross-cut the 'bilateral'/ 'unilineal' [unilateral] dichotomy.
And similarly, while there are again some differences between them (some of which are also referred to below), most models dealing with the variants within cognatic descent groups also follow Goodenough's dichotomous model of Unrestricted/Restricted variants, such as:

<table>
<thead>
<tr>
<th>Unrestricted</th>
<th>Restricted</th>
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<tbody>
<tr>
<td>Firth: 'strict bilinear group'</td>
<td>'ramage'</td>
</tr>
<tr>
<td>Davenport: 'overlapping affiliation'</td>
<td>'either/or affiliation'</td>
</tr>
<tr>
<td>Goody: 'descending kindred'</td>
<td>'more restricted type of descending kindred; ramage or nonuni-linear descent group'</td>
</tr>
<tr>
<td>Freedman: 'bilateral descent group'</td>
<td>'ramage'</td>
</tr>
<tr>
<td>Otterbein: 'unrestricted (bilateral)</td>
<td>'restricted (ambilineal) nonUDG'</td>
</tr>
<tr>
<td>Fox: 1) 'unrestricted cognatic lineage'</td>
<td>'restricted cognatic lineage'</td>
</tr>
</tbody>
</table>

To reiterate Goodenough's point - the characteristics of the first type of group (the Unrestricted variant) as presented in these models is that all the descendants of the focal ancestor retain rights in the group; an individual may therefore hold multiple affiliation. Such groups are therefore overlapping. The characteristics of the second variant (Restricted) are that although all the descendants of the focal ancestor have potential rights of membership to the group, because such groups act in prime relationship to residence and landholding.

1) Firth, 1957 op cit; Davenport 1959 op cit; Goody 1969 op cit; Freedman op cit; Otterbein 1966 op cit; Fox op cit.
they resemble lineages in that they are discreet. There is a variation in the models on the point regarding the mutability/immutability regarding choice of membership in the restricted variant. 1)

Two qualifications can be made regarding the dichotomous structure of models concerning cognatic descent groups.

Firstly, in some models, there is an emphasis on the restricted variant - sometimes to the virtual neglect of the unrestricted type. This is due to the fact that in such models the function of cognatic descent groups is regarded as that of localised or residential groups.

Firth, for example, considers that membership in "bilateral" descent groups must be validated by social action, and that therefore complete bilineality is not a "feasible operational procedure". Solien and Davenport also express a similar opinion; likewise Freeman who although he does not consider cognatic descent groups in any detail in his discussion of the concept of "the kindred" (concentrating almost exclusively on the bilateral ego-focused kindred) indicates that he would expect only the restricted type to occur. Murdock also concentrates on the restricted variety, though he does admit certain exceptions, such as the ritual groups of the Puyuma.

1) Goodenough makes this point explicitly in his differentiation between the Gilbertese bwoiti and kainga (1955 op cit) and between Restricted descent groups of the "mutually exclusive" and "overlapping" kind (1961 op cit: 1344). While this is a valid distinction between types of Restricted descent groups due to the variation in the nature of recruitment (residence/certain land rights), in some of the other models (e.g. Solien 1959 op cit) this variation is due simply to a lack of precision in the dichotomous model which treats all residential segments as "restricted" regardless of whether or not membership is immutable.
which he classifies as occasional kin groups. 1)

Scheffler also exemplifies this approach, for although he states
that the Simbo (Eddystone) Island ramages are not recruited on the basis of unilaterally affiliation (contrary to what Goodenough had stated), he nevertheless shows that these groups are recruited on the basis of operational criteria, and argues that "Since membership in the cognatic descent categories is overlapping, the butubutu in this aspect cannot form enduring corporate groups ..." 2) and that "cognatic descent confers membership in categories, not in viable social groups." 3)

This is because he associates 'viability' and 'corporativeness' with 'discreteness' (and therefore at least some degree of jural exclusiveness), necessary for the purposes of, for example, Simbo political organisation, and the formation of war parties.

Secondly, Fox has suggested a threefold model of cognatic "lineages", which differentiates between the restricted and the pragmatically restricted type (as well as the unrestricted). The pragmatic variant, though superficially like the true restricted variant in certain respects, differs in that it is jurally nonexclusive. 4) This point is discussed more extensively below.

1) Firth 1963 op cit; Solien 1959 op cit; Davenport 1961 op cit (see also 1959 op cit where Davenport suggests that residence and social action are contingent or final factors regarding nonUDGs with overlapping affiliation. He also states that it is the localised type of nonUDG which is most frequently described in the literature); Freeman op cit; Murdock 1960 op cit.


3) Ibid:153. These "categories" do, nevertheless, conform to Goodenough's definition of the Unrestricted descent group since they are "composed of kinsmen of common cognatic connection, tracing their common ancestry from a truncal ancestor through genealogical lines that need be neither agnatic nor uterine in composition." Ibid: 139.

4) Fox op cit.
Models of Kinship Systems

From Goodenough's classificatory model of kinship systems it can be seen that the most basic distinction which should be made with reference to kinship systems is that between ancestor-oriented descent groups and ego-centred kindreds.¹) And the proliferation of terminology in some of the several different models which consider either all kinship variants or only one or some types can be ordered under these main headings, viz.:

Ego oriented Kindreds

'Bilateral (Eskimo)' Murdock

'Kindred' Freeman; Goodenough; Freedman; Solien; Fox; Buchler and Selby

'Personal Kindred' Leach; Goody; Davenport; Otterbein; Firth

'Fluctuating Kindred' Philpotts

'Multilineal' Parsons²)

Ancestor oriented Descent Groups

(i) Unilinear

(a) Matrilineal

(b) Patrilineal

(c) Matrilineal/Patrilineal with 'Complementary Filiation' Fortes

(d) 'Double Descent'

(e) 'Parallel Descent'


²) Murdock 1960 op cit; Freeman op cit; Goodenough 1955 op cit; Freedman op cit; Solien 1959 op cit; Fox op cit; Buchler & Selby op cit; Leach, E.: Social Science Research in Sarawak (London: H.M.S.O., 1950); Goody 1969 op cit; Davenport 1959 op cit; Otterbein 1966 op cit; Firth 1963 op cit; Philpotts, B.S.: Kindred and Clan in the Middle Ages and After (Cambridge: Cambridge University Press, 1913); Parsons, T.: "The Kinship System of the Contemporary United States" in American Anthropologist, 45, 1943.

³) Fortes 1953 op cit; Goody 1969 op cit; Davenport 1959 op cit; 569-70, Footnote (3).
(ii) Nonunil ineal(x)/Cognatic  

<table>
<thead>
<tr>
<th>Designation</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Nomunilinear Descent Group'</td>
<td>Goodenough; Davenport; Ember; Otterbein</td>
</tr>
<tr>
<td>'Nomunilinear Descent Group'</td>
<td>Solien; Freeman</td>
</tr>
<tr>
<td>'Cognatic Descent Group'</td>
<td>Murdock; Freeman; Firth</td>
</tr>
<tr>
<td>'Cognatic Lineage'</td>
<td>Fox</td>
</tr>
<tr>
<td>'Multilinear septs'</td>
<td>Davenport</td>
</tr>
<tr>
<td>'Descending Kindreds'</td>
<td>Goody</td>
</tr>
<tr>
<td>'Bilateral Descent Groups'</td>
<td>Firth</td>
</tr>
<tr>
<td>'Bilateral Descent Groups and Ramages'</td>
<td>Freedman</td>
</tr>
</tbody>
</table>

The former (ego-oriented kindreds) are distinguished in the literature as "laterally or radially ... organized", non-perpetuating and non-corporate, with a variable degree of collateral restriction.

1) The three most common designations of such groups are 'nonunil ineal', 'nonunilinear' and 'cognatic'. Freeman op cit objects to the usage of 'nonunilinear' because (i) it is a definition of a group with reference to what it is not; (ii) because 'linear' is associated with measurement rather than descent lines. He suggests 'cognatic' as an alternative. Fox op cit and Murdock 1960 op cit also use 'cognatic', but Goodenough 1961 op cit: 1343 objects to Murdock's usage of 'cognatic' because the latter uses it as "synonymous with the old-fashioned 'bilateral', including in his cognatic societies those which lack descent groups of any kind." Goodenough goes on to say that "In practice, he uses the term 'ambilineal' as the synonym for our 'nonunilinear' thereby making a single organizational type out of a highly varied residual category ..." (* Solien also refers to nonUDG, but uses 'nonunil ineal'.)

2) Goodenough 1955 op cit; Davenport 1959 op cit; Ember op cit; Otterbein 1966 op cit; Solien 1959 op cit; Freeman op cit (while his article does not in fact deal with such groups he does refer to them - p.200 - using the terms 'non-unil ineal' or 'cognatic' descent groups); Murdock 1960 op cit; Freeman ibid; Firth 1963 op cit; Fox op cit; Davenport ibid; Goody 1969 op cit; Firth ibid; Freedman op cit.

3) Goodenough 1961 op cit: 1343; see also 1955 op cit: 72.

4) However both stem kindreds (Davenport 1959 op cit) and nodal kindreds, (Goodenough, W.H.: "Kindred and Hamlet in Lakalai New Britain" in Ethnology, I, 1962) are corporate (see also Buchler & Selby op cit: 88.)

5) See e.g. Freeman, op cit; Davenport 1959 op cit; and Goodenough 1961 op cit for a discussion of the variable of collateral restriction on "range".
Opinion differs, however, as to whether the kindred is simply an ego-based category of kin; such a category which is formalised in some way; or even a group. 1) For example, Freeman distinguishes the kindred as a category from the temporary action groups which may be recruited on the basis of the kindred bond. 2) Davenport makes a similar distinction, stating that kindreds may function "as networks which bind other groups together." 3) Gulliver makes a similar distinction in his discussion of the Ndendeuli of Tanzania between the concepts of the ego-centred category and the action-set:

"Although the Ndendeuli themselves had no explicit cultural concept that might be translated as 'kindred', they did in practice have something essentially of that sort: overlapping, ego-centred categories of kinsfolk, ... These categories were not groups; but they served, inter alia, as reservoirs from which ephemeral collectivities could be recruited and assembled for particular purposes in a variety of cultural contexts." 5)

1) Goodenough refers to the ego-centred kindred as a "bilateral group" (1955 op cit), "kin group" (1962 op cit), and "personal kin group" (1961 op cit); but in each case he stresses that it is not a descent group.
2) Freeman op cit
3) Davenport 1959 op cit: 569.
4) Gulliver (op cit) points out that within the action-set there is a variation regarding the persistence of such units.
5) Ibid: 6; see also Ibid: 14. However, Gulliver goes on to point out that he regards the concept of kindred as "an artificial analytical isolate" (p. 15), and suggests that in an attempt by anthropologists to construct a comparative theoretical frame of reference for the study of "non-lineal" kinship, a model has emerged which is too generalised to deal effectively with the complexity and variation in the ethnographic data.

He suggests the alternative concept of the kin-set (an ego-centred category with whom ego recognises links of potential interaction,) selected from the wider universe of kin (Firth 1963 op cit), and differentiates this from the action-set, which though mobilised on the basis of these links, may also include individuals outside ego's kin-set, recruited from the more extensive network formed from the interlocking of kin-sets of numerous egos. (He refers to this wider network as the non-ego-centred "non-lineal kinship network"). Clusters (areas of dense interaction) may emerge in connection with such a network and these may in turn "crystallise into quasi-groups..." (see pp 15-26)
Goody simply equates the personal kindred with "one's relatives", 1) whereas Fox considers that the kindred should be formalised in some way, otherwise simply being referred to as "ego's kinship network", 2) and Buchler and Selby suggest that "relatives" and kindred are specifically not synonyms, 3) and that by confusing the two,

"We would be denuding the term kindred of any special meaning, whatsoever, and removing the study of kindreds from the sociological domain of the study of group relations" 4)

So whereas "relatives" are defined by Buchler and Selby as a "category", kindreds are defined as "groups of cognatically related kinsmen who are seen by informants as potential resources, whether they are activated or not." 5) Activated sub-groups are also distinguished within the kindred. This definition is therefore similar to that of Fox, in that it holds that the kindred must be formalised; and similar to Freeman's in that it distinguishes the basis of action groups from the activated action- or sub-groups formed on this basis. These two latter definitions differ, however, in their definition of the sociological nature of the kindred itself, and on this point I would suggest that Freeman's definition of the kindred as a category seems the more valid.

Opinion also differs as to whether or not the kindred includes affines as well as consanguines. 7)

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2) Fox op cit: 172-3.
4) Buchler and Selby op cit: 89; see also Murdock 1964 op cit: 130; also Gulliver op cit: 13 for a discussion of this issue.
5) Buchler and Selby op cit: 89
6) See also Gulliver op cit: 13.
7) See Freeman op cit for a discussion of this point; also Buchler and Selby op cit: 87. The latter suggest the usage of "Blehr's (1963) term 'kith,' for cognatic groups that include consanguineals and affinals, and 'kindred' for groups that include consanguineals only." (Ibid). However see Gulliver op cit: 7-9 for a critical discussion on this point of Freeman's and Perhsom's definition of the 'kindred'/'nodal kindred' respectively.
In the second major subdivision of kinship systems (ancestor-oriented descent groups) nonUDGs are classed together with UDCs as "lineally organized", 1) perpetuating, corporate descent groups, characterised by segmentation, but with unrestricted collateral extension. 2)  

To touch on some more of the variations in some of the models: Davenport, Otterbein and Fox all reiterate Goodenough's classification of nonunilinear or cognatic descent groups together with unilinear descent groups, as distinct from ego-oriented kindreds. Each elaborates or qualifies this model in some way however.  

Because Davenport is concerned to show that all types of kin groupings are simply resultant from varying combinations of three basic structural features - descent, jural exclusiveness and collateral ascription - and are therefore closely interrelated, he points out that other similarities and differences cross-cut this basic dichotomy of ego/ancestor-oriented. 3)  

Otterbein adopts Goodenough's classificatory model regarding the basic distinction in orientation at his lowest level of analysis, but he goes on to distinguish between them subsequently - distinguishing nonunilinear descent groups from unilinear descent groups at the next level of classification; and in his division of the former into Restricted ("ambilineal") and Unrestricted ("bilateral") he further distinguishes between Restricted nonUDGs with "exclusive" and those with "nonexclusive" residence. Furthermore, Otterbein states that Goodenough does not "consider the direction in which kinship systems change" (suffice it to note however that Goodenough dealt with this question in his 1955 article and that Otterbein is referring to his 1961 Review) and his own model therefore "attempts to show the genetic relationship between

1) Goodenough 1961 op cit:1343; see also 1955 op cit: 72.  
2) See e.g. Davenport 1959 op cit: this point.  
3) Davenport 1959 op cit.
kin groups". 1) Otterbein's model hypothesises possible changes at all levels of ancestor-oriented groups, and in either direction: UDG \rightleftharpoons \text{ non UDG}; \text{ Restricted nonUDG} \rightleftharpoons \text{ Unrestricted nonUDG}; \text{ exclusive} \rightleftharpoons \text{ nonexclusive Restricted nonUDG}. With regard to the latter point, however, he suggests that nonexclusive relations probably evolve from exclusive relations. Otterbein's model is referred to more fully below since he develops it in relation to Caribbean land tenure.

Fox constructs a grid model using the variables of focus (ancestor/ego) and recruitment (unrestricted, restricted - by sex, by other criteria e.g. residence) which generates six possible variants in kinship systems (only five of which have so far been identified however). 2)

In addition to the common feature of ancestor-focus between unilineal and nonunilineal descent groups brought out in the literature, two other similarities may be noted between the former and certain types of the latter, viz.:

(1) **Restriction.** As mentioned above Goodenough suggests that the Restricted nonUDG and the lineage are but two variants of the same structural phenomenon - the restricted descent group. This point is elaborated by both Davenport and Fox who each construct a continuum based on the variable of restriction or 'juridical exclusiveness' as it operates with reference to descent.

Fox states that he wants "to align these [cognatic] groups firmly with unilineal groups in the common category of descent groups." 3)

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1) Otterbein 1966 op cit: 40.

2) Fox op cit.

Restricted cognatic descent groups and unilineal descent groups are thus closely related in that both are restricted descent groups, the former by residence the latter by sex. Descent groups can therefore be classified along a continuum with reference to the variable of restriction in recruitment in the following way:

"at one end we have the unrestricted cognatic descent group in which all the descendants of the ancestor are members; then we have cognatic descent groups restricted in membership in terms of residence; then we have descent groups restricted in terms of sex - that is, only allowing the members of one sex to recruit the group. Thus unilineal groups are seen simply as one type of restricted descent group rather than as a completely separate type of group altogether from the cognatic." 1)

In addition to the types 'Restricted'/Unrestricted' cognatic lineage, Fox, as mentioned above, also adds a third type absent in other models of cognatic kinship - the 'Pragmatically Restricted' cognatic lineage. Compatible with his view of descent groups being placed along a continuum with reference to the variable of restriction in recruitment, this third type can be placed midway between the Unrestricted cognatic DG and the Restricted cognatic DG.

The Unrestricted cognatic DG Fox refers to as the "ruthlessly cognatic version" where, because recruitment is through both mother and father, and each parent in turn belongs to the descent group of his mother and father, an individual "is a member of as many cognatic lineages as he has lineal ancestors who were members." 2) Such groups cannot therefore be discrete, but have overlapping membership. As Fox points out, such social organization does not present problems regarding membership if the groups are ceremonial groups, 3) or are corporate with regard to a specific resource or partible

1) Ibid.
3) Meeting for this purpose alone would be sufficient criterion for corporateness in Durkheim's terms, but not in Goody's; see Goody 1969 op cit.
property. He cites the Sagada Igorots of the Phillipines as an example of a society which has ceremonial groups, and also have corporate groups with regard to specific resources - grazing land and pine trees. However, if the cognatic descent groups are corporate with regard to impartible property, such as land, practical problems arise in the exercising of these rights, as an individual belongs to several such groups.

It is at this point that the variable of restriction (or 'jural exclusiveness' as Davenport calls it) becomes important in differentiating the various types of cognatic lineage. For in the Pragmatic type restrictions on the actual exercise of claims arise only out of purely practical reasons - i.e. an individual generally needs to be resident on, or near the land in order to use it; and since a person cannot be in two places at once, the Pragmatic type becomes, at any one point in time, empirically like a Restricted descent group, rights being exercised only by those members living on the land. However, there is an important ideological distinction between such a group and a Restricted cognatic DG with regard to the variable of restriction. For in the case of the Pragmatic type, Fox says:

"a core of members could reside there, while the absent members could retain rights in the land without actually being on it; they could come and live on it if they wanted to." 1) (My emphasis)

However, in the case of the Restricted type, this is not so; the variable of restriction becomes stronger, and although "all the descendants of the ultimate ancestor have a right to the land of the group" 2) they can only exercise this right in one. The choice is there, but once made is immutable, resulting in the permanent relinquishment of rights in, or jural exclusion from, all other groups. In addition, the individual must reside with the group in order to maintain his claim. With reference to the Iban system, which is the classic example of the principle of affiliation on which this type

1) Fox op cit: 152.
2) Ibid.
is based, Fox says that the choice which a couple make on marriage as to whether to live in the husband or wife's "bilek is a "momentous" one, "because they become members of the one they live in and lose membership in the one they turn down." Looking at the Restricted cognatic lineage in this way, it can be seen that structurally it is closely related to, and as discrete as, the unilineal lineage; for as Fox points out:

"The result of such a system would be groups as discrete as unilineal descent groups, but instead of achieving this discreteness by restricting recruitment to one or other sex of the group, they achieve it by a restriction on residence; only those who reside with the group are members of it. Thus it is that while still holding to the cognatic principle (a man can join either father's or mother's group etc.), a series of discrete non-overlapping groups can be formed." 3)

The Restricted cognatic lineage, then, is discrete not only empirically, but ideologically, for it is jurally exclusive; whereas the Pragmatic type is jurally nonexclusive.

While Fox's continuum is concerned with descent groups, Davenport

1) n.b. there are only two available alternatives here, as the choice of each set of parents has already been immutably made. Of Davenport 1959 on cit; on this point; he states that "whether choice [in affiliation] for a married couple includes alternatives through one or both spouses" provides one of three variables on which nonUDGs can be subdivided. Combining the bilek alternatives (one or other spouse) with Davenport's point (alternatives on one or other side) we see that there could theoretically be a choice between four groups (husband's F/M, wife's F/M), or between two: (husband's/wife's) (or husband's/wife's F/M). Cf. Murdock's distinction between optative-non exclusive/optative-exclusive, 1960 on cit.

2) Fox on cit: 160.

3) Ibid: 152.

4) This statement should not be seen as contradictory to that made above regarding Fox's grid model, for although the latter deals with both the ego and ancestor variants, these can be seen as two parallel continuums as regards the variable of restriction.
deals with ego-centred kindreds as well - with the continuum ranging from kindreds (which are non-exclusive) at one end to unilineal descent groups (which are exclusive) at the other, with nonUDGs (which may be either exclusive or non-exclusive) in the middle. In other words a continuum which ranges from "bilateral descent" at one end, through "multilinear" descent to "unilineal" descent. Davenport considers the interrelationship between the nature of descent and affiliation and other factors in the socio-ecological system; and since he defines descent in terms of ascription/exclusion he sees the interrelationship as centering on these variables. So having asked the question:

"what circumstances favour no degrees of freedom in ascription (unilinear), some degrees of freedom (multilinear) and complete freedom with varying degrees of collateral restriction (bilateral)?"

- he suggests the following causal relationship:

"Intuitively, the answers seem to lie in the idea that control and regulation are greatest over those items which have the highest value. Thus, when something has high value or is scarce, its security is insured by greater control and fewer degrees of freedom in allocating it, and vice versa."

(ii) Reinforcement of dispersed land rights. Unrestricted cognatic descent groups are similar to lineages in that they both allow the reinforcement of dispersed land rights, as Firth has noted for the 'nonexclusive ramage' in Polynesia.

The nonUDG in the Caribbean

Despite Clarke's extensive study of the Jamaican customary system of land tenure her analysis was not made with reference to the theoretical framework of cognatic or nonunilineal(r) descent groups. This is not

1) Davenport 1959 op cit: 569.
particularly surprising since virtually all the theoretical advancement in this field has occurred since the time of her study. And it can be noted that as recently as 1960 Murdock stated that 'ambilineal' systems (by which he refers to systems with nonUDGs) are confined primarily to Oceania (hence his designation of this type as 'Polynesian') - a viewpoint supported by most of the current literature on the subject - classifying the Jamaican kinship system as of the 'Eskimo' type (i.e. 'bilateral', which in his 1960 classification refers to ego-centred kindreds). 1)

Nancie Solien was the first anthropologist to suggest - on the basis of her field work among the Black Caribs of British Honduras - that the concept of the nonunilineal descent group might be relevant in the Central American and Caribbean area:

"The nonunilineal descent group has apparently not been recognized as such by workers in the Caribbean or Central American areas. However, there is good evidence that it does exist there in at least some societies other than Carib," 2)

And at a later point she states:

"It seems possible that the existence of the nonunilineal descent group has been overlooked by workers in this part of the world due to unfamiliarity with the concept...I suggest that investigators in the Americas look for such descent groups in societies with bilateral kindreds where land pressure is great enough to cause competition among theoretical inheritors". 3)

However Solien’s model of the nonunilineal descent group - like that of Firth - refers primarily to restricted nonUDGs. Thus, referring to Goodenough’s article, she concentrates solely on the restricted

1) Murdock 1960 op cit.
2) Solien 1959 op cit: 581
3) Ibid: 582.
"He points out that some element other than descent must restrict and define the actual membership of each group. An individual may belong to as many such descent groups as he has ancestors, and without some other determining element such groups could never function as discrete or corporate units in a society." 1)

She concludes from her own data that the Caribs have such restricted nonUDGs, and on the basis of Clarke's material, suggests that this is also the case in Jamaica.

In his 1966 article Otterbein also takes up the point about the inter-relationship between demographic pressure on resources and the nature of kinship systems in the Caribbean area, using a more complex model of nonUDGs than Solien.

As noted above, Otterbein's model hypothesises possible changes at all levels of ancestor oriented groups, and in either direction: UDG<-->nonUDG; Restricted nonUDG<-->Unrestricted nonUDG; exclusive<-->nonexclusive

Restricted nonUDG. With regard to the latter point, however, he suggests that nonexclusive ramages probably evolve from exclusive ramages. In a comparison of the land tenure systems of Jamaica, Barbados and the Bahamas, he postulates that Unrestricted (bilateral) nonUDGs - such as exist in Barbados and the Bahamas, and which he states previously existed in Jamaica - can change into Restricted (ambilineal) nonUDGs with exclusive residence, due to population pressure creating a scarcity of resources. He claims that such a change has occurred in Jamaica, with exclusiveness preceding the change in descent, thus giving Davenport's hypothesis a "diachronic dimension". 2)

1) Ibid: 578.

2) Otterbein 1966 op cit: 40.
For his argument on Jamaica, he, like Solien, also relies on Clarke's material.

Both hypotheses developed in relation to the nature of the variable of restriction in the Jamaican nonUDG, then, not only support the hypothesis that greater scarcity of resources leads to increased restriction in the kinship system, but also advocate that the Jamaican kinship system is characterised by the Restricted nonUDG. - Otterbein vis-à-vis the unrestricted nonUDG, because he postulates that increased population pressure results in a movement from less restricted to more restricted nonUDGs; Solien simply vis-à-vis bilateral kindreds, since her model does not really give any place to the unrestricted nonUDG since she advocates (like Davenport in his article on Jamaican family land, see below) that cognatic descent groups must be Restricted in order to function as corporate land-holding groups.

In his article on the 'Jamaican family system' (which is primarily concerned with household and family structure) Davenport refers briefly to the institution of family land, reiterating many of the points made by Clarke in her earlier study; and, like Clarke, discussing the effects of family land on residence, viz.: on the nature of the "household group" and the development of the "bilocally extended family". Surprisingly enough, however, Davenport makes no explicit reference in his discussion of Jamaican family land to his theoretical model of 'nonunilinear descent and descent groups' developed in his earlier 1959 article, nor any explicit attempt to relate his Jamaican

1) Davenport 1961 op cit. In fact my first draft was virtually finished before I was aware of Davenport's study of Jamaican family land since his section dealing with this institution is in fact omitted - with no reference being made to this omission - in the reprint of the article in Bohannan and Middleton op cit.
material to this article, not even mentioning the term 'nonunilinear descent group' in his discussion of family land. Nevertheless he does, in addition to identifying the bilaterally organised ego-centred kindred (on which he states the "Jamaican kinship system is based"), note that "family land is supposed to be held corporately by all the bilateral descendants of the original holder." 1) He notes however that:

"Wherever corporate land-holding groups are found, there is to be found an effective way of limiting the number of eligible claimants at some point in time. This is usually done each generation, by including some and excluding other descendants." 2)

- Thus implicitly moving from his earlier (1959) position (where while concentrating on the restricted variant of the nonUDG he nevertheless recognised the possible existence of the unrestricted variant) to a position of total commitment to the viewpoint that "corporate land-holding groups" must be restricted groups.

Thus while not explicitly applying the concept of the nonUDG to Jamaican family land, he does in effect come to the same conclusion as Golien and Otterbein — viz. that the kin group associated with the Jamaican institution of family land is a Restricted nonUDG.

My own interpretation of the structural features of the Jamaican descent group differs from the hypotheses of Golien, Otterbein and Davenport; but I will return to this point after I have discussed my own data.

The Interrelationship between Type of Kinship System and the Variable of Resources.

Before going on to consider my own data brief comment can be made on the current position in the literature regarding the interrelationship between the

2) Ibid: 449.
variable of type of kinship system and that of resources.

The greater flexibility in relation to allocating resources of kinship systems with nonUDGs as against those with UDGs has been noted in the literature. For example Goodenough, Davenport and Fox all make this observation. 1) Despite this however two points should be noted.

Firstly, that despite agreement on this point of the greater flexibility of systems with nonUDGs, there is nevertheless no one established viewpoint in the literature regarding the causal interrelationship between the variables of resources and type of kinship system. - Goodenough for example suggests that an abundance of land would render "bilocal residence ...no longer functionally advantageous" and result in a change from "bilocal" to "unilocal" residence. 2) Fox does not commit himself on this point, as seen from his comments on the question of change in kinship systems. For while noting an association between "cognatic descent groups" and "small island communities" 3) and the possibility of a change in kinship systems in either direction (i.e. that cognatic systems may represent the "breakdowns of unilineal systems in the face of environmental pressures"; or "Alternately they [cognatic systems] may simply be the breeding ground of unilineal systems...") he concludes that "On this subject, we have a long way yet to go", 4) his own personal viewpoint being that cognatic systems are probably an independent type.

Davenport takes the opposite viewpoint to Goodenough, postulating a direct relationship between the variables of scarcity of resources and restriction in the kinship system. Otterbein gives Davenport's hypothesis a "diachronic

1) Goodenough 1955 op cit; Davenport 1959 op cit; Fox op cit. See also Buchler and Selby op cit: 81 for further references on this point.


3) Fox op cit: 153.

4) Ibid: 153-4;162.
dimension", claiming to demonstrate how increased scarcity of resources in Jamaica has resulted in a movement towards greater restriction in the kinship system. Solien implicitly also lends support to Davenport's hypothesis. 1)

The second point to be noted is that despite the distinction in models of nonUDGs between the Unrestricted and Restricted variants (and in Fox's case his threefold model of Unrestricted, Pragmatically Restricted and Restricted variants) and the concomitant alignment of the Restricted nonUDG with the unilineal lineage with regard to discreteness, yet in the discussion of "flexibility" nonUDGs tend to be lumped together versus UDGs. Thus in his discussion of descent groups Goodenough, for example, says that kinship systems with nonUDGs are best able to meet the problem of equitable land distribution, but simply notes that the unrestricted and restricted kainga achieve the necessary flexibility in different ways. 2) And Fox notes that "cognatic systems" (in this context referring to "cognatic lineages") have the advantage of flexibility over UDGs in a situation of demographic strain and thus a greater "survival value". Thus while he notes that restricted cognatic lineages can function "with the same effectiveness as unilineal descent groups" because they are just as discrete, he points out that the former "have an added flexibility that might turn out in some circumstances to be a positive advantage." 3) And Davenport, in his discussion of the similarities and differences which cross-cut the ego/ancestor-orientation distinction, notes that one difference between nonUDGs and UDGs is that in the event of an adjustment between groups and their constituent members becoming necessary to maintain the viability of the system, that resort has to be made in unilineal systems to emergency

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1) Davenport 1959 op cit; Otterbein 1966 op cit; Solien 1959 op cit.
2) Goodenough 1955 op cit.
3) Fox op cit: 153; 156.
fictions such as adoption; whereas nonUDGs have built-in self-adjusting mechanisms in this respect. And in his continuum regarding "freedom in ascription" "multilinear" systems (i.e. systems with nonUDGs) are lumped in the middle between UDGs at one end and systems with "bilateral" descent (i.e. ego-centred kindreds) at the other. 1)

This lack of explicit distinction on the point of flexibility between variants of nonUDGs can most probably be attributed to the fact that in the context of land-holding corporate groups (the context with which the discussion of scarcity of resources is most concerned) most anthropologists concentrate on the Restricted nonUDG.

Otterbein, however, in addition to giving Davenport's causal hypothesis a diachronic dimension, also applies it to variants of nonUDGs:

"Ambilineal descent is more restricting than bilateral descent (in the sense that the term is used in this paper). It is related to the scarcity of resources. Greater control means fewer degrees of freedom in allocating them. This hypothesis is substantiated by the ethnographic data [on the Caribbean]. In fact, the major contention of this paper gives the hypothesis a diachronic dimension: Scarcity of resources can shift a system from bilateral to ambilineal descent." 2)

Now whereas in Davenport's terminology "bilateral descent" applies to ego-centred kindreds, in Otterbein's it applies to Unrestricted nonUDGs.

Taken together, then, Davenport and Otterbein's hypotheses can perhaps be considered the most refined and explicit on the subject, viz:

(i) there is a direct relationship between the variables of scarcity of resources and restriction in kinship systems; thus increased scarcity leads to increased restriction in the kinship system.

1) Davenport 1959 op cit.
(ii) this hypothesis can be applied not only to nonUDGs versus UDGs, but also to variants of nonUDGs. Thus in systems with nonUDGs, increased population pressure leads to the development of Restricted nonUDGs with an exclusive residence rule (as Otterbein claims has occurred in Jamaica. As noted above both Solien and Davenport - in his article on Jamaican family land - support the above hypotheses in that they postulate the presence of the Restricted nonUDG in relation to Jamaican family land).

The nonUDG in River Village Social Organisation.

The influence of the customary system of family land on residence, and the subsequent development of extended family groupings co-resident on such land, is considered a major feature of the system in the analyses of both Clarke and Davenport. ¹ Although there is some evidence from my own data to support the hypothesis that family land results in the development of the ambilocal extended family ² - frequently contained in separate households - a far more striking feature of the system appears to be the opposite process: non-residence on, and non-exercise of rights to family land. The first hint of such a situation is suggested by the data on birth-place of the principal adults of the sample - as shown in Table 1 of Chapter 3. These indications are borne out by the number of informants who have kinship-based claims to land elsewhere in the parish, and even in other parishes

1) See Clarke 1953 op cit: 82-4; 103-5; 1966 op cit: 56-8; 63; 69; Davenport 1961 op cit: 447; 450-4.

2) Referred to by Clarke as the (co-resident) 'consanguineal family' or 'kindred' (1953 and 1966 op cit); and by Davenport as the "bilocally extended family" (1961 op cit: 451) (both note that such extended families are fragmently contained in separate households). I prefer to use the term "ambilocal" (Murdoch 1960 op cit) since it denotes 'either/or' rather than "bilocal" which suggests "both".
(see Tables 1 and 2 below); by the number of non-exercising heirs to
land in River Village (some of whom are even resident elsewhere in the
village); and also by references to family land elsewhere in the island
lying in a state of complete disuse. (Included in Tables 1 and 2 is
land to which informants have had actual or potential claims in the past,
but which has now been alienated through sale, since these cases are
nevertheless indicative of the trend which the Tables seek to illustrate).

Table 1  Distribution of actual kinship-based claims to land

<table>
<thead>
<tr>
<th>Place</th>
<th>Total</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Village</td>
<td>27</td>
<td>16</td>
<td>10 + 1 sold</td>
</tr>
<tr>
<td>Elsewhere in the Parish</td>
<td>37</td>
<td>-</td>
<td>34 + 3 sold</td>
</tr>
<tr>
<td>Other Rural Parishes</td>
<td>9</td>
<td>-</td>
<td>8 + 1 sold</td>
</tr>
<tr>
<td>Insufficient Information (but land not in River Village)</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>75</td>
<td>16</td>
<td>54 + 5 sold</td>
</tr>
</tbody>
</table>
Table 2  Distribution of Potential kinship-based claims to land

<table>
<thead>
<tr>
<th>Place</th>
<th>Total</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Village</td>
<td>28</td>
<td>3</td>
<td>21 + 4 sold</td>
</tr>
<tr>
<td>Elsewhere in Parish</td>
<td>59</td>
<td>-</td>
<td>51 + 8 sold</td>
</tr>
<tr>
<td>Other Rural Parishes</td>
<td>50</td>
<td>-</td>
<td>38 + 12 sold</td>
</tr>
<tr>
<td>Barbados</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Insufficient Information (but land not in River Village)</td>
<td>9</td>
<td>-</td>
<td>6 + 3 sold</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>147</td>
<td>3</td>
<td>117 + 27 sold</td>
</tr>
</tbody>
</table>

Of seventy-five actual claims to land only twenty-seven are in River Village, forty-eight being elsewhere, thirty-seven of these being elsewhere in the parish. Residence on such land occurs in only sixteen cases, all of which are in River Village. Of the remaining fifty-nine, in five cases the land has been alienated through sale, non-residence occurring in the other fifty-four cases. Of one hundred and forty-seven potential claims, only twenty-eight are in River Village. Of the remaining one hundred and nineteen
(nine of which have no information on place, but which are not in River Village) fifty-nine are elsewhere in the parish, the rest but one being in other parishes (one being in Barbados). Residence on such land occurs in only three cases, all in River Village. In twenty-seven cases the land has already been alienated through sale, and in the remaining one hundred and seventeen cases non-residence occurs.

From an examination of the factors responsible for the non-residence on, and non-exercise of rights to land in the case of informants; of those of their numerous relatives who likewise do not exercise their rights to these holdings; and in the case of those resident on family land in River Village, the factors responsible for the non-exercise of rights to such land by absent heirs, the following appear to be the major contributory factors to such non-residence and non-exercise of rights.

(i) The influence of the norm of neolocal residence on the establishment of co-residential unions - marital or consensual - despite rights to family land on the part of one or both spouses.

Mr. and Mrs. AI, for example, live neolocally in their own house on their own bought land in River Village, although Mrs. AI. has rights to family land inherited from her mother elsewhere in the village. There is also family land on her father’s side of the family in the interior of the parish. Mr. AI. is a migrant to River Village and there is family land both on his father’s side in the interior of the parish, and his mother’s side in the neighbouring village of Friendship (Case 4).

Mr. and Mrs. H. are both migrants to the village and live neolocally in their own house on land leased from another villager. Nevertheless there are two pieces of family land on her father’s side and one on her mother’s, all elsewhere in the parish (Case 7). And although Mr. H’s mother has no land his father lives in another village on land which he is purchasing under
a 'lease and sale' arrangement.

Mr. and Mrs. D. are also both migrants to the village and each has inherited rights to land elsewhere in the parish. Mr. D. inherited rights to his parents' land, and Mrs. D. to both her father's family land and also to her step-father's land. However the couple live neolocally in their own house on their own bought land in River Village; and before they purchased this land they had lived neolocally in a rented house. Mr. D. and his siblings (co-heirs to their parents' land) have in fact now sold the latter as they were not using it (Case 11).

Mr. and Mrs. C. are likewise both migrants to the village, and although Mrs. C. has rights to her mother's family land in another rural parish the couple live neolocally in River Village in their own house on their own bought land (Case 14).

The ATs - both migrants to the village - live neolocally in a rented one-roomed house. Mrs. AT. has rights through her mother (Miss E.) to various plots of land in the vicinity of her natal village, viz.: her mother's father's family land; her mother's father's two pieces of bought land which are, subsequent to his death, now being transformed into family land. Mrs. AT's mother also has rights to a fourth piece of land inherited from the latter's paternal grandaunt (FMZ). In addition Mrs. AT's father also has family land in another parish (Case 1).

The AUs are another couple who are both migrants (from the same village which is further inland in the parish) to River Village and live there neolocally in their own house on land leased from another villager. Mr. AU's father has land in the former's natal village (this land is bought land but will be left for the father's children); and both of Mrs. AU's parents have family land: her mother's being in Mrs. AU's natal village, and her father's in yet another village elsewhere in the parish. Mrs. AU's father has a second piece
of land in that village which he bought himself.

Although Mrs. AJ. is a native of River Village and her mother has inherited land in the village — where she, the mother, lives alone — Mrs. AJ. nevertheless lives neolocally with her husband elsewhere in the village in their own house on their own bought land. Mr. AJ. was born elsewhere in the parish and has rights to several plots of land in various parts of the parish: two pieces on his father’s side and one on his mother’s side in his natal village; and a third piece on his father’s side in yet another village elsewhere in the parish.

Although Mrs. T’s mother has very recently come to live with the Ts, the latter — both migrants to River Village — had, prior to this, lived neolocally for several years in River Village, Mrs. T’s mother living alone in another parish (Mrs. T’s natal parish). And this despite the fact that Mrs. T’s father has family land in the latter parish and Mr. T’s mother has land in yet another parish (Mr. T’s natal parish). The Ts now live in their own house on leased land.

The Fs are both migrants to River Village and although Mr. F. is temporarily abroad, the couple live neolocally in their own house on their own bought land in the village; prior to this living in Mrs. F’s natal village — but neolocally — in their own house on Mr. F’s bought land (first in a consensual and subsequently in a marital union). Mr. F’s father however has land in Mr. F’s natal parish, and Mrs. F. has rights to family land from her father in her natal village elsewhere in the parish. One of Mrs. F’s brothers — one of the three co-heirs to her family land — also lives neolocally elsewhere in River Village in a rented one-roomed house (Case 5).

Miss BL. and Mr. BM, a consensually cohabiting couple, live neolocally in a rented house in River Village. Mr. BM. is a native of the village and
both his parents live elsewhere in the village: his father and step-mother (the Ds) on their own bought land (Mr. BM. is an outside child of his father), and his mother alone on land which she has inherited. Miss BL's parents each have family land in her natal village elsewhere in the parish, her mother also having a second piece of (bought) land there (Case 6).

Miss CU. and Mr. CV, another consensually cohabiting couple, are both migrants to River Village, living there neolocally in a rented room. Miss CU. is Mrs. AT's full sister (see above) and like her has rights through her mother to various plots of land in the vicinity of her natal village further in-land, her father having family land in another parish. Mr. CV. has rights to family land on both his mother's and father's side in the vicinity of his natal village which is in another parish (Cases 1 and 2).

Mr. CR. and his consensual mate Mrs. CS. (she was previously married to another man) live neolocally in their own house on land which he is purchasing from another villager on a 'lease and sale' arrangement. Mr. CR. is Miss CU. and Mrs. AT's maternal uncle (see above), and like them, has rights (through his father) to various plots of family land in the vicinity of his natal village (he has rights to three of the four plots to which his nieces also have rights). (Case 1).

Miss CX. and Mr. CY. are another consensually cohabiting couple who live neolocally - in their own house on land which they are purchasing under a 'lease and sale arrangement'. There is family land on his father's side of the family in Main town. Miss CX's mother is dead, but her maternal grandmother (Mrs. D.) with whom she used to live several years ago has rights to three plots of land: the Ds' own bought land in River Village; and her father's family land and step-father's land in two other villages elsewhere in the parish.
Miss AX. and Mr. AY. live consensually in their own house on their own bought land in River Village. Mr. AY. is a migrant to the village but Miss AX. was born there. They live neolocally although both Mrs. AX's parents live (separately - she is her father's first child by the first of his three conjugal unions) elsewhere in the village, her father living (with her step-mother) on land which he inherited.

Miss BT. and Mr. W., a consensually cohabiting couple, are both migrants to River Village, living neolocally in their own house on land leased from another villager (living prior to this in a rented house elsewhere in the village). Miss BT's parents are separated and each has land in her natal parish (another rural parish). Miss BT's mother does not live on her above-mentioned land (which is family land), living on yet another piece of land which her husband (Mrs. BT's step-father) has bought. Mr. W. comes from elsewhere in the parish and his parents both have land in that village; - his father's land, where both Mr. W's parents lived until recently (his father now being dead), and his mother's family land elsewhere in that village.

Although the norm of neolocal residence is (as seen from Chapter 5) independent of the acquisition of the couple's own house or land - as in the cases cited above of the ATs, who live in a rented house; the Ds, who although they now own their house and house-spot, lived in a rented house when they first established their co-residential union; Miss BL. and Mr. BM, who live in a rented house; and Miss CU. and Mr. CV, who live in a rented room; - nevertheless the acquisition of such property is an additional factor which further reinforces the non-use of parent(s)' land. For example in the above-mentioned cases the AIs, the Cs, the AJs, the Fs, and Miss AX. and Mr. AY, were all seen to have their own house and own bought land; with Mr. CR. and Mrs. CS, and Miss CX. and Mr. CY. having their own house and living on
land which they are purchasing under 'lease and sale' arrangements. The Hs, the AUs, the Ts, and Miss BT. and Mr. W. have their own house although all of these couples live on leased land.

Neolocal residence also frequently occurs with regard to 'Single' persons, for example female household heads who live neolocally with their children (and in some cases other descendants), viz.: Miss CW. who lives in a rented room despite the fact that her mother, Mrs. P., has family land elsewhere in the village where she (Mrs. P.) now lives (Case 4). And two sisters, Miss CI. and Miss E., both migrants to the village, each live in a rented one-roomed house in different parts of the village although they both have rights to three plots of land in the vicinity of their natal village elsewhere in the parish (their father's family land and his two pieces of bought land which have, since his death, been transformed into family land). And as mentioned above Miss E. has rights to a fourth plot of land in that vicinity which she inherited from her father's maternal aunt (Case 1). Miss BW. lives in her own house on her ex-consensual mate's bought land in River Village although she has rights to family land inherited from her parents in her natal village elsewhere in the parish (Case 13). And Miss CK. lives in a rented room although there is family land on both her mother's and father's side of the family in a neighbouring parish, her father also having his own bought land in that parish.

It can be noted that in the sixteen cases where residence does occur on inherited land in River Village (see Chapter 4) there is no consistent rule regarding the variable of virilocal/uxorilocal residence. In eight cases such land is associated with virilocal residence, the conjugal status of the men.

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1) In the case of 'Single' persons mating extra-residentially the use of the phrase 'neolocal residence' may appear contradictory for by definition such mates reside duolocally. However I refer to the fact that such persons may reside in a separate household from their parents.
concerned being: 'Married' (six cases) and 'Consensually Cohabiting' (one case); in the eighth case the man is dead and his widow remains on the land, the couple having been married. In the other eight cases the land is associated with uxorilocal residence, the conjugal status of the women concerned being: 'Married' (five cases); 'Married/Widowed' (one case); 'Married/Separated' (one case) and 'Consensually Cohabiting' (one case). And while there is, in these sixteen cases, a bias towards inheritance from the father or father's side of the family: eleven cases as opposed to five cases from the mother or mother's side of the family; it was seen above that while inheritance from or through the father does predominate in general that this is only a slight bias which can be accounted for by the fact that where the origin of the land is known it was generally purchased, and that purchase of land by males tends to be more common than by females; and that when the land is traced to the first ascending generation only (as is a fair proportion of it) it is generally known to have been purchased.

(ii) Where an individual has rights to more than one piece of family land, non-exercise of rights to at least one piece is likely to occur, unless both are in the same district. Mrs. P., for example now lives on her mother's family land in River Village and does not use her father's family land which is some miles away (Case 4). Mr. N's full sister (Lettitia) and brother (Harry) live on family land on their mother's side, with Lettitia not bothering to use the family land on their father's side and Harry only going there to pick fruit (Case 2). And Mr. A., lives on one piece of family land inherited from his father in River Village and never used a second piece of family land also inherited from his father, which was situated in a village elsewhere in the parish; Mr. A., in conjunction with his sister, eventually selling this latter piece, and also selling a third plot which he had inherited from his mother in River Village (Case 9).
However, the use of alternative family land does not in fact appear to be a very important factor in the non-use of family land, other factors such as emigration and neolocal residence being much more important influences in such non-use. Thus where an individual does have claims to two (or more) pieces of family land neither (or none) of these may in fact be used.

For example with reference to the examples given above it can be noted that although Mrs. P. lives on one piece of family land that her sister, Mrs. AI, likewise does not use the father’s family land, this however being due to neolocal residence rather than the use of alternate family land. And while Mr. N’s sister and brother do not use their father’s land because of residence on their mother’s, Mr. N. and his brother Mr. CV. likewise do not use their father’s land, but neither do they use their mother’s land since they are both living neolocally in River Village.

(iii) Lack of contact with one parent or one side of the family for some reason, such as the death of one parent; fostering with one side of the family; or dissolution of the parents’ conjugal union when the informant was very young. 1) In the latter case this had sometimes been accompanied by the emigration of one of the parents - with or without the child - to another part of the island. Such lack of contact may result in either ignorance of whether or not there is in fact any land on that side of the family to which the informant might have a right, or the non-use of such land if it is known to exist.

For example Mr. AI’s mother left his father (to whom she was not married) when Mr. AI. was a child, bringing him down from his natal village in the interior of the parish - where his father remained and has land - to live in the

1) Cf. Solien 1959 op cit: 579 on similar factors operating among the Black Caribs of British Honduras.
village of Friendship, a mile from River Village; so speaking of his father's land Mr. AI says: "I leave up there from a small boy, so I don't have no idea of the land. I never grow with my father." (Nevertheless he says he could use the land, although he does not intend to do so) (Case 4).

Miss BY. does not know if her father has any land, for her parents separated when she was a child, her mother emigrating from Miss BY's natal parish elsewhere in the island taking Miss BY, with her; the informant was then only eleven years old. So from that time: "I don't know anything about him until now. I don't know what him have from what he don't have"; her father not even supporting her: "Not from I have sense; it's just me mother alone."

Mrs. N's parents separated from before she was born, her mother subsequently marrying another man. So:

"I don't know me daddy and I shouldn't think I get any minding from him. Because my mother say me father leave when she pregnant with me, go 'way to America or Cuba - something like that; and them doesn't hear anything from him."

And Mrs. T., although she knows that her father has rights to family land in another parish, says that she knows nothing of the details regarding this land since she did not grow up with father, "and he's not that much attached to me"; her parents (who were not married) separating when she was only two years old.

Mrs. AN's father was:

"a wild man...me mother and him together, and after him have seven of us [children]...and he leave me mother and me mother have to batter to mind us."

As a result of her father's desertion - in addition to the fact that his family land is virtually at the other end of the island (Mrs. AN. having been born in Maintown but living in River Village from the age of six) - although her father has family land:
"we don't know it. Him born in [a distant parish] and grow in that end, but we don't know anything of the family that side. Me father's children them [her paternal half-siblings], and mother and sister and brother - ...we don't know them... That time me was small, so we don't know; me sister was talking about him - hear that Papa have land, but he never carry me mother and show him say well 'we have dis, or we have dat', so we don't know anything about it; because it's only family land."

She does not in fact even know which parent her father inherited the land from, or what has happened to the land: "Because me no worry meself, because we don't know down that end." And although Mr. AN. (her husband) has rights to his mother's land, he does not know his father as the latter deserted his mother (who subsequently married another man) prior to Mr. AN's birth.

Miss CK. never knew her mother as "she died when I was small, and my grandmother raise me - my father's mother..."); the effects of such fostering with one side of the family being reflected in her discussion of the family land on the respective sides of her family. For of the family land on her mother's side she states:

"I don't know of it, because they had, but I don't know, because I don't grow with them; I grow with me [paternal] grandmother - me most keep to me grandmother's side a family."

Whereas of the family land on her father's side she says: "Now actually I can say a little about me [paternal] grandmother's things, because me know; me grow with her ..."

Mrs. AR. grew up in her father's village (elsewhere in the parish), whereas her mother is from another parish; as a result while she was able to give information regarding her father's family land, she said of her mother:

"Well mama - she's really from [another parish]; well we weren't acquainted with her family, so we doesn't know anything about it [that is any land they might have]." (Case 15).

However, the fact that in some of these cases the informant does have family land on the other parent's side (or the informant's spouse has family land) and that this is not however used by them indicates that other factors -
such as neolocal residence and migration - are even more important in such non-use than the variable of contact/lack of contact with one side of the family. For example although Mr. AI. grew up with his mother and inherited rights to her land in Friendship, he still does not use it, living neolocally on his bought land in River Village (Case 4). And Mrs. N. likewise lives neolocally with her husband in River Village on land which they are purchasing under a 'lease and sale' arrangement although Mr. N. has rights to family land on both his mother's and father's side in another parish (Case 2). Likewise although Miss CK's father has family land in another parish and his own bought land elsewhere in the parish, Miss CK. nevertheless lives neolocally in a rented room in River Village.

(iv) The restrictions of family land are themselves a contributory factor. 1)

In some cases this sentiment was directly expressed by informants; but in many more it was obliquely manifested by a total lack of interest in their rights to family land.

Mrs. AI, for example, says of her and her sister Mrs. P's father's family land some miles away in the interior of the parish:

"It's up in the country, but we don't go there; you know we's not interested, because is not a case to say it did definitely will out that we have any [specific individual] claim over it. Just family."

And in reply to my query as to whether he had any family land Mr. AI. said: "I not interested in having no family land." And in reply to his wife's subsequent remark: "Then you' mother don't have none at Friendship?" he said yes, she did, but went on to explain that: "I have my own, so me never so much interested in it." (Case 4).

Mrs. F. likewise is not interested in family land inherited from her

1) Cf. Clarke 1953 op cit: 90-91; 1966 op cit: 49. In the latter version, however, Clarke gives the impression that this factor is not a very important one: "There was one or two cases of individuals who said they had abandoned their claims on the family inheritance because they thought 'all that sort of thing foolishness'." (My emphasis). Cf. Finkel op cit on the St. Lucian 'Community Property System'.
father: "To be reasonable, me no want no land..." as she and her husband have two plots of bought land (Case 5). Mrs. D. also is not interested in her family land since she has her own bought land (Case 11); as is also the case with Miss BW. (Case 13).

Case 9 also provides evidence of the importance of a lack of interest as a reason for the non-exercise of rights to family land. Mr. A's sister, for example, was not interested in either her father or mother's land in River Village - Mr. A's mother had told him that: "Your sister don't want nowhere in River Village." Mr. A's paternal uncles also lacked interest in their family land in their natal village; Mr. A. says they never 'bothered' to pay the tax and would not have 'bothered' to return to the land after his own father's death. And neither Mrs. A. nor her children are interested in land inherited by Mrs. A. from her grandmother in her natal village elsewhere in the parish; and she says that if she were to find someone interested in buying it she would in fact sell the land.

Mrs. AQ. says there is family land on her mother's side of the family in her natal village in the interior of the parish, which she traces to her maternal grandparents. Although she says that any of the "family" can use the land including herself, she showed little interest in the land and only goes there "occasionally" to visit her sister living there. And when I enquired whether it was possible that the transmission of the land extended beyond her grandparents, she replied: "I didn't bother trace anything because none of us are interested..." She and her husband are both migrants to River Village, living there neocidentally on their own bought land. (Case 16).

This lack of interest in family land complements the high positive evaluation of individual independence on the part of the villagers; both sentiments being succinctly expressed in the saying sometimes quoted by
villagers in the discussion of their family land: "Mother have, father have, blessed the child which has its own." 1)

The high positive evaluation of individual acquisition of land is also illustrated by the fact that purchase of land is a fairly common practice among villagers where finances and availability of land permit. For example of the thirty-two cases where informants live on "owned land" (see Chapter 4) in sixteen cases this is bought rather than inherited land; and in addition some of these - and other villagers who do not live on bought land - have a plot of bought land elsewhere in the village or the island. Furthermore, informants report cases where a relative who has emigrated abroad temporarily has sent remittances for the purpose of purchasing land in the island impending his return. 2) Further evidence of this high evaluation of individually acquired land is the fact that the most common reply to my query of what was the main need of the community was: "Land room". 3) Informants lamented the scarcity of land and expressed gratitude to the property owners in the vicinity who allowed them to cultivate free or rented land. And as mentioned in Chapter 4, there have been several 'petitions' regarding the purchase of land outside the village owned by the Parish Council on which several villagers have squatted to cultivate grounds. The intention being individual and not communal purchase of plots.

The high evaluation of individual independence is also expressed by the norm of neolocal residence, which is seen to predominate even in the absence of individually owned land.

1) Cf. Clarke 1953 op cit: 92 who cites a case where a virtually identical saying was quoted.

2) Cf. Lowenthal op cit who notes a similar practice.

(v) Emigration, however, appears to be the most drastic influencing factor in the process of non-exercise of rights to land. Such emigration may be to other parts of the parish (for example to more coastal areas which are less isolated - such as River Village), other rural parishes, or to the urban areas particularly Kingston. Or it may be - and frequently is - abroad. Such emigration may be temporary or permanent.

With regard to plots of family land in River Village, for example, Case 4 shows that Mrs. AI. and Mrs. P's brother and sister - both joint heirs to the siblings' family land in the village - have emigrated to another rural parish and to Costa Rica respectively. Mrs. P. herself having been non-resident on the land for twenty-two years contingent on her emigration from the village to live in Maintown.

Mr. O's full siblings - joint heirs to his father's family land - have also not exercised their claims as a result of emigration: one having emigrated to Costa Rica in 1907 and subsequently to Cuba where, apart from a short return visit home, he remained till his death in the 1950s; another to Costa Rica and subsequently to New York, remaining there until his death two years ago; and a sister emigrated to Costa Rica in 1906 where she remained until her recent death. Mr. O. had himself not exercised his claims to the land for several years contingent on his emigration to both Cuba (seventeen years) and the United States (several months), and also subsequently to live in Maintown (Case 3).

Mr. A's siblings (joint heirs to Mr. A's house-spot in River Village inherited from their father) also did not exercise their claims to the land as a result of emigration from the village; - his sister first to Panama for several years and subsequently to Kingston. (Mr. A. has not seen his sister for over twenty years and does not even know whether or not she is still alive.)
And his brother to various other Caribbean territories (Panama, Costa Rica and Cuba) and subsequently to the United States, having emigrated seventy years ago and never returned. Again Mr. A. has lost contact with this sibling and does not know whether or not he is still alive. (Case 9)

A similar situation can be seen to exist in Case 13 where all but one of the several heirs to Miss BW's house-spot have emigrated from the village; - three live in Maintown; one in Kingston; and another emigrated to England twelve years ago. Miss BW. has lost touch with two others who were sent back to their father's natal village in China several years ago when they were still children. The other three children (whose names are not included on the Title but who may nevertheless pick fruit from the land) have also left the village; two of these live in Maintown with the third having emigrated to the United States. Only one of Miss BW's children in fact lives on the land.

Likewise many River Villagers do not exercise their rights of residence to family land elsewhere in the parish or island because of their immigration to River Village. Mr. N. and his brother Mr. CV. for example are migrants to the village from a neighbouring parish where they have two pieces of family land which they do not use (Case 2). Likewise Mr. CN, also a migrant from another rural parish, has family land in the latter which he does not use (Case 8). And several of the "family" in Case 1 who have claims to family land in the interior of the parish do not use it due to their immigration to River Village. Several other cases were mentioned in passing in the discussion of neolocal residence above, and the extent of non-exercise of rights to land elsewhere in the parish or island can be seen from Tables 3 and 4 below.

(vi) Both emigration and lack of interest in family land are also often exacerbated by the fact that many holdings of family land are comprised of marginal land (much of which is in the hilly or mountainous interior of the island) due to historical factors outlined in Chapter I.
Mr. AE's mother, for example, died leaving a plot of land in another parish, but he does not bother with it as it is 'in the bush'. Mr. AC's father died leaving a plot of land in the interior of the parish; Mr. AC says however that his own children would not want any of this "mountain land" as "mountain life is too brutalising" - one has to fetch and carry water from three or four miles away. And talking of land which she inherited in the interior of the parish Mrs. A. says that "The children say they not going up there; too bushy," (Case 9). Mr. CN's family land in another rural parish has "no great cultivation" as it is "not fertile" (Case 9); and Mrs. H. says that one of the two pieces of family land on her father's side of the family is a "kind of bushy place" being more suited to "work ground or raise stock" than for living on, and in fact none of the "family" live there (Case 7). The family land in Case 1 to which several informants in River Village have rights is in the interior of the parish and is described by phrases such as: "That is not a living area"; "It's aback"; and Mrs. AT. says "Nobody don't live there, they only work ground." The suffix "Mountain" in the name of the area furthermore indicates that the land was originally part of the mountainous backlands of a pre-emancipation sugar estate. 1) And of her family land in the interior of the parish Miss CA. says that "Nothing much can't grow on it, because is stony", and that "I didn't really love there [that area], that's why I never live there." (She lives neolocally with her consensual spouse in River Village in their own house on rented land.)

(vii) Social mobility may also lead to lack of interest in family land: such mobility may be effected through emigration and may result in the purchase of individually owned land; and as mentioned above cases were cited by informants

1) See Cumper 1954 (b) op cit: 123.
of relatives who had emigrated and sent money from abroad for the purchasing of land in the island impending their return. For example Mr. N. does not think that his "cousin" (his mother's matrilateral parallel cousin) - one of the co-heirs to the family land on his mother's side of the family - will bother to exercise his claim to the land since he has emigrated to England and been able to afford to purchase seventy acres of his own land elsewhere in the parish in which the family land is situated; in addition to purchasing a second piece of land in that parish:

"I believe that through he have that land, and he also bought [other land]...and he's not in Jamaica, and he's supposed to be better than us - that's why I say that..." (Case 2)

And Mr. O's brother (who has recently died) is another example of social mobility affecting non-exercise of rights to family land in conjunction with emigration; of him Mr. O. says: "I think he's the brightest one out of all..." for he owned his car and apartment, and had a good job in New York, having eventually become a collector for a furniture firm for which he worked for many years. And: "when a man own his car and his own place in New York, you must have a big standing [status]." (Case 3)

Although social mobility as a reason for non-exercise of rights to family land occurs among some of the relatives of some informants, it is not however a very important factor in the non-exercise of such rights by informants themselves.

(viii) Nevertheless, even in cases where social mobility per se has not occurred, concern for relatives who are worse off than themselves and have remained on the family land reinforces the non-exercise of rights by informants. Mrs. C., for example, is joint heir along with her siblings to their mother's family land in another parish. Only one of these siblings however lives on the land and Mrs. C., who lives with her husband on their own bought land in the island impending their return. For example Mr. N. does not think that his "cousin" (his mother's matrilateral parallel cousin) - one of the co-heirs to the family land on his mother's side of the family - will bother to exercise his claim to the land since he has emigrated to England and been able to afford to purchase seventy acres of his own land elsewhere in the parish in which the family land is situated; in addition to purchasing a second piece of land in that parish:

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(viii) Nevertheless, even in cases where social mobility per se has not occurred, concern for relatives who are worse off than themselves and have remained on the family land reinforces the non-exercise of rights by informants. Mrs. C., for example, is joint heir along with her siblings to their mother's family land in another parish. Only one of these siblings however lives on the land and Mrs. C., who lives with her husband on their own bought
land, says that neither she nor any of her other siblings would try to reactivate their rights to live on this land because the sister living there is "deadly poor, and all the others can see them way. We can see we way, so we no worry her." (Case 14).

Similarly Mr. AI, along with his siblings, inherited joint rights in their mother's land in the neighbouring village of Friendship; but only one of these siblings lives on the land, and Mr. AI, who has his own bought land in River Village, commented regarding his family land, that: "I wouldn't deprive my sister since [she] live there." (Case 4)

Although Mrs. D. retains her rights to her father's family land elsewhere in the parish, she is really not interested in using it, and is happy just to let her aunt's descendants use all of it:

"We don't trouble one another...The child what living on it paying the taxes. So me no molest her. ...for me have here [the Da's bought land in River Village] Me no want no more..."
(Case 11)

Likewise Mrs. F., who lives on her husband's bought land in River Village says of her family land in her natal village elsewhere in the parish: "To be reasonable, me no want no land; me looking about it for the two of them." - She refers to the fact that she is planning to have the family land subdivided between her two brothers who are the other two heirs to the land. One of the brothers suffers ill-health and still lives on the family land, the other living in River Village in a rented one-roomed house (Case 5).

And Mr. O. describes how his mother, when she married his father and came to live on the latter's land in River Village, had told her sister's daughter that since she herself no longer needed the family land in her natal village that she (the niece) should use it (Case 3).
In many cases more than one of the above factors contributes to the non-use by an individual of his or her family land. For example in Miss E's case such factors contributing to the non-use of all four plots to which she has rights in the vicinity of her natal village include: her emigration from that village; neolocal residence; the fact that some of the land is marginal - two of the plots being outside her natal village further into the hilly backlands, even the other two plots in her natal village being in a fairly remote inland area where there is no electricity or running water (Case 1).

Mrs. F. does not use her family land in her natal village due to: neolocal residence contingent on the establishment of a co-residential conjugal union (first consensual and subsequently marital), the Fs first living neolocally in Mrs. F's natal village and subsequently in River Village; emigration from her natal village to River Village; the acquisition of the Fs' own house and bought land - first in her natal village and subsequently River Village; and finally, due to her concern for the other joint heirs to the family land, since she considers that she is better off than they are (Case 5).

Factors contributing to the non-use of Miss EW's family land in her natal village elsewhere in the parish include: emigration (first to other areas of the parish and subsequently to River Village); neolocal residence; the acquisition of her own house and land (Case 13).

In the case of Mr. CV. his non-exercise of rights to both of the two pieces of family land to which he has rights in his natal parish include emigration to River Village and neolocal residence. An additional factor in the case of his brother Mr. N's non-use of these two pieces of land being his acquisition of his own bought land (Case 2).

Table 3 indicates the extent to which the various factors mentioned above
operate to influence non-residence on the part of informants in the fifty-nine cases of actual inherited claims where this occurs. (Since - as noted above - more than one reason may operate in any given case to prevent non-residence, the categories in Tables 3 and 4 are not mutually exclusive.)

Table 3  Reasons for Non-Residence (Actual Claims)

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migration</td>
<td>52</td>
</tr>
<tr>
<td>Neolocal Residence</td>
<td>48</td>
</tr>
<tr>
<td>Own house (either informant's or spouse's)</td>
<td>38</td>
</tr>
<tr>
<td>Individually owned land (informant's or spouse's)</td>
<td>31</td>
</tr>
<tr>
<td>Lack of interest</td>
<td>18</td>
</tr>
<tr>
<td>Marginal Land</td>
<td>17</td>
</tr>
<tr>
<td>Use of other family land (informant's or spouse's)</td>
<td>13</td>
</tr>
<tr>
<td>Lack of contact with kin</td>
<td>5</td>
</tr>
<tr>
<td>Sale *</td>
<td>5</td>
</tr>
<tr>
<td>Restrictions of Family Land</td>
<td>4</td>
</tr>
<tr>
<td>Social Mobility</td>
<td>1</td>
</tr>
<tr>
<td>Conflict with kin</td>
<td>1</td>
</tr>
</tbody>
</table>

* In all cases the land was alienated by, or through agreement with informant, hence inclusion in Table.

Table 4 shows the extent to which similar factors could operate to result in non-exercise of rights to land when and if informants became the actual holders of such land. Of one hundred and forty-seven such potential claims, in twenty-seven cases the land has already been alienated through sale. Of the
remaining one hundred and seventeen cases, residence occurs in three cases (all in River Village); the following data relates to the remaining one hundred and fourteen cases.

**Table 4 Reasons for Non-Residence (Potential Claims)**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neolocal Residence</td>
<td>82</td>
</tr>
<tr>
<td>Migration</td>
<td>57</td>
</tr>
<tr>
<td>Own house (informant's or spouse's)</td>
<td>50</td>
</tr>
<tr>
<td>Use of other family land</td>
<td>28</td>
</tr>
<tr>
<td>Individually owned land (informant's or spouse's)</td>
<td>24</td>
</tr>
<tr>
<td>Lack of interest</td>
<td>20</td>
</tr>
<tr>
<td>Lack of contact with kin</td>
<td>12</td>
</tr>
<tr>
<td>Marginal Land</td>
<td>7</td>
</tr>
<tr>
<td>Social Mobility</td>
<td>1</td>
</tr>
</tbody>
</table>

The above discussion has tended to focus on the non-exercise of rights to family land by individuals. However if the situation is looked at from the point of view of specific plots of land the cumulative effect of the tendency of individuals not to use such land can be appreciated. For even where one or a few of the heirs to such land remain there, a larger proportion of the heirs do not.

For example of the four siblings alive who are joint heirs to Mrs. AI's mother's land in River Village only one (Mrs. P.) lives there, and she herself has only returned to live there very recently after an absence of about
twenty years during which she lived in Maintown. Mrs. AI. who is "responsible" for the land lives neolocally elsewhere in the village on her husband's bought land and a third sibling, a brother, emigrated to another rural parish where he has bought his own land and built a house. The fourth sibling is another sister who has been abroad elsewhere in the Caribbean for nearly sixty years. None of the next generation of heirs live on the land although a son of one of the deceased siblings has planted something there. Of Mrs. P's four children alive all are now adult and live elsewhere: one of them (Miss CW.) living neolocally in a rented house elsewhere in River Village, the others living outside the village. Of Mrs. AI's six children, three live at home with their parents on the AIs' bought land, the other three having emigrated from the village (Case 4).

Of the four joint heirs who inherited family land from Mr. O's father in River Village, Mr. O. is the only survivor. But even before the death of these other siblings Mr. O. was the only one to use the land, and this after a long absence of over thirty years from the village, having lived abroad elsewhere in the Caribbean for several years and even after his return to the island living for some time in Maintown. The other siblings had all emigrated to other parts of the Caribbean or the United States where they remained until their death. (Case 3).

In the case of Mr. A., he too is the only one of the joint heirs to have used his father's land in River Village; his sister first emigrated to Panama and then on her return went to live in Kingston where she has remained, and his brother emigrated abroad over seventy years ago. (Case 9).

In the case of Miss BW's land - which will be inherited jointly by several of her children after her death - only one of these heirs (the only one who at present lives on the land) is likely to live there; for all the other eight heirs have left the village, some emigrating abroad, others to other
parts of the island (Case 1).

In Case 2 it can be seen that although there is evidence of the limited growth of an ambilocal extended family on Mr. N's maternal grandmother's family land, that a larger proportion of the co-heirs are living elsewhere. And of the thirteen of Miss E's father's children who have inherited rights to three various plots of land from him, only two use any of the land and of these only one lives on any of the land, the second living elsewhere in the vicinity with her husband and just cultivating a ground on some of her father's land. Of the other eleven siblings, four have emigrated to River Village, the other seven living in other parishes (Case 1).

Several of the other cases cited in the Appendix further illustrate this point (see Cases 5, 6, 7, 8, 10, 11, 14 and 17).

It seems clear from the majority of cases that - contrary to Otterbein's hypothesis that an exclusive residence rule, resulting in restricted cognatic descent groups, operates in Jamaica 1) - that non-residence on family land does not lead to compulsory relinquishment of rights to such land 2) as occurs among the Iban of Borneo for example.

For some non-resident heirs exercise their rights to the land in other ways, such as leasing land or renting rooms to

1) Otterbein 1966 op cit.

2) Cf. e.g. Goodenough 1955 op cit: 73 on The Gilbertese oo: "Membership in the oo is not terminated by settlement in a different community or atoll. It lasts for as long as the genealogical ties are remembered." And Chowning on the 'ambilineal ramage' of the Molima of Fergusson Island: - "Membership in a ramage is conferred by birth and is not lost so long as anyone remembers the genealogical connections, which may extend back for nine or ten generations...most people stress membership in only five or six ramanes...Rights in other ramanes cannot be lost, however, and may be re-activated at any time..." Chowning, A.: "Cognatic Kin Groups Among the Molima of Fergusson Island" in Ethnology, I, 1962, p. 92
See also Firth, R.: Primitive Economics of the New Zealand Maori: (London: George Routledge & Sons, Ltd., 1929); p. 100 on the Maci; "Upru; Freeman on Firth, Freeman, J.D.: 'Utralateral and 'Utralocal' in Man, 56, 1956, p. 86; Solien 1959 op cit: 580 on the Carib of British Honduras; Greenfield 1960 op cit: 174 on Barbados; Otterbein 1966 op cit: 53 on The Bahamas.
non-kin; as in the case of Mrs. AI, who rents out a house on her family land although she does not live there (Case 4), and Mr. D. and his siblings who 'leased out' their family land while non-resident there (Case 11.). And due to the fact that neither Mrs. H's father nor paternal aunt are resident on their family land, the house there is rented out (Case 7). In Case 15 several 'tenant houses' are rented out on land jointly inherited by some of Mr. DC's grandchildren, although none of these heirs live on the land. And Mr. N's grandaunt used to collect rental for her son for a house on their family land although both were non-resident there; the aunt living elsewhere "on her husband's premises", the son having emigrated to England (Case 2). In Case 8 a non-resident heir to family land - Mr. CN's sister - exercises her rights to the land by collecting rental for her house there from another kinsman, her nephew who lives in the house. And Mrs. AB. grazes a donkey on a plot of family land on which she does not reside. In another case, that of the family land on Miss CK's father's side, the profits from the sale of coconuts and pimento from the family land are banked in the name of the only surviving sibling of the most senior generation of the 'family' - Miss CK's grandaunt (FME), one of the four children of the focal ancestor Miss CK's great grandmother (FMN), although the grandaunt is non-resident on the land having emigrated to live elsewhere in the Caribbean very many years ago.

Cultivation of ground nuts may sometimes occur on family land where no-one resides. In such cases this is generally undertaken by one (or more) of the heirs who lives nearby, and cultivation may only be on part of the land. Such a situation may arise, for example, when an individual has rights to two

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1) Cf. Clarke 1953 op cit: 94-5; 1966 op cit: 56;61; also Horowitz 1967 (a) op cit: 30. This can be contrasted with the situation in 'August Town', British Guiana, where Smith states, there is little renting of land within the village, because there is no scarcity; Smith, R.T. 1955 op cit.
(or more) pieces of land and one is more marginal than the other, in which case the latter is used as a ground with the former simply being used as a yard. When crops are individually cultivated, the cultivator has sole rights to such produce, though not to the land. 1)

For example both Jack and Rachel (two of Miss E's siblings) cultivate grounds on their father's family land. They do not live there however, both living a few miles away in their natal village; - Jack on his deceased father's own bought land which is used as a yard, and Rachel with her husband on their own land. The family land which the siblings cultivate is outside the village, further into the mountainous backlands. Rachel also cultivates a second plot on her father's second piece of bought land, also in that village. No-one resides on this piece of land. All of the other joint heirs to the siblings' father's land live too far away to cultivate it. (Case 1).

While Mr. N's father and paternal uncles inherited house-spots on their mother's land in a village in a neighbouring parish, they each inherited plots for cultivation on their father's land a few miles outside that village. Mr. N's father is now dead and while none of the latter's children live on the plot outside the village, one of Mr. N's paternal half-brothers who lives on the father's house-spot in the village cultivates "just a portion" of the former land. Mr. N. has no rights to this produce "for is his labour that, so I don't business with his labour." (Case 2)

And while Miss BT's father now lives on the twelve-acre piece of land which he and his father had owned jointly prior to Miss BT's paternal grandfather's death (the grandfather having purchased the land while Miss BT's

1) Cf. Clarke 1953 op cit:99. This can be contrasted with the position in St. Lucia where, under the Community Property System, kin who have rights to family land also have rights to all crops planted there, including those individually cultivated; Finkel op cit.
father was abroad, the latter having sent money towards the purchase), before
the grandfather's death the latter had cultivated this land as a ground as it is a
"backland", while living on his other piece of land which is about a mile away.

In addition to such exercise of rights by non-resident heirs as outlined
above, other heirs who do not even exercise their rights in these ways still
nevertheless retain their rights to such land. They could return there to pick
fruit - and some periodically do so - or to live. 1) And although in fact
absent kin seldom seem to return to re-activate their rights in full - that is
by residence 2) - such a practice is nevertheless permitted, and is sanctioned
by informants who were both resident and absent heirs to such land. (The chances
of such re-activation of residence rights vary of course according to the
several interrelated factors discussed above, and as will be seen at a later
point, this is an important variable which affects the type of land use by the
resident kin.)

1) For comparisons in Clarke's data on these points see Appendix IIC.

2) This leads to the interesting speculation that such claims may
eventually be sloughed off over the generations due to the
forgetting of genealogical links (of Goodenough 1955 op cit on
the oo, and Chowning op cit on the Molima ramage, each of whom
state that membership is retained as long as such links are
remembered.) Such a phenomenon would be long-term closure, which
would not invalidate my argument against the hypothesis (Otterbein
1966 op cit) that Jamaican descent groups operate on the basis
of an exclusive residence rule and the principle of utroilateral
affiliation. This is because such closure would not only be a
very variable occurrence depending on a number of circumstantial
factors, but primarily because it would be neither automatic
(as Otterbein suggests), nor regular (as Davenport suggests)
(Otterbein Ibid; Davenport 1961 op cit: 449.) In some respects
such closure would be similar to the atrophying of claims to
the Maori hapu referred to by Firth, 1965 op cit but an important
difference is that while Firth regards this as a result of lack
of validation by social action (operational criteria), it would
not be likely that this would be the case in Jamaica, since at
present my data indicates that such descent groups are not
operationally defined according to residence or social action.
Such closure would, rather, occur simply as the diachronic
corollary of the structural feature of voluntary renunciation
seem to be such a common feature of the system.
In Case 1 for example, Jack (Miss E's brother) goes to pick coconuts and naseberries from the trees on his father's second plot of bought land (which is now family land) although he does not reside on that plot. And when he was a young man he had also returned to live on his father's land after an absence of some years. And although only one of the thirteen joint heirs to the siblings' father's house-spot in fact lives there this land could only be sold if all these heirs were to "pull together and decide to sell it". And with regard to the father's family land outside the siblings' natal village, although no-one resides there "everybody" (that is all the joint heirs) is entitled to "go in and they pick right through whatever you want; nobody destroy, and nobody avoid [prevents from] enter a next one from pick ...". In addition, any of the heirs could go and build a house on the land "if them want to".

And Mrs. AT. (Miss E's daughter) who lives in River Village states regarding this land that: "me no have no share directly [no specific portion], but if me go up there and want anything [fruit]" she gets it. The fact that Jack and Rachel cultivate this land, then, gives them no priority to the land itself, for as the informants say, the land was left to all of them, not to one specific person.

And although Mrs. AT. and her sister Miss CU are non-resident on their father's family land in his natal village (they were not in fact even born there, being born and brought up in their mother's natal village) yet they are to inherit rights to this land from their father, although he too is non-resident on the land.

In Case 2 non-resident heirs can be seen to exercise a variety of rights to family land: as mentioned above Mr. N's grandaunt and her son used to collect rental for a house on the family land on his mother's side; and one of his paternal half-brothers cultivates on one of their father's pieces of
family land. In addition, Mr. N's two paternal half-brothers and one of his full brothers also pick fruit regularly from this latter land. And even in the absence of the exercise of such rights, the other non-resident heirs such as Mr. N. and his full brother Mr. CV, who both live in River Village, retain their rights to the family land on both their mother's and father's side.

After an absence from his natal village of over thirty years, Mr. O. has returned to live on his father's family land there. And although - prior to their death - all the other co-heirs to this land had emigrated abroad where they remained for very many years, Mr. O. says that they could nevertheless have returned to use the land; and for example his sister's children - born and resident abroad - could also do so, although he thinks it extremely unlikely that they would (Case 3).

Likewise in Case 4 Mrs. AI. and Mrs. P's brother and sister (co-heirs to their mother's land in River Village) who live in another parish and in Costa Rica respectively, could return and live on the land; and Mrs. P. herself did return to live there after an absence of twenty-two years. And Mr. AI, although/does not live on his mother's land in the neighbouring village of Friendship - having lived on his own bought land in River Village for the past thirty-three years - retains his rights to the land which was left undivided to all his mother's children, and could use it if he wished. Likewise although Mrs. AI. and Mrs. P's father did not live on his family land in the interior of the parish, "he always go and come pick something" from it.

Mrs. F., despite neolocal residence for over thirty years, still retains rights to her family land, this being emphasised by the fact that of the three co-heirs to this land she is the one who is making the arrangements regarding its future inheritance. And her plans to subdivide the land between her two brothers (since she does not in fact want any of the land) includes a brother who likewise does not live on the land. (Case 5)
And although in Case 6 there is only one of the focal ancestor's children living on the land - Mrs. AM's mother's paternal half-sister - "because everybody get big and own them own place", Mrs. AM. points out that the land is nevertheless still "family land". And her niece (ZD) Miss BL. explained that although all the children of her maternal grandmother's generation (that is the children of the focal ancestor, her great grandfather) have all established their independence and so are not interested in the land, that nevertheless the latter is to be inherited by "the grandchildren" - that is the grandmother's grandchildren, Miss BL's generation of the "family"; although even this generation have established their independence.

Mrs. H. does not live on any of her family land (three different pieces - two on her father's and one on her mother's side) elsewhere in the parish and yet she retains her rights to such land. And for example she reaped some pimento from the trees on one of her father's pieces of family land a few years ago, although she has not been back there since. And when she feels like it she goes and picks from her mother's family land (Case 7).

Mr. CN. has been living in River Village for twenty-four years, yet he still retains his rights to his family land in another rural parish, as do the other co-heirs (his siblings) who also do not live on the land (Mr. CN's nephew, one of his sister's children lives there). For: "Whatever is being said or whatever is being done [about the future of the land] we all [the joint heirs] must come together" to decide (Case 8).

And in the case of Mr. A's inherited house-spot in River Village, if any of the absent co-heirs (his siblings) were alive and wished to come and live on the land they "can freely come" although they would first have to settle the question of recompense for the taxes which Mr. A. has been paying for several years. The only person in this case who on the basis of the customary system of inheritance could be expected to retain his rights but is in fact excluded
is Mr. A's nephew (ZS), and such exclusion is not based on the criterion of non-residence but on his failure to be 'dutiful': "He wasn't attentive; neither to me nor his [maternal] grandmother." Mr. A. himself had returned to re-activate his rights of residence to the land after a period abroad; and subsequent to field work his daughter - who had left the land in order to establish a consensual union in a rented house elsewhere in the village - subsequently returned after her father's death to re-activate her rights of residence to the land also.

Regarding Mr. A's father's second piece of land (inherited by the latter and his brothers) in another village, Mr. A's father had retained his rights to the land despite the fact that he ceased to reside there, living instead in River Village on the above-mentioned plot. And despite this non-residence Mr. A's father's rights were inherited by the latter's children and in turn retained by them despite their non-residence there.

Mrs. A. too, while non-resident on her maternal grandmother's land in her natal village, retains her rights to the land - she used to go there and pick from the fruit trees until recently, stopping these visits due to ill-health - and her children also have rights to this land despite both their and Mrs. A's non-residence there (Case 9).

In Case 10 all twenty-seven of Mrs. Z's grandchildren are to inherit her family land in River Village, and yet only some of them live on the land. Furthermore, the fact that two of her five children are resident on that land gives them no priority to the land vis-à-vis her other descendants.

Mrs. D., though non-resident on any of her family land for over fifty years, still retains her rights to both her father's and step-father's land elsewhere in the parish. Both she and her sister used to go and pick from her father's family land although neither were resident there, and when some of her step-father's family land was threatened with forfeiture due to non-
payment of taxes, Mrs. D. was notified of the situation, although non-resident there. Furthermore, resident kin from both pieces of land bring her produce from the land when they come to visit her. Likewise although non-resident on their family land elsewhere in the parish, Mr. D. and his siblings had retained their rights to it, going there to pick, until they decided to sell it (Case 11).

Miss BW, like her other absent siblings, retains rights in her family land elsewhere in the parish although she lives neolocally in River Village; a similar situation existing with regard to her own land in River Village - only one of her many children who will inherit the land lives there, the others having emigrated from the village, some very many years ago, yet they can all return and use the land if they wish. And in fact the very reason why she has not subdivided the land to give her son who resides there in his own house his own specific portion of the land is so that all the heirs can freely use the land without disagreement as to which part of it belongs to which person (Case 13).

And Mrs. C., non-resident on her mother’s family land in another parish from when she was a child (she is now nearly sixty) - due to the fact that she left her natal village and 'grew out' in various other parts of the island, subsequently establishing a co-residential union in River Village where she has lived neolocally for the past 20 years - still, like her other absent siblings, retains her rights to this land. For although only one of the joint heirs to her mother’s share of the land lives there, nevertheless if the land were to be sold,

"All of us would have to go and sign before it can sell. Because if one sell it, we can go - we who leave go and take it away [from the purchaser]" (Case 14)

Mrs. AQ. has inherited rights from her mother to her maternal grandparents'
land which has been left to "family" - first to the grandparents' children, now all dead, and subsequently to "we the descendants"; and although Mrs. AJ does not live on this land, she has not forfeited her rights to it through non-residence. For while one of her sisters is resident there, yet any of the "family" can use it:

"Anybody else go in. Any relatives can go, because you know they are more or less loving, and therefore it doesn't matter who comes, providing you are not destroying...You have that unity, you know..."

And no one individual heir could sell the land since no one person is "the direct owner - they didn't hand it over to you specifically ... it wouldn't be reasonable for you to sell that piece of land." (Case 16).

Of Mrs. K's five children who inherited joint rights to their father's land in River Village, only two are at present living on the land. Of the other three, one lives elsewhere in the parish, one in another parish, and the other has emigrated to England. Nevertheless, as Mrs. K's daughter (one of the resident heirs) explained, these three absent siblings still retain their rights to the land and could return to live there if they wished.

And Mr. AJ, who emigrated from his natal village elsewhere in the parish when he was a child (he is now nearly seventy), nevertheless retains his rights to several pieces of family land (on both his father's and mother's side of the family) in that vicinity. He never bothers to go there to reap fruit, but he says this is not due to "any hindrance", - simply because: "I never have the chance or the worry to go..."

The following cases also illustrate the point that there is no exclusive residence rule.

Miss BT. has rights to family land on her mother's side in another parish (the informant's natal parish). The land belonged to the informant's maternal grandmother and when the latter died the land was left to the grandmother's
two surviving children: Miss BT's mother and maternal aunt. Although the land "divide in two" for these two sisters, only one (Miss BT's mother) lives on the land as the aunt already had her own house on her husband's land elsewhere. Although Miss BT. emigrated from her natal parish very many years ago, she says that she - or any of her mother's ten other children (at least eight of whom have also emigrated from that parish) - could return to live on the family land.

Miss CX's paternal grandfather left a piece of land in Maintown on which one of his sons (the informant's paternal uncle) now lives. The informant's father is living in another parish, but she says that if her father wished to go and live on his father's land he could do so.

Miss DA's maternal grandfather left land which he had bought to his three children: the informant's mother and the latter's full brother and paternal half-brother. Miss DA. says that this land (which is in another parish - her natal parish) "is kind of family land" and that she "can go there and if I want anything and ask, they will tell me 'Go and pick it'.." The informant's mother, who does not live on the family land (living on her own elsewhere in that parish in a rented house) was, at the time of field work, visiting her daughter Miss DA, and joined in the discussion of the family land. She says that although she is non-resident on the land:

"If I go down there and want anything, I will get it. And if I want a house to live and I go there and tell him 'Brother, I come now, I ready for a house', him build it and give me."

Mrs. AU's paternal grandfather bought land in the interior of the parish and after his and his wife's deaths it was inherited jointly by their five children. Of these co-heirs only one, a son, is at present living on the land because "The rest of them out" (have left) - Mrs. AU's father has his own bought land elsewhere in that village, and of his other three siblings "One is
in Kingston, one is in [another parish], and I don't remember where one is."

However Mrs. AU. says that her father and his other absent siblings retain their rights in the family land and can all go back there. And in fact a potential subdivision of the land seems to have been discussed among the co-heirs for Mrs. AU. says of the absent ones that: "I believe they are to take a part [each] and leave fe the [resident] brother's share." Her father's two siblings whom Mrs. AU. refers to specifically as being in Kingston and another parish respectively are her paternal aunts, and both have been non-resident when on the family land for a very long time; one living in Kingston from/she was a child and the other having emigrated after her marriage and having been away for over twenty years.

Miss BR.'s maternal grandfather's father left land (which she estimates at between four and five acres) for his children in the informant's natal village further inland in the parish. Miss BR. does not remember exactly how many siblings her grandfather had - "three or four of them". Of these co-heirs to her great grandfather's land Miss BR. has only ever seen her grandfather, and of his siblings she says "I don't know where they are because I don't come [grow] up and see them - them must be away - I don't know." However her grandfather lived there and so did her mother until her death. Miss BR. had also lived there with her two children (by two short-lived extra-residential unions) when she was younger, but emigrated from her natal village several years ago. She now lives neolocally in River Village with her above-mentioned children and their step-father, her consensual spouse. Nevertheless she says that if she wanted to she could return to live on her mother's family land. Her maternal grandfather is now dead and her brother and her maternal uncle's daughter now live on that family land.

On occasion a resident heir who acknowledged the right of his absent siblings to return and live on the land would point out that such re-activation
of residence rights would be contingent on settling the question of recompense for the tax money, which is sometimes just paid by those resident on the land, such payment however being seen as validating rights of use rather than of exclusive ownership 1) for as one informant succinctly expressed the situation: "Taxes can't make you be owner." For example in Case 9 although both Mr. and Mrs. A. pointed out that if Mr. A's siblings (joint heirs to the family land on which he lives) are still alive and wished to return to live on the land, they could do so, they said that if they did so they would have to recompense Mr. A. for the taxes paid on the land over the years, without which the land would have become liable for confiscation. However there is no question here regarding exclusion based on non-residence, for neither Mr. A. (nor after his death, Mrs. A. - who has a life interest in the land) questioned the rights of these siblings to return to live on the land, stating that "They can freely come."

And while Case 12 does not provide an exact parallel to this due to the combination of the legal element of individual inheritance with certain customary principles, nevertheless as regards the question of whether Mr. CM's siblings could return to live on their mother's land, the customary element of the unrestricted cognatic descent group persists; for he says that if these absent siblings wished to return and use the land they could do so, "For we are sisters and brothers; I wouldn't be against them for using it if they want to." This would however, as in the case of Mr. A., be contingent on their settling the matter of the recompense of the tax money which has been kept up by Mr. CM. The fact that the question here is not one of exclusion based on non-residence is further illustrated by the fact that Mr. CM. himself has been

non-resident on the land (which is in another village) since he was a young man (now being in his sixties) and still retains his rights to it.

Looking at the situation from the point of view of the absent heirs, the same principle operates. Thus Mrs. F. has ceased to contribute to the tax on her family land in another village since she no longer uses it; nevertheless she retains her rights to this land although she does not in fact intend to re-activate them (Case 5). Similarly, although Mrs. D. still retains her rights to her father's family land in another village, she has stopped contributing to the taxes for it since she is not interested in using that land, leaving those who live there to keep up the tax payments (Case 11). And Miss BR., who no longer lives on her mother's family land in her natal village, having emigrated from that village several years ago and now living neolocally in River Village, says that "Everybody makes up and pays the tax" on the family land, but that since she is no longer living there she does not have to contribute to the tax money. Nevertheless she says that if she wished to she could return to live on the family land.

In summary, four points may be made here:

Initial non-exercise of rights to land is generally voluntary.

A decision not to reside on such land, or not to exercise other rights to the same is not immutable, for rights are retained and may be re-activated.

An individual may retain rights simultaneously to land inherited from, or through both parents. For example Mrs. AT, who lives neolocally in River Village, can use any of her mother's three pieces of family land elsewhere in the parish, and will also inherit rights to her father's family land in another parish; the same applies to her sister, Miss CU. (Case 1). Both Mr. N. and his brother Mr. CV. likewise have rights to family land on both their
mother's and father's side (as do their other full siblings). And in the previous generation their father and paternal uncles all inherited land from both their parents (Case 2). Mrs. H. also has rights to family land on both her father's and mother's side; and in fact a second piece of land on her father's side is being transformed into family land and she is to inherit rights to this also (Case 7). Likewise Mr. A. not only inherited rights to land from both parents, but also to two pieces of land on his father's side (Case 9). Mrs. D. has also inherited rights to land from both her father and her step-father (her mother's husband) (Case 11). Similarly, both spouses may also concurrently retain inherited rights to land; for example, Mr. CV. and Miss CU, a consensually cohabiting couple, both retain rights to family land (in each case to land on both parents' side) (Cases 1 and 2). Similarly, both Mr. and Mrs. AI. have rights to family land; as did both Mrs. AI's parents before her (Case 4). Mrs. F. has inherited rights to family land and so also will her husband, who will inherit rights to his father's land (Case 5). And both Mr. and Mrs. A. retain rights which they have each inherited to land (Case 9). Mr. AJ. can use any of the three pieces of family land (two of which are on his father's side and one on his mother's), Mrs. AJ. also inheriting rights to her mother's family land after the latter's death.

Continued non-exercise of rights to land is therefore generally voluntary rather than as a result of either an exclusive residence rule, or a rule of utrolateral affiliation. 1) This latter point is further supported by the

1) These two factors (an exclusive residence rule and utrolateral affiliation) are generally considered as synonyms - and they would invariably coincide in a society where neolocal residence was absent, as among the Iban of Borneo - but it must be noted that whereas utrolateral affiliation is necessarily based on the operation of an exclusive residence rule, the latter could also operate in addition with reference to neolocal residence; - that is those who reside neolocally rather than utrolocally would also not be able to re-activate residence rights to family land.
fact that use of alternative family land is not a common reason for the non-
exercise of rights.

The criterion for the formation of such descent groups described above
is therefore solely one of unrestricted cognatic descent. Residence is neither
a necessary nor sufficient factor; \(^1\) for non-resident heirs retain membership,
while resident spouses do not become members of the group (regardless of their
conjugal status.)

However, since all persons do not hold rights to land, (because e.g. not
everyone's ancestors purchased or obtained land; and not everyone purchases
land) and therefore do not always have such rights to transmit to their children,
affiliation to such groups can be described as 'ambilateral' - in the sense
of 'either or both' - rather than 'bilateral', meaning 'strictly both'.

Nevertheless evidence of exclusion, or attempted exclusion, is not entirely
absent from the data. However where this occurs the issue at stake is seldom
that of an exclusive residence rule or one of utrolateral affiliation.

For example Miss BR's father died leaving two pieces of land which he had
purchased in the informant's natal village a few miles from River Village. The
plots are each about one acre in size and are approximately a mile and a half
from each other. The informant is an illegitimate child, her father having had
three illegitimate children by two women, and subsequently marrying a third
woman by whom he had four legitimate children who are much younger than their

\(^1\) Cf. Goodenough 1955 op cit: 71, who notes that: "The present-day
Malayo-Polynesian land-owning groups stress consanguinity as the
basis of membership, not residence alone. Since, moreover,
consanguineal ties are the normal basis for the transmission of
land rights, consanguineal groups are more effective instruments
of collective land ownership than residential ones." He there¬
fore does not associate corporate land ownership "directly with the
bilocial extended family" in the Malayo-Polynesian area. Davenport,
however, seems to be arguing that the contrary is the case in
Jamaica, 1961 op cit.
illegitimate paternal half-siblings. According to the informant, her father had stipulated that the first of the two plots of land (which had been purchased prior to his third conjugal union) was to be inherited by his illegitimate children; while the second, which he had purchased for the specific purpose of providing for his wife and legitimate children, should be left for these latter. (The informant does not know if her father made a will; but if one exists she has neither seen it nor heard of it.) However after the father's death the informant's "mother-in-law [step-mother] never give us [the illegitimate children] any. But me no worry meself about it!" She says she could go and pick from the land, "but you know, I'm not interested, because she claims that it's hers... she say she have the smaller children them and want the rest [the first piece of land as well as the second] to support them. So we [the illegitimate children] just leave her alone and don't think of it."

The step-mother's attempt to exclude her husband's outside children has nothing however to do with either an exclusive residence rule nor one of utrolateral affiliation. For with regard to the former, none of the "family" in fact live on the first piece of land (the one which should have been inherited by the illegitimate children) and although there are two houses there, these are rented out. For the informant's father had lived with his wife and legitimate children on the second piece of land, and this is where the step-mother still lives. And regarding the question of utrolateral affiliation, the informant, for example, lives neolocally in River Village on her own bought land, not using other family land to which she is entitled on her mother's side in her natal village (she says she could return to live on the land if she wished). Rather, the step-mother's actions are based on the conflict which is always potentially inherent in the kinship system between sets of half-siblings, and step-parents and step-children; exclusion being effected through
resort to the distinction between legitimate and illegitimate children. (By law if there was no will - and there appears to be none - the father's wife and legitimate children would in fact be entitled to his entire estate; it seems clear, however, that he had intended his illegitimate children to be included in the inheritance.) And it seems to be this above-mentioned potential for such conflict that is at the root of the statement made by another informant, Mrs. AU, regarding the future inheritance of her father's two acres of bought land. Mrs. AU's father has "not yet" made a will, and she says that if her father dies before his wife (her step-mother) then she thinks that his wife will inherit the land (the inheritance of the wife being in accordance with the legal system); and that it will be up to the step-mother as to whether or not the latter's husband's outside children (such as Mrs. AU) inherit rights to the land or not: "Well, if she have the good mind she will give us something...", but if not, she will not.

Similarly, regarding the respective positions of illegitimate and legitimate children to a parent's land, another informant states that if a parent's legitimate and illegitimate sets of children (who would be half-siblings to each other) "don't live peaceful" then "the bastard ones mightn't have any claim" to the parent's land. But "If they live peaceful now, well...[the illegitimate children] can come in and get a jellie [coconut], or pick oranges or such; - partake of anything." For example the informant is himself an illegitimate child and while he does not in fact use his various pieces of family land - which are all some distance away - he emphasises that this is "not because there is any hindrance" on the part of the other heirs, for he 'lives peaceful' with them, but simply because he never bothers to go there.

On occasion the criterion of a child's lack of 'dutifullness' is also used as a basis of exclusion, this complementing the phenomenon noted above of sometimes favouring a specific child because of his particular dutifullness. For
example Mrs. F. and her two brothers are joint heirs to their father's family land in their natal village a few miles from River Village. Mrs. F. herself wants none of this land for reasons referred to above, and plans to subdivide it between her two brothers Tom and Robert; having also selected specific heirs from the next generation of the family to inherit these shares. Tom's only child, Alan, is to inherit the former's share, while the third of Mrs. F's six children (her second son, Peter) is to inherit Robert's share.

Robert has one child, an illegitimate son Byron, but Mrs. F. is not including him in the future inheritance of her father's land. This exclusion is not however based on an exclusive residence rule; for although both Tom and Alan are resident on the family land, Robert is not - living neolocally in River Village. And Peter is likewise non-resident on the land, in fact living at present in England where he has been for the past eight years. And yet neither Robert nor Peter are excluded. Neither is Byron's exclusion based on any notion that a child should only inherit rights in one piece of land. For while such a conclusion might at first be indicated by the fact that the five of Mrs. F's children who are not specifically included in the inheritance of her family land are nevertheless included in the inheritance of one of the Fs' two pieces of bought land, such a conclusion is invalidated by the fact that Peter is, in addition to being selected as the heir to Robert's share of the family land, also included with Mrs. F's other five children in the inheritance of the above-mentioned piece of bought land. Similarly one of Mrs. F's daughters is also included in the future inheritance of two plots of land through her parents: the above-mentioned piece of bought land and also Mr. F's father's land in another parish. (And with regard to any exclusive residence rule - while this daughter lives in Mrs. F's household on the first plot, she is non-resident on the second.) Likewise Mr. F's outside son is
also to inherit rights to two plots: the second of the Fs' two pieces of bought land and also his paternal grandfather's land (being resident on neither). Byron's exclusion is also not based on the fact that he is illegitimate, for Alan is also an illegitimate child.

The key factor to Byron's exclusion seems rather to be the criterion of extra/lack of dutifulness. For while the two selected heirs to her siblings' shares of the family land are particularly dutiful children (Mrs. F. says that Peter financed and organised his maternal grandmother's funeral - the importance of funery ritual to the Jamaican peasantry having been discussed in Chapter 6 - and that Alan "is not a lawful child, but he is taking good care of my brother, that is his father"), Mrs. F. says that in league with his maternal grandmother, Byron had 'run his father to court' over some disagreement - this being considered an anti-familial act.

Further evidence of the importance of a child's dutifulness in this case is that the child selected from among the Fs' six children to inherit their house has been so selected because he had helped his mother to repay a loan (Case 5).

Likewise in Case 9, Mr. A. states that his sister's son will not inherit rights to the land on which he, Mr. A., lives - land which was jointly inherited from their father by Mr. A. and his siblings - because "He wasn't attentive; neither to me nor his [maternal] grandmother." While this nephew is not resident on the land, there is no evidence of an exclusive residence rule since Mr. A. said of his absent siblings (his sister, who has been non-resident on the land for well over twenty years; and his brother, who has been non-resident there for nearly seventy years) that "they can freely come" and live on the land if they wished. Neither is there evidence of a rule of utrolateral affiliation since Mr. A. had himself inherited rights to land from both parents. The conclusion that Mr. A's nephew is excluded because he is not a dutiful child.
rather than because of his non-residence on the land is further supported by other evidence of Mr. A's high positive evaluation of dutifulness. For example he stresses his own dutifulness in shouldering familial responsibility along with his sister: "I bury me father, and me sister bury me mother."

And the reason for his return visit home from Cuba (where he had emigrated to work) as a young man was his mother's illness; he having also sent her remittances while he was abroad.

In another case referred to previously in another context, of a man who has made a will leaving all his land to one of his six children thus excluding the rest, the informant's criterion for his actions are that: "The one [child] that look after you the most is the one you going to leave it [land] for."

And it can be noted that the question of residence on the land is irrelevant here since the favoured child (a daughter) emigrated from the village very many years ago - having emigrated with her mother when she was a child, and being now in her thirties.

Likewise Mr. CN. (Case 8) - although he said regarding the plans for the inheritance of his rights to his family land that he "couldn't tell yet" - went on to say with reference to his seven children that: "In having these children them, you have to look and know the one that more interested in you", and that "Perhaps one of the boys won't get ha'penny worth; - not hearing [from him], not seeing him...him come here [to visit] one time [only]."

Again the possibility of the exclusion of this child has nothing to do with an exclusive residence rule, since neither Mr. CN. himself nor any of his children live on the land concerned, which is in another parish.

The importance of a child's dutiful care towards aging parents need hardly be emphasised in the context of the peasant economy in which the informants live; and the positive evaluation given to such a virtue ties in with the consideration extended by members of a "family" towards each other regarding their relative need to use family land.
However my argument is not that exclusion never occurs in the Jamaican kinship system, but that at present the viability of the system of descent groups does not depend on such a process — contrary to Otterbein's conclusion; for he argues that non-resident relatives are "prevented" from exercising their rights and that the Jamaican system is based on the exclusion of "kinsmen as a regular process ..." 1) (my emphasis).

The crucial question here is therefore: on what does the viability of the system depend? For there are obvious difficulties in the functioning of a system of overlapping, dispersed, unrestricted cognatic descent groups. For example such groups, by definition, cannot be discrete. Firth is in fact of the opinion that such a system is not operationally feasible, 2) and Davenport — referring specifically to the Jamaican situation — echoes this sentiment:

"According to all data [Clarke's and his own], family land is supposed to be held corporately by all the bilateral descendants of the original holder...
If this system is projected indefinitely into the future, even for a few generations, the number of persons who could make legitimate claims on any one piece of family land would be staggering..." 3)

And he goes on to say that:

"Wherever corporate land-holding groups are found, there is to be found an effective way of limiting the number of eligible claimants at some point in time. This is usually done each generation, by including some and excluding other descendants. So far, however, this limiting mechanism in the case of Jamaican family land has not been discovered." 4)

2) Firth 1963 op cit.
4) Ibid: 449.
However he remarks that from the data available none of the collective heirs to family land are more distantly related than first cousins, and concludes that:

"Perhaps this is the way to view the system of family land - a system in which corporate, bilaterally inherited, land-holding groups are being constantly formed around siblingships, and these tend to dissolve as they expand into cousinships." 1)

From my own data however it appears that collective heirs to family land may in fact be more distantly related than this; for example where the focal ancestor is traced to three ascending generations, and the informant has children and even grandchildren, and all other descendants in a similar relationship to the focal ancestor are also reported as retaining rights to the land. In such cases it is unlikely that all such heirs are resident on the land, and the informant may not even know them all personally, but this does not alter the situation.

In such cases the possible number of heirs is, as Davenport predicts, 'staggering'. But there appears to be no reason why such diffuse, dispersed, overlapping cognatic descent groups should not exist if their primary function is seen as providing security for their members, rather than acting as residential groups; and as I have already indicated, the growth of extended ambilocal families on family land does not - from my own data - appear to be a major feature of the system.

It can, at this point, again be noted that the provision of security for all his descendants "till every generation dead out" is the prime object of the focal ancestor who leaves his land to "childrens' children"; 2)

1) Ibid: 450.

2) Cf. Clarke 1953 op cit: 116; 1966 op cit: 65; also Lowenthal op cit. This was also the reason behind the creation of family land in Barbados, which occurred in response to the 'located labour' laws; see Greenfield 1960 op cit.
and the provision of such security is effected through the inalienability of such rights to land, regardless of whether or not they are actually being activated.

These descent groups, then, function as corporate groups primarily through the transmission of inalienable rights to land held by the group in perpetuity. To some anthropologists 1) this may seem an insufficient criterion for the existence of 'corporateness', but it can be noted that Goody regards the holding and transmission of joint rights in property as the sole criterion for the existence of corporate descent groups, and that this provides the basis of his distinction between kinship systems with double descent, and those having unilineal descent with complementary filiation. 2)

The continued functioning of such (Jamaican) descent groups in their primary role of corporate land-holding groups providing security for their members is clearly enabled by the process of voluntary non-exercise of residence (and other) rights by many of their members who are able to establish their independence. Such non-exercise is in turn effected primarily through emigration and neolocal residence as seen above. And as will be seen below in the discussion of the effects of the kinship system on land use, in some cases the feature of non-exercise of rights is so pronounced that no heir remains on the land; and in such cases the question of exclusion would not even arise.


2) Goody 1969 ibid.
It should not, however, be concluded from this that a state of plentiful resources exists. For with saturation of cultivable land (see Chapter One) and a steady rise in population growth, the land:population optimum has long been in a state of crisis despite emigration to other countries such as the United States and United Kingdom. In addition, as seen above neolocal residence occurs independently of individually acquired land - although the presence of the latter naturally reinforces this residence norm - being associated with the establishment of co-residential unions of both types, and sometimes even with extra-residential unions and the households of other 'Single' persons. (The variable of conjugal status itself having been shown in Chapter 5 to be independent of economic criteria.) Thus as seen earlier in this chapter informants may rent a room, house and/or land from another villager rather than live on family land to which they have rights; this resulting in a certain amount of 'circulation' regarding people and land. In this way, then, independence and neolocal residence are achieved in a situation of scarce resources.

The hypotheses put forward for Jamaican kinship by Solien (the presence of restricted nonunilineal descent groups) and Otterbein (a change from unrestricted nonUDGs with bilateral descent to restricted ramages with utrolateral affiliation and an exclusive residence rule) both associate population pressure with restricted kinship systems. In both cases, however, these hypotheses are based on Clarke's data. But - as I attempt to show in Appendix II (B) - in none of the cases which they cite as evidence has the non-exercise of rights to family land in fact resulted from either utrolateral affiliation or an

1) Solien 1959 op cit, Otterbein 1966 op cit and Marshall op cit all refer to the increasing population pressure in Jamaica.
exclusive residence rule. 1) In addition - as I attempt to show in Appendix II (C) - although Clarke does not analyse her material with reference to the theoretical model of cognatic or nonunilineal descent groups, nevertheless her data supports my hypothesis on this point.

Apart from this, however, there is also positive evidence in my own data that a situation of scarce resources need not lead to a kinship system where each individual is concerned to 'feather his own nest' at the expense of disinheriting his kinsmen. For while attempted exclusion may occur in situations where familial conflict exists, such instances provide the reference point only for the negative aspect of the actor's dichotomous 'conflict/unity' model inherently associated with family land (see for example comments to this effect made by Mr. O., Miss Bl. and Mrs. A.Q. in cases 3, 6 and 16 respectively). For there is much evidence that it is the positive side of this model which predominates in reality; and this was frequently verbalised by informants in the form of a contrast with the negative aspect of conflict. That is (to reiterate a point to some extent already made above) informants would say that they would not 'trouble/worry/bother/molest/discommodе/rob' members of their "family" who need the land more than they do, because 'as a family' they all 'live loving/move together good'.

For example although Mrs. D. retains her rights to her father's family land elsewhere in the parish she does not bother to use it, having her own bought land in River Village; and is happy just to let her paternal aunt's descendants use all of the family land: "We don't trouble one another...me no molest her... for me have here [referring to her own bought land]" (Casell.). And Mrs. F., who has two pieces of bought land, living on one of them, says

1) E.g. in the case cited by Solien 1959 op cit: 581 the issue is that of prima facie claims.
regarding her family land elsewhere in the parish, jointly inherited by herself and her two brothers, that: "To be reasonable, me no want no land; me looking about it for the two of them." (Case 5). Mrs. C. says that she and her other three siblings who do not use their family land "don't trouble" the fifth co-heir who does live there, "because she is deadly poor...We can see we way so we no worry her." (Case 14). Mr. AI, too, although he retains his rights if family land jointly inherited with his siblings from their mother, says of the one sibling who does live on the land, that: "I wouldn't deprive my sister since him live there" - he having his own bought land on which he lives (Case 4). And Mr. O. tells of how his mother, when she left her natal village where she had rights to family land to come and marry his father and live on his land in River Village (to which however she only had a life interest, this being his family land) had - as his family "lived a united life" - "simply said to the other lady there [her niece, who lived on the family land] 'Well... since I am married and get this piece here [her husband's land] you better hold on to that piece there [her family land]'." (Case 3)

The following cases concerning Mr. AN's mother's land, Miss CZ's mother's land and Mrs. AK's paternal grandparents' land also illustrates this point.

In the discussion of Mr. AN's mother's land in another parish which is to be inherited jointly by her three children: Mr. AN, his brother and his sister, Mrs. AN, said that one of these three siblings, her husband's sister, "never have nowhere" to live so she "make up little house there [on the mother's land]...so nobody go molest them." The ANs themselves live in their own house rent-free on the land of one of Mrs. AN's relatives in River Village, but their tenure to this land is insecure as they have no rights of inheritance to it; and by 1972 they had in fact moved their house to someone else's land in the village as a result of a disagreement with the relative. The third co-heir to Mr. AN's mother's land - his brother - "lives with a woman and him knock up
a home 'pon the woman's father's land."

When Miss CZ's mother died only two of the mother's children were still at home living on the mother's land - Miss CZ. and her maternal half-brother - the rest being 'scattered'. Miss CZ. has since left home and while "nobody would stop" her from exercising her rights to the land she "just can't worry with it" for the "land don't enough" to support everyone - "just a little piece one square" - so she "just leave it give me brother". Miss CZ. lives neolocally with her consensual spouse on the latter's bought land in River Village. She had first emigrated from her natal village to live with another mate. This earlier union has now dissolved but she has been living with her present consensual mate for the past fourteen years in River Village.

Mrs. AK's paternal grandparents left land to be inherited by all their children - five sons and a daughter. However, although Mrs. AK's father was a co-heir to the land, "Him leave it and give the rest [of his siblings]; and he never take any ...And all of them [the brothers] just leave the land and give the one sister."

The resident heirs on their part regard the absentees with similar consideration. For example if Mrs. P. and Mrs. AI's absent sister, who has lived abroad for over fifty years, should want to return to live on the siblings' family land, "There will be no objection." (Case 4). Mr. A. says that his absent siblings "can freely come" and live on their family land (Case 9); Mr. O. says that any of his absent siblings or their children could likewise come and live on the family land (Case 3). Likewise Mr. OM, though not resident on his family land, and though the future inheritance of the land is affected by the specific allocation of the land to him by his mother, says that if any of his absent siblings wished to return to live on the land he would not prevent them from doing so, "for we are sisters and brothers." Miss B. and her sister are the only two of their parents' six children (four daughters and two sons)
to remain on their father's land in River Village, living there in separate houses. Of the other four children, one sister has been in England for the past fifteen years; another now lives in another parish but prior to this lived in England for seventeen years. And the two brothers are in two other parishes, one having been there for seventeen years, the other for thirty. Despite these long absences, however, Miss B. told me that if these siblings had nowhere to live she 'wouldn't turn them out' if they returned to the family land.

Absent kin therefore have the security of knowing that if their attempts at independence fail they can always return home to their family land. 1) (Indeed, it would seem that such security is essential in the socio-economic context in which most of the informants and their kin live their lives; - and it can be re-emphasised at this point that it is in a similar socio-economic context that the institution of family land arose.) Mrs. AQ. for example, says that although one of her sisters lives on their mother's family land elsewhere in the parish, that any of the other members of the family can go there:

"Because you know they are more or less loving, and therefore it doesn't matter who comes ...You have that unity, you know." (Case I6). Mr. AJ. retains rights to several pieces of family land elsewhere in the parish, and could for example return to pick fruit from it. The fact that he does not do so, he points out, not being due to "any hindrance" on the part of those resident there, but because he has never had the occasion to do so. Mrs. H., though non-resident on her father's family land elsewhere in the parish, feels that neither she nor any of her cousins or their descendants would be "robbed" of their rights by any other member(s) of the descent group associated with this land. Likewise with reference to a second piece of family land on her father's side, also

1) Cf. Clarke 1953 op cit: 115; 1966 op cit: 54; (and Appendix II C of this thesis); Lowenthal op cit: 4.
elsewhere in the parish, she says of the descendants of the focal ancestor that: "none of us will rob each other" (Case 7). In Case I, too, any of the "family" (most of whom have emigrated from the village in whose vicinity the various plots of family land are) can return to the land to pick or live, the kin remaining there having no priority to the land. And Miss BR, though non-resident on her mother's family land in her natal village elsewhere in the parish for many years, says she could return to live on the land if she wished.

Thus in conclusion:

(i) The data, then, would seem to indicate the need for a reconsideration of Davenport's "intuitive" hypothesis put forward in 1959, which suggests a significant causal interrelationship between the following three continuums:—

| Scarcity of resources | Greater control over allocation of resources; i.e. less freedom; | Greater restriction in kinship system | Plentiful resources | Less control over allocation of resources; i.e. more freedom; | Less restriction in kinship system |

- and to which Otterbein adds a "diachronic dimension" in his analysis of the Jamaican case. 1)

For the data suggests the greater need for flexibility— that is less control over allocation of resources; more freedom; less restriction in the kinship system— in a situation where there is a scarcity of land, so that individuals may have the freedom to manipulate the system and so maintain a viable relationship between population and resources.

(ii) Secondly, when Davenport's causal hypothesis is applied to the variants of nonUDGs as Otterbein has done, then— contrary to Otterbein's hypothesis —

1) Davenport 1959 op cit; Otterbein 1966 op cit.
greater population pressure (increased scarcity) will result in Unrestricted rather than Restricted nonUDGs with an exclusive residence rule.

(iii) Thirdly, these conclusions are supported by all the relevant data:

(a) By Clarke’s material on Jamaican family land, which though not analysed in relation to the theoretical framework of nonUDGs nevertheless supports the model of the Unrestricted nonUDG (see Appendix II C below). Furthermore, Solien and Otterbein’s conclusions to the contrary (i.e. that Clarke’s data provides evidence of the Restricted nonUDG) are shown to be invalid (see Appendix II B).

(b) My hypothesis seems to be further supported by similarities not noted by Solien and Otterbein between the functioning of the Carib and Barbadian systems respectively, and the Jamaican system. For Solien’s material in fact provides evidence of the similar flexibility of the Carib system - despite her argument that the Jamaican and Carib systems are alike because they both have restricted nonUDGs - for she states that an individual "may...move from one group to another during the course of his lifetime." 1) And whereas Otterbein contrasts the supposed restriction operating in the Jamaican kinship system with the unrestricted nonUDGs of Barbados where absent members always retain their rights to family land, it can in fact be seen that: (i) not only is the Jamaican system in fact similar to the Barbadian on this point (as discussed above); (ii) but that from Greenfield’s data it can be concluded that a similar element of consideration for relatives who may have more need to use the land also results in the non-exercise of rights by those individuals who are more independent. 2)

1) Solien 1959 op cit: 582.
My hypothesis is therefore consistent with the Barbadian, Carib and Jamaican cases — which are all in high density areas — whereas Otterbein's hypothesis does not consistently explain the Barbadian and Jamaican cases. For on his hypothesis, Barbados should, in fact, have a more (not less) restricted system than Jamaica, having a much greater population density. 1) Otterbein therefore has to treat Barbados as a special case. (Whereas Barbados should in fact have provided the ideal natural laboratory for the testing of Otterbein's hypothesis, having one of the highest population densities in the world). 2)

My hypothesis would also be consistent with Firth's observation 3) that in some Polynesian communities there has been a movement from exclusive to non-exclusive lineages, resulting in dispersed land rights 4) due to certain trends, one of which is the increased economic value of land. This can be compared to the high social value of land in the Caribbean territories discussed.

(a) Furthermore, Davenport's data on Jamaican family land in fact lends support to my hypothesis that the Jamaican nonUDC is Unrestricted rather than

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1) See Otterbein 1966 op cit: 38.

2) In addition, the supposedly peculiar historical conditions in Barbados to which Otterbein refers to explain the inapplicability—(failure)—of his hypothesis to the situation there, were in fact very similar to those in Jamaica, and in the latter island the purpose of the acquisition of land by the ex-slaves in the post—Emancipation era was, as in Barbados, to prevent dependence on plantation labour. Similarly, although some of this land in Jamaica was acquired by grants (Clarke 1953 and 1966 op cit), a vast amount of it was nevertheless purchased, as in Barbados (see e.g. Paget op cit; Mints 1958 op cit; Clarke 1953 and 1966 op cit; Also Chapter One of this thesis.) Finally, there is just as good a case for arguing that the institution of family land was influenced by English Law (which Otterbein argues was responsible for the reinforcement of dispersed land rights in Barbados) in Jamaica (see Chapter 7) as in Barbados.

3) Firth 1957 op cit: 7.

4) Thus causing them to resemble lineages in this respect (ibid.)
his own (that it is Restricted) since despite his conviction that there must be some restricting principle in the system of family land he is nevertheless forced to conclude that "this ... mechanism in the case of Jamaican family land has not yet been discovered." 1) The fact that Davenport makes this remark despite two extensive studies of the system of family land (Clarke's and his own) should have led him to suspect the possibility - or rather the probability - that such a mechanism does not in fact exist! He is prevented from drawing this conclusion however by the precondition which he imposes on his analysis - that:

"Wherever corporate land-holding groups are found, there is to be found an effective way of limiting the number of eligible claimants at some point in time. This is usually done each generation by including some and excluding other descendants." 2)

In other words, by his assumption that corporate land-holding groups must be interpreted primarily as residential ones.

Land Use. I would like to consider briefly the result of the structural variations found in the different types of descent groups on land use and viability, and relate this to the Jamaican situation. Whereas lineages and restricted cognatic descent groups share the attribute of restricted membership, lineages and unrestricted cognatic descent groups share that of the reinforcement of dispersed land rights. On the basis of the presence or absence of these attributes, it should be possible to construct a predictive model regarding the advantageous and disadvantageous effects of each type of group on the factors of land use and viability:

1) Davenport 1959 *op cit.* 449.

<table>
<thead>
<tr>
<th>Type of group</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lineage</td>
<td>dispersed land rights, but restricts claims by criterion of sex - (good for intensive land use)</td>
<td>rigidity - (bad for viability)</td>
</tr>
<tr>
<td>Restricted nonUDG</td>
<td>restricts claims by criterion of residence; (good for intensive land use)</td>
<td>rigidity - (bad for viability)</td>
</tr>
<tr>
<td>Unrestricted nonUDG/Pragmatic nonUDG</td>
<td>flexibility in distribution of rights and exercise of same - (good for viability)</td>
<td>retention of claims by absentees results in restrictions of use on the part of resident kin which encourages wasteful land use; (bad for land use)</td>
</tr>
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There is from the data evidence of two variants of land use associated with family land: (i) underuse and in extreme cases disuse of the land; and (ii) intensive land use. The main variant reported in the literature as being associated with family land is the first - for example Clarke, Comitas, Lowenthal and Otterbein all state that the Jamaican system of family land has a wasteful effect on land use 1) - and while (due to the fact that much of the family land to which my own informants have rights is scattered over the parish or elsewhere in the island; and in some cases informants seldom return there,) details on land use difficult to collect in some cases; yet there is sufficient information on this point to indicate that this is also an important variant at the present time.

1) Clarke 1953 and 1966 op cit; Comitas op cit; Lowenthal op cit; Otterbein 1966 op cit. (Cf. Finkel op cit for similar effects of the Community Property System in St. Lucia on land use.) For detailed reference to observations made by Clarke and Comitas on this point see Appendix II C below.
In this first variant only a few individuals may bother to use the land for house-spots; there may be no intensive cultivation, only economic trees. And in some cases if no-one resides on such land and it is not rented out, the only use may be the sporadic visits of the absent kin to "pick".

Case 9 for example shows evidence of this variant associated with both Mr. A's father's family land elsewhere in the parish, and the two plots of land which Mrs. A. inherited from her maternal grandmother in her natal village further inland. In the former case all four of the co-heirs (Mr. A's father and the latter's siblings) had emigrated to other parts of the island, Mr. A's father being the only co-heir sufficiently interested to keep up the tax payments on the land. And after his death the land lay in complete disuse ("It was left alone to the public...") with no-one even bothering to pay the tax on it. Mrs. A's land is likewise in a state of disuse; there is no house there and although Mrs. A. used to go there to pick fruit she no longer even does this, and her children do not bother to go.

The house on Mrs. H's father's family land inherited from her great grandparents (Case 7) has broken down and none of the several co-heirs live on the land. Similarly none of the 'family' live on the second plot (inherited from her paternal grandfather), her father living elsewhere in the parish and her paternal aunt having emigrated abroad.

And of the four plots of land to which Miss E. (Case 1) has inherited rights, residence occurs on only one: one of the two pieces of her father's bought land. And even there it is only one of the father's thirteen children who are co-heirs to the land who lives there, and the father's widow. Only two of the several co-heirs (the only two remaining in the father's village) go to pick from the coconut and naseberry trees on the second piece of bought land, with only one co-heir cultivating a ground there. No-one lives on the
father's family land further into the interior, with only the two above-mentioned co-heirs who have remained in the father's village cultivating it. And the fourth plot (which is also part of the original family land) which Miss E. inherited from her father's aunt is only used as a ground by one of Miss E's siblings - the brother who has remained in the father's village.

None of the joint heirs live on the piece of family land inherited by Mr. N., his three full siblings and two paternal half-siblings in Case 2, with only one of these heirs cultivating on the land; and even he only cultivates "just a portion" of it. And the primary use of Miss BL's family land elsewhere in the parish (Case 6) and Mr. CN's family land in another rural parish (Case 8) is as a family burial ground. No-one lives on Mr. CN's family land in Friendship (Case 12), and this is also used as a family burial ground. And Mr. D., like his three siblings, had all emigrated from their natal village, only picking fruit sometimes from their family land there; the co-heirs eventually selling the land as none of them were using it (Case 11). There is no cultivation on Mrs. AQ's family land (Case 16); and on one of Mrs. AB's plots of family land there is only grass for a donkey to graze, no crops being cultivated.

There is about one acre of family land on Miss BU's mother's side elsewhere in the parish, but no-one lives there and none of the 'family' use it. Neither is it rented out - no-one uses it. The informant's maternal grandfather, who bought the land, is dead. So is one of his daughters (the informant's mother). Miss BU's maternal uncle had been in charge of the land after the grandfather's death, but he is also now dead and Miss BU's maternal aunt has been abroad in the United States for over twenty years. If she wished, Miss BU. could use the land, but she does not. She left her natal village (where this land is) nearly twenty years ago in order to establish her current
consensual union in River Village, she and her mate first living for several years in a rented house although they have now built their own house on his mother's land. (And even when she did live in her natal village she had lived elsewhere in the village in her father's household.)

None of the 'family' now live on Miss CA's maternal grandmother's land elsewhere in the parish. The grandmother had lived there before her death, and although she made no will she left the house there to her descendants: "The rest a we; the whole of we ...a plenty of us "; also not leaving the land for anyone in particular: "She didn't leave it to nobody special, because her son was alive and the son take it over." This son had lived there for a while, but the house has since "mashed up" and Miss CA's maternal uncle's son has now dismantled it completely. Miss CA's own mother predeceased the grandmother, and the latter's other daughter (who in fact financed the purchase of the land with remittances) has lived abroad in the United States from before Miss CA. (who is now fifty) was born. Miss CA. herself has never lived on the land: "I didn't really love there [the area]; that's why I never live there". (The land is in a very rural area.) However she could nevertheless go and live there if she wished or pick fruit. Apart from the fact that none of the 'family' live on the land now, Miss CA. knows little else about the land. She herself lives neolocally with her consensual mate in their own house on rented land in River Village.

Mr. X., Miss CL. and Mrs. Z. are maternal half-siblings, each having a different father. Their maternal grandmother had land in River Village but after her death the land was confiscated due to a lack of interest in the land by her descendants which resulted in its disuse and neglect and the concomitant failure to keep up the tax payments. The siblings' mother (the grandmother's daughter) had predeceased the grandmother, and Mr. X. says that his maternal uncle (the grandmother's son): "Gone away to Cuba, and never come back to
Jamaica [for a long time] so till when him come, him go to [another parish] and must be collapse round there. I don’t know him. I don’t see him come back again. But the land just go to nothing; and when I realise and jump at it, it was too late."

The death of several of the co-heirs to Mrs. AI. and Mrs. P’s family land (Case 4) has enabled lateral consolidation by the few remaining heirs in that generation, one of whom (Mrs. P.) now lives on the land, doing some cultivating there. Despite this, however, she only uses a portion of the land (which has been "lined off" for her use) and while the other two siblings retain their rights to the land they do not live there and do not use it. And while the family land on which Mr. O. now lives (Case 5) is now cultivated intensively by him since he came to live on the land a few years ago, prior to this none of the 'family' had ever lived on the land nor even cultivated it very intensively. And when Mr. O. went to live there it was just lying in ruin.

The family land on Mrs. AS's mother’s side - inherited from Mrs. AS’s mother's maternal grandmother, the latter's grandchildren now being the most senior generation of co-heirs - is another example of this variant of land use (Case 15): one of these co-heirs (one of Mrs. AS’s maternal aunts) has died. Mrs. AS’s mother is married and moved from the land, going to live elsewhere with her husband. And although the mother left her sister (Mrs. AS's other maternal aunt) living on the land, she too has now married and vacated the land. So the latter is now unoccupied and lying idle, not even being rented out. Mrs. AS could use the land if she wished but she does not, living in River Village on her husband's land. There is also further evidence in this case of this variant of land use which results from there being several co-heirs to a piece of land and the fact that such heirs may retain their rights while non-resident on the land. For none of the co-heirs live on the plot of land which Mr. AS’s father left to be jointly inherited by his outside
daughter and some of his grandchildren. And although houses on this land are rented out to tenants, most are of poor quality and there is little cultivation on the land - which is worn down to the surface earth by the constant coming and going of the tenants. Similarly no-one lives on the 'strip of land by the riverside' left by the grandfather to some of his grandchildren.

Although there are between twenty and thirty acres of family land on Miss CK's father's side - inherited from her great grandmother (FMM), and which must not be sold but left for all the latter's descendants - Miss CK's grand-aunt, the only surviving sibling of the most senior generation of co-heirs, lives abroad and an overseer is employed to look after the land. The overseer sells the produce from the economic trees on the land (pimento and coconuts), paying the taxes for the land from the profits and banking the rest in the grandaunt's name.

This variant coincides with that predicted for the unrestricted or pragmatically restricted type of descent group in the chart.

The second variant - which seems to be less frequent - occurs when there has been a whittling down of the number of joint heirs likely to reactivate their rights of residence to the land, either on a permanent basis - through death - or a relatively permanent basis, through permanent emigration abroad. When such whittling down is due to death lateral consolidation of rights by the surviving joint heir occurs; but when due to permanent emigration, the rights of the absentees to return still remain. In those cases where there is only one remaining joint heir (in the generation of actual holders) there may be intensive land use, similar to that associated with individually owned land (see Chapter 4). Such a situation is, however, essentially temporary, for there is potential underuse of the land when it becomes jointly inherited by the next generation of heirs.
Mr. O's family land referred to above provides an example of this second variant of intensive land use. Initially neglected by the 'family' (see above) the gradual whittling down of the number of joint heirs in his generation likely to return through permanent emigration abroad and death has finally resulted in Mr. O. (now the only surviving heir) making intensive use of the land. For Mr. O. now lives there with his wife and children in their own concrete Farm House, and three-quarters of an acre of the land (which is approximately one acre in all) is cultivated intensively with a variety of produce planted on the four-tiered basis (see Case 3). In addition, two parts of the remaining land are rented out to tenants. When Mr. O. did eventually decide to make use of the land (about ten years ago) he was in his fifties and by that time one of the other co-heirs was dead (dying abroad having emigrated permanently there) and the other two had also emigrated permanently, becoming naturalised citizens of Costa Rica and the United States respectively (these two also now being dead). Despite this however he acknowledges the rights of his siblings' children to return to use the land, although he thinks this very unlikely as these children are living abroad permanently.

The case of Mr. A's house-spot jointly inherited by Mr. A. and his siblings from their father is another example of this second variant of land use. Of these co-heirs one emigrated permanently abroad, having been there now for over seventy years; the other having first emigrated abroad for several years and then returning to the island and settling in Kingston where she has lived for over twenty years, stating her lack of interest in any land in her natal village (see Case 9). Thus Mr. A. is the only heir who uses the land, doing so intensively; in addition to living there he also cultivates yams and coffee on the land and there are also several economic trees. At the time of field work he was also building an additional house on the land — a Farm House,
into which the household subsequently moved. In addition, Mr. A. rents house-spots on the land to other villagers.

Although most of the family land inherited by Mrs. AI. and her siblings from their mother discussed in Case 4 is not used by the 'family', whittling down of the number of co-heirs (through the death of five of the nine siblings and the permanent emigration abroad of a sixth) has resulted in subdivision of the land, one of the remaining three co-heirs (Mrs. P.) has returned to live on the land after very many years absence from her natal village, and in addition to planting some economic trees there, the Ps cultivate various ground provisions in the yard on Mrs. P's portion of the land.

In the case of Mrs. D's family land in another village to which she has inherited rights from her father, her permanent emigration (though an immigrant to River Village she has lived there for over fifty years during which time she has had a long and increasingly stable conjugal relationship - which has lasted over fifty years - with the man who is now her husband, and they have their own house and bought land there) along with her expressed intention of not returning to use the land (see Case 11) enables fuller use by the remaining heirs, the fence which separated her father's share of the land from her paternal aunt's now being taken down so that the latter's descendants can use both parts of the land.

In the first variant of land use, then, the restrictions associated with family land - primarily large numbers of kin who have the right to re-activate their claims despite absence - operate to prevent individual commitment to the land and concomitant intensive land use. In the second variant these disadvantages are minimised by alleviating factors.

Where residential segments of such unrestricted descent groups described in this chapter do occur, then, they are pragmatically restricted groups with
ambilateral affiliation (in the sense of affiliation being allowed through either or both parents - see the discussion of this concept below) rather than restricted cognatic (nonunilinear(i)) descent groups with utrolateral affiliation and/or an exclusive residence rule. (And as seen above, this conclusion is supported by the major associated variant of land use.)

Such pragmatically restricted segments of unrestricted descent groups can be identified for example in Case 2 (on the family land on Mr. N's mother's side: Mr. N's maternal grandmother; his brother Arnold and sister Janet and her six children); Case 3 (Mr. O. and his five children); Case 4 (Mrs. P. and two of her grandchildren); Case 5 (Mrs. F's brother Tom; the latter's son Allan and Allan's two children); Case 7 (Mrs. H's maternal uncle and his daughter); and Case 9 (Mr. A., his two children and three grandchildren).

A distinction must be drawn here between such pragmatically restricted segments and ambilocal extended families. For the former refers only to descendants of the focal ancestors (i.e. members of the 'family'), while the latter may include spouses (and step-children) of such descendants. For example in Case 4 while the pragmatically restricted segment refers to Mrs. P. and her two grandchildren, the ambilocal family includes Mr. P. And while in Case 5 the pragmatically restricted segment consists of Mrs. F's brother Tom, the latter's son Allan and Allan's two children, the ambilocal extended family includes Allan's wife. Similarly in Case 9 the pragmatically restricted segment refers to Mr. A., his two children and three grandchildren, while the ambilocal extended family includes Mrs. A. (and after Mr. A's death, his daughter's consensual mate). Furthermore, the pragmatically restricted segment need not necessarily be 'extended'; for example in Case 3 it consists simply of Mr. O. and his five young children.

Despite the presence of these pragmatically restricted segments (and in
some cases the associated ambilocal family – it can be noted that where the latter does occur it is frequently contained in separate households) it need hardly be re-emphasised that the data shows that a far more prominent feature of the system of family land is non-residence on and non-exercise of rights by members of the 'family'.

Conclusion.

In conclusion, I would like to suggest that the preceding analysis indicates the need for the adoption of a threefold model of cognatic descent groups – such as suggested by Fox – to replace the earlier and more popular dichotomous model still in use, which in fact (as noted at the beginning of this chapter) tends to concentrate primarily on the restricted variant. I suggest this for three reasons – two of them academic, and one practical (that is, with reference to applied anthropology):

'Academic': (1) To underline the possible existence of the cognatic descent group in the prime role of providing security to its members through the transmission of inalienable rights to land, rather than treating all cognatic descent groups as primarily or necessarily residential or action groups, as is the current position in the literature. For whereas discrete cognatic descent groups – comparable to lineages with reference to the variable of restriction – may be desirable or necessary in societies where kinship forms the basis of social organisation, 1) the descent group may have a more restricted function in more "complex" societies such as Jamaica. 2)

1) As for example in Simbo Island social organisation; see Scheffler op cit.

2) Cf. Fitchen, J.M.: "Peasantry as a Social Type" in Garfield op cit, who states that kinship does not form the rationalization behind the social organisation of peasantries.
Such an analysis places more emphasis on the Unrestricted variant of the descent group than exists at present in the literature, and also returns to the essential criteria of the corporation aggregate as defined by Maine and later adopted by Goody, i.e. the "ownership and transmission of property."

In relation to my above qualification of the current tendency in the literature to regard cognatic descent groups as primarily residential groups, it can be noted that while Fox has made the significant advancement of explicitly recognising the pragmatic descent group in relation to land-holding, distinguishing it from the truly restricted cognatic descent group, that his model still nevertheless implicitly indicates that individuals in societies with such pragmatically restricted groups will reside on one of the pieces of land to which they have inherited rights; concomitant with this equating "affiliation" with activating residence rights. The distinction between the pragmatically restricted and true restricted cognatic descent group being that choice of affiliation is not immutable. Thus his model of the unrestricted cognatic descent group really only applies to membership in ceremonial groups or in groups that are corporate with regard to partible property or (like Firth) a specific resource such as pine groves or grazing land, rather than to "impartible property", viz.: land in general.

Similarly while Goodenough defines the Gilbertese oo as an unrestricted nonunilinear descent group and while all members of an oo are entitled to inherit rights to the focal ancestor's property; yet not all the members of an oo do in fact actually inherit rights to the land of the focal ancestor since in Gilbertese inheritance land is divided and subdivided. As Fox puts it:

2) Fox op. cit: 156.
"Now all the descendants of one of these men [who owned particular plots of land] would be an oo, but not all would have inherited a piece of his land. When a man died his land would be divided amongst his children, and he would bequeath the land in one of his oo to one child, that in another oo to another child ... and so on. Thus a child might be a member of an oo but not necessarily have inherited any of its property; ..." 1)

(My emphasis)

My interpretation of the kin groups holding corporate rights in Jamaican family land as unrestricted descent groups, then, differs even from Goodenough and Fox's models of the unrestricted descent group since I have suggested that such groups can in fact function with regard to actual ownership of land in general - not just in relation to either a specific category of land (e.g. the Sagada Igorot's grazing land) nor resulting in the selection of only some members or a segment to actually inherit the property (as with the oo).

Because of the differences between my model of the Unrestricted nonUDG and Goodenough's model of nonUDG's in Malayo - Polynesian social organisation, it can be seen that - contrary to what Goodenough postulates - that not only can actual corporate land-holding cognatic descent groups co-exist with neolocal residence norms, but that individual ownership of land does not result in a change from unrestricted nonUDGs to bilateral kindreds. For in Jamaica actual corporate land-holding groups (the "family") are seen to co-exist with neolocal residence since such land-holding groups are not primarily residential ones. And unrestricted nonUDGs are seen to persist despite individual ownership of land. In fact both phenomena (neolocal residence norms and individual ownership of land) have been shown in the preceding analysis to contribute to the continuation of the Unrestricted nonUDG in Jamaica in its primary role of a corporate land-holding group providing insurance for its members in a situation of scarce resources.

(2) To distinguish the residential segments which may occur in association with the Unrestricted type - i.e. the pragmatically restricted localised segment - from the true Restricted cognatic descent group.

In the former there is no exclusive residence rule, and affiliation is ambilaterial in the sense that membership is allowed in the descent group of either or both parents. In the latter there is an exclusive residence rule, and affiliation is utrolocal, meaning affiliation through one or the other parent, but not both.

The need for this explicit distinction between pragmatically restricted and true restricted cognatic descent groups is very apparent from the terminological confusion and controversy in the literature regarding the meaning of the term "ambilaterial", resultant from trying to compress these two variants implicit in many of the current models into the same pigeon hole. Let me illustrate this point regarding the various usages of "ambilaterial".

The term was first used anthropologically by Firth in 1929 with reference to the Maori hapu, ¹ to underline the element of choice in affiliation and to distinguish this from strict bilateral affiliation; the term therefore meant affiliation through either parent, or both, but not 'automatically' nor 'necessarily' both as the term "bilateral" "might seem to imply". The use of the term "ambilaterial" was, in this context, specifically not that of Webster - "pertaining to or affecting both sides... bilateral." ²

In his work among the Iban of Borneo, Freeman 'discovered' a new type of affiliation for which he considered Firth's term inapplicable. In the analysis of Iban kinship (1955), Freeman states that marriage is utrolocal

1) Firth 1929 op cit.
2) See Firth 1963 op cit: 32.
and affiliation utrolateral. By the former, he refers to:

"a system of marriage in which either uxorilocal or virilocal residence may be followed, and in which rules of kinship and inheritance result in neither form of domicile receiving any sort of special preference. Thus, an analysis of several hundred different marriages showed that uxorilocal residence occurred in 51% of cases, as against virilocal residence in 49% of cases. This means that a child may be a member of either his father's or his mother's natal bilek family, and results in a system of what we may call utrolateral filiation."

The latter he defines as:

"a system of filiation in which an individual can possess membership of either his father's or his mother's birth group (i.e. the bilek family among the Iban), but not of both at the same time." 1)

Thus, as he states (1958):

"membership of the Iban bilek family is based partly on descent and partly on local residence, and it is these two principles working together which produce what we have called a system of utrolateral filiation." 2)

In a Review of Freeman's book (1955), Needham (1956) protested against these neologisms because he considered that they were (a) "horrid"; and (b) superfluous in view of Firth and Leach's usage of the terms "ambilateral" - which referred to "descent systems in which at any point in a genealogy kinship can be traced through either side;" - and "ambilocal" - which "consistently ... refers to marital residence in either the husband's or the wife's group." 3)

Freeman (1956), in dealing with Needham's second criticism, reiterates his usage of these terms, - outlining again the main points of the Iban system with regard to bilek membership whereby choice of affiliation is irreversible

3) Needham, R.: "Review" of Freeman 1955 op cit in Man 56, 1956, p. 31
and multiple affiliation impossible; pointing out that this differs from the Maori type of affiliation, whereby choice is reversible and multiple affiliation possible; and justifying his neologisms with reference to the Latin root _uter_, meaning "either of two, one or the other, one of two" which denotes "unequivocally the principle which underlies the Iban system of filiation." 1)

Needham's criticism of superfluity, therefore, results from a failure to appreciate the subtle differences between the conditions of membership operating within the Maori and Iban systems.

In the article referred to above (1956), Freeman states that Firth's usage of "ambilateral" with reference to hapu affiliation "is perfectly clear and straightforward, and it conforms to the proper and accepted meaning of ambilateral, [Webster] i.e. 'pertaining to or affecting both sides; bilateral'..." 2)

However, despite the validity of Freeman's distinction between the nature of affiliation to the Maori hapu and Iban bilek, he is in fact inaccurate on this point, for it has been noted above that this was precisely what Firth did not intend it to mean. 3)

In 1957, Firth - who was originally only concerned to distinguish the "optative" nature of Maori affiliation from a "definitive" bilateral type, - recognises the difference suggested by Freeman between the Iban and Maori systems, distinguishing between ambilateral and utrolateral affiliation in a footnote; but placing more emphasis on this distinction in his 1963 article. 4)

1) Freeman 1956 op cit: 88.
2) Ibid.
3) Firth 1963 op cit: 32.
However in each case he indicates that he regards 'utrolateral' as a sub-type of 'ambilateral'.

However, in the Introduction to his article (1966), Otterbein still regards the two types of affiliation as synonymous. He compares the concept of the Jamaican ramage - which he says is ambilineal - to those descent groups described elsewhere by anthropologists as "landholding descent groups which are not based on either bilateral or unilateral descent", stating that "the main characteristic of this principle of descent is filiation through either the mother or the father, but not both." This is utrolateral affiliation. Yet Otterbein identifies the Jamaican ramage with both Firth's concept of 'ambilineal' and Freeman's utrolateral:— "This principle is called ambilineal (Firth), multilinear (Davenport), or utrolateral (Freeman) descent." 1) Apart from the fact that this is an incorrect usage of Davenport's concept 'multilinear', 2) and that he compares 'ambilineal' (descent) with utrolateral (affiliation), he lumps Firth's 'ambilineal' (presumably meaning 'ambilateral' as he is discussing affiliation) with Freeman's 'utrolateral' as though they were synonymous, thus ignoring the distinction so clearly spelled out by Freeman (1956) 3) in response to Needham's criticism.

The main reason for this confusion is the ambiguity inherent in the use of derivatives based on the broad concept of the Latin *ambo* ("both"), or on the dictionary definition of *ambilateral* ("pertaining to both sides"), when employed as a technical term by anthropologists.

2) Davenport uses 'multilinear' as an inclusive term referring to the principle of nonunilineal descent resulting in both the unrestricted and restricted variants, - distinguishing multilinear descent from 'bilateral' descent (which he regards as the basis of the ego-centred personal kindred) on the one hand, and from unilineal descent on the other; see Davenport 1959 op cit.
3) Freeman 1956 op cit.
For in the specific context of cognatic descent group models, "both" or "both sides" can be taken to have either of two meanings - the feasibility of affiliation through both types of parental link; or the feasibility of affiliation through both parents, that is, dual or multiple affiliation. Thus much of the discussion and argument regarding the meaning of ambilateral has, in fact, been at cross-purposes.

For example, although Firth has made the useful distinction between "lineality" ("continuity") and "laterality" ("point" or "mode of attachment") referring to the former as ambilineal and the latter as ambilateral in systems where affiliation to a descent group may be through males or females - he is, with reference to ambilateral, in fact dealing with only one of these two possible aspects, i.e. the feasibility of using both types of parental link.

However, when Freeman introduced the concept of utrolateral in contrast with that of ambilateral, he was concerned with the variable of the possibility/impossibility of affiliation through both parents, (i.e., multiple affiliation.)

But when Needham criticised Freeman on the grounds of superfluity, stating that Firth and Leach's usage of ambilateral to refer to "descent systems in which at any one point in a genealogy kinship can be traced through either side" was sufficient to describe the Iban system, he was in fact only dealing with the nature of the parental link (that is with the internal structure of the descent group), and not with the dynamics of affiliation from the individual's point of view (and the associated consequences regarding the boundaries of the descent groups vis-à-vis each other), which was what Freeman was concerned with.

Likewise when Freeman refers to Firth's use of ambilateral to refer to the nature of affiliation to the Maori hapu as the "correct" use of the term

as defined by Webster's dictionary (which was specifically what Firth did not intend it to be, see above), Freeman was referring to the possibility of multiple affiliation, while Firth was concerned with the type of parental link, (not, in fact, having dealt with the variable of exclusion.)

The dual interpretation of the term is also at the root of Davenport's statement that 'nonexclusiveness' "is implied by Firth's (1929:98-100) term 'ambilateral', which he applied to the Maori hapu, but it is not certain that this is exactly what he intended it to mean." ¹)

Returning to Firth's distinction between "lineality" and "laterality", I would suggest that his terminological distinction between "ambilineal" and "ambilateral" with reference to this point in nonunilineal systems is unnecessary, since in both cases he is concerned with the type of link through which a member is attached to a particular group, lineality and laterality simply being the diachronic and synchronic aspects of this. The concept of "ambilineal" is therefore sufficient to cover both aspects.

This leaves us with only one of the two possible meanings of ambilateral in the anthropological context - the feasibility of affiliation through both parents (i.e. multiple affiliation).

In this context an ambilateral system can be contrasted with a utrolateral one where the individual may only affiliate through one parent although he may use either type of parental link.

This level of analysis focuses on the dynamics of affiliation from the individual's point of view vis-à-vis the several groups in which he may be a potential member, and this variable is itself closely associated with the nature of the boundaries of the descent groups vis-à-vis each other, (that is, the variable of jural exclusiveness).

¹) Davenport 1959 op cit: 566.
In this context, then, ambilateral is contrasted with utrolateral, rather than being used as the direct complement of ambilineal (as in Firth 1957), for both ambilateral and utrolateral systems are in fact ambilineal.

This seems to be the point implicit in Firth's statements of 1957 - that "utrolateral connexion" is "That form of ambi laterality in which the choice of one parent for descent-group affiliation bars out affiliation through the other parent..." - and of 1963 - that utrolateral is a "sub-type" of ambilateral. 1)

For while it appears to be meaningless (or at least unnecessary) to state, with reference to optative systems, that one where multiple affiliation is not allowed is a sub-type of one where it is allowed - which would be the literal interpretation of Firth's statements if ambilateral were taken to mean affiliation through both parents - these statements become meaningful if 'ambilineal' is inserted instead of ambilateral since they would then denote that 'a system where dual affiliation is not allowed is a sub-type of optative (ambilineal) systems.'

This relationship between the concepts of "ambilineal", "ambilateral" and "utrolateral" is implicit in Murdock's use of the concepts "optative/exclusive" / "optative/nonexclusive". 2)

Finally, not only has ambilateral been used when ambilineal is more appropriate (as outlined above), but ambilineal has also been used both as the synonym of utrolateral (Otterbein), and also of ambilateral, in contrast with utrolateral (Buchler and Selby). 3)

1) See Firth 1957 op cit: 7, Footnote 7; 8 1963 op cit.
2) Murdock 1960 op cit.
3) Otterbein 1966 op cit; Buchler and Selby op cit: 90-91.
In the following chart I suggest a threefold break-down of some of the current models of nonUDGs; *it will be seen that the third variant - the pragmatically restricted type (what I would call ambilineal with ambilateral affiliation) - can in fact be identified implicitly in several of these models. Evidence is also provided of the existence of the Unrestricted variant, (although as noted above, the tendency is to regard the latter as not 'operationally feasible' as land-holding groups).

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<td>Otterbein (1966 op cit)</td>
<td>Unrestricted</td>
<td>Restricted (ambilineal) non-exclusive residence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted (ambilineal) exclusive residence</td>
</tr>
<tr>
<td>Fox (op cit)</td>
<td>Unrestricted</td>
<td>Pragmatically Restricted</td>
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<td></td>
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<td>Restricted</td>
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<tr>
<td>Buchler &amp; Selby (op cit)</td>
<td>Unrestricted</td>
<td>Restricted (optative) either/or concurrently (ambilineal)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted (definitive) either/or, not both; (utrolateral)</td>
</tr>
<tr>
<td>Clarke (1953, 1966 op cit)</td>
<td>&quot;all the family&quot;</td>
<td>&quot;fortuitously limited&quot; residential group of &quot;kindred&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot;kindred&quot;</td>
<td>with bilateral descent</td>
</tr>
</tbody>
</table>

* (The usages of 'bilateral', 'ambilateral', 'ambilineal', 'utrolateral' etc., in the chart are those of the various anthropologists.)
Practical. The practical significance of a threefold model which distinguishes between the localised segment of the unrestricted variant (i.e. the pragmatic group) and the true restricted cognatic descent group, is that it provides the useful predictive model referred to above which relates important variations in land use and viability to the nature of the kinship system. An appreciation of this interrelationship can therefore be of help to the administrator in that:

(a) it underlines the factors contributing to the underuse of land resources;

(b) it indicates the cumulative nature of this problem, since family land is still being created at the present time through purchase.

It can be noted in connection with this point that while wasteful land use may not be disastrous when it is associated with marginal land - as much of the longer established family land is - yet the situation becomes increasingly critical when such land use is transferred to these newly created holdings of family land, since much of the latter is likely to have better agricultural potential. 1)

(c) Nevertheless the model also points to the advantage of viability associated with the unrestricted/pragmatically restricted type of system, and therefore contributes to the understanding of the complex nature of the situation by showing that the results of the system are neither wholly bad nor wholly good.

Cognatic descent groups with an exclusive residence rule or one of utrolateral affiliation would result in more effective utilisation of land resources through the restriction of claims and the resultant emphasis on

1) As in "Orange Grove", see Clarke 1953 & 1966 op cit.
the function of such groups as *residential* ones. Such a system would, however, have the disadvantage of rigidity with regard to viability, and would also defeat the purpose of the institution of family land - which is to provide security for the members of the descent groups through the inalienability of their rights. The model therefore shows the need to keep in mind the principle of 'proportionality' stressed by Harris 1) in the assessment of the relative desirability of the concomitants of each type of kinship system.

1) Harris *op. cit.*
CHAPTER 9: A CONCLUDING NOTE

This thesis has been primarily devoted to the analysis of the patterns of family structure, kinship and land tenure of the River Villagers. Other aspects of village life have however been touched on, such as the interrelationship of the village with the parish - particularly the immediate locality surrounding the village - in terms of social stratification, political and administrative organisation, and economy and ecology; voluntary associations and leadership roles; the general background economy of daily life; and mortuary ritual.

It is the purpose of this chapter (which should be regarded simply as a concluding note) to 'round off' the study as it were - by taking a brief look backwards at the various aspects of village life referred to in the preceding pages and to attempt to draw them together to present some kind of unified picture of village life in toto and of the relationship between the village and the wider society. Within this general context two specific aims seem relevant. One is to present some sort of picture of the various patterns of social relationships based on locality in which the River Villagers participate. The other is to consider the interrelationship of River Village with the wider society in terms of the concept of 'peasant society'.

The first of these two aspects will now be considered. After much consideration and due trepidation in mentioning the concept of 'community' at all in view of the long-standing debate and concomitant confusion in the literature surrounding the definition and the utility of the concept (Bell and Newby mention ninety-four definitions
of 'community' in the sociological literature to date.) 1) I have nevertheless decided to utilise the concept of community in order to highlight the various patterns of social relationships based on locality in which the River Villagers participate. It must however be made clear from the outset - and this point cannot be over-emphasised - that my purpose in employing this concept is not concerned with this debate (which is outside the sphere of this thesis and is in many respects futile in any case). Rather my sole reason for using the concept is purely to highlight the organisational patterns based on locality in which the River Villagers participate. I will therefore simply define my own use of the concept and give my reason for thinking that the use of the concept can serve this purpose, and confine myself to illustrating this point. I make exception to my intention to steer clear of comparative or critical reference to other writers' definitions of community only when the point seems strictly relevant to the discussion of River Village social relationships. M.G. Smith's observations on rural community organisation in Jamaica fall into this category since,

1) Bell & Newby op cit. This confusion and disagreement is reflected to some extent in the anthropological literature on the Caribbean, where two diametrically opposed views can be isolated. There are, on the one hand, those who consider that the concept of community is inapplicable to Caribbean social organisation due to the feature of 'individualism' prominent in the social organisation of the area; Howes, Wagley and Cohen for example are proponents of this view - Howes op cit; Wagley op cit; Cohen op cit and "The Social Organization of a Selected Community in Jamaica" in Social and Economic Studies 2(4), 1954. On the other hand anthropologists such as Clarke, R.T. Smith, M.G. Smith and Horowitz have utilised the concept in their respective studies of Caribbean social organisation; see Clarke 1953 and 1966 op cit; Smith, R.T. 1956 op cit; Smith, M.G. 1956 (b) op cit; Horowitz 1967 (a) op cit and "A Typology of Rural Community Forms in the Caribbean" in Anthropological Quarterly 33 (4), 1960.
as alluded to in Chapter 3, it is possible that certain differences between Smith's conclusions on voluntary associations and leadership roles in Jamaica and my own data on these points may be due to differences in the 'community organisation' between the respective areas studied.

I choose to define the concept of community not only operationally as Smith has done, but also situationally. Let me enlarge on this. Smith defines the concept of community dynamically as "a field of social relations based on regular face-to-face association between persons..." (this being linked to the notion of locality: "Such face-to-face associations imply co-existence within a defined area ...")\(^1\). However he regards the boundaries of such communities as static. Thus while making the valid point that 'community' in rural Jamaica is frequently identified with a 'district' and that the latter is not the equivalent of an official administrative unit, yet he states that "When asked to delineate their various districts, the interviewees were always able to give definite boundaries ..."\(^2\) (my emphasis); citing various indices which serve to locate the position of such boundaries.\(^3\) In drawing my own conclusions regarding the nature of the River Villagers' "field of social relations" however I rely not on informants' definitions, but on the one hand on participation over much of my lifetime in one aspect of this 'field' as a member of the local middle/upper class; complemented on the other by observations focused on River Village itself while

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1) Smith, M.G. 1956 (b) *op. cit.*: 295. In his study of Jamaican fishing co-operatives Comitas also adopts Smith's definition of community; Comitas *op. cit.*: 19-20.

2) Smith & Kruijer *op. cit.*, quoted in Comitas *op. cit.*: 19.

3) Smith, M.G. 1956 (b) *op. cit.*
studying it as an anthropologist. Combining these two perspectives it is apparent to me that the River Villagers' "field of social relations" can be defined situationally; i.e. not only can the 'field' be defined operationally or dynamically, but the boundaries of this field are themselves dynamic, shifting according to specific contexts or situations. 1) This is reflected in the River Villagers' own use of the terms 'community' or 'district' in conversation, which refer in different contexts to different fields of social relations. Thus the terms are sometimes used to refer to the core of old landowning families in the village ("born ya"); in other contexts to the village per se; in yet others to a wider locality of which the village is conceptualised to be a part, there being further differentiations drawn within this context between intra-class and inter-class interaction - i.e. between interaction with other villages which occupy a similar position in the national colour/class stratification system, and between the villagers and members of the local middle/upper class respectively. Thus an operational-situational definition can serve the useful purpose of highlighting the various organisational patterns of the River Villagers' social relations based on locality. Each of the situational aspects outlined above can now be

1) My definition of community bears close resemblance to Wilkinson's concept of community as "social field" - the latter being more situationally defined by him not only than WP. Smith's concept of community referred to above, but also than Gluckman's concept of social field; since although like Smith Gluckman's definition includes an operational view of 'social field', yet he like Smith does not make the point that the boundaries of such a field may themselves be dynamically defined. See Wilkinson, K.: "The Community as Social field" in Social Forces, 48(3), 1970; and Gluckman, M.: "An Analysis of the Sociological Theories of Bronislaw Malinowski" in The Rhodes-Livingstone Papers No.16 (London: Oxford University Press, 1949). My use of 'social field' is also not equivalent to that of Barnes op cit, since while certain aspects of Barnes' concept are dissociated from that of locality, this is not the case with my own use of the concept.
illustrated more fully with reference to the data. (Reference to the data on these points being illustrative rather than exhaustive.)

"Born Ya". The smallest situational definition of community of relevance to River Village is that of the core of "old families" - those "born ya" - vis-a-vis "strangers" or immigrants to the village. This distinction is reflected for example by an informant's remark that immigrants who have lived in the village for a very long time do eventually "come like River Village citizens". This distinction also being inherent in another informant's remark that: "Some of the people who is not from here should go somewhere else, because sometimes they get terrible ... [Those] who don't belong to the district, who weren't born here but live here." And a recent immigrant to the village distinguishes herself from River Villagers in her comment that she finds it "difficult to become accustomed to the people; what I'm accustomed to I don't see here."

Members of the core of old families tend to have inherited rights to land in the village, and while as landowners they are augmented as a category by some of the immigrants who have settled permanently in the village and purchased land there, landlord-tenant distinctions in the village do represent to some extent the distinction between "born ya" and immigrants respectively.

By virtue of the criteria for choosing leaders in village voluntary associations outlined in Chapter 3, members of "old families" frequently hold such leadership roles (although immigrants who have settled permanently in the village and lived there a long time do also by virtue of the above-mentioned criteria, fall into this category).

The Village. As indicated in Chapter 3, however, "born ya" form a minority in the village, the latter attracting immigrants from different
(generally more inland) areas of the parish or even from other rural parishes, and there are many bases of interaction which integrate villagers as 'River Villagers' regardless of whether they were born in the village or not.

As noted above, the "born ya"/"stranger" dichotomy becomes blurred when immigrants settle permanently in the village, this being even more so when the latter category purchase land in the village for house-spots. But even where the dichotomy is not blurred in this way, the landlord-tenant relationships associated with landed "born ya" and landless immigrants themselves form a basis for integration. Other dyadic contractual relationships between villagers (regardless of birthplace) also provide bases of integration as 'River Villagers', such contractual relationships including employer-employee relationships (e.g. when a villager takes in laundry or does domestic work for another villager; or harvests cane for another - it being noted in Chapter 4 that wage-labour is increasingly replacing the dyadic co-operative labour institution of "day fe day"); shopkeeper-customer (as noted in Chapter 3 there are six small shops in the village which stock 'emergency supplies'); higgler-customer (as in the case of Miss B. and her customers discussed at some length in Chapter 4); producer-consumer (when villagers buy small quantities of produce or starch from other villagers who grow produce in their yard or ground, or in the case of starch make it at home from cassava); another example of such relationships being the women who work as dress-makers and who sew for others in the village. While such symmetrical dyadic relationships do underline the 'individualism' of interpersonal relationships which Foster found to characterise interpersonal relationships among peasants in general, they also provide an important integrating principle - as he also points out - in
in such societies.\(^1\) (The 'individualism' which has been noted for Caribbean social organisation (but which as noted above typifies peasantry in general) is further manifested by a certain touchiness over 'minding one's own business'; e.g. the phrases "I don't business with ... [another person's affairs]" or - if a person suspects that someone has commented on theirs: an indignant "A wha' him business with it?" which crop up in conversation.)

While as shown by the data on birth-place (Chapter 3) and kinship-based claims to land (Chapter 8) "kinship" and "community" (in the sense of village) cannot be regarded as coterminous entities as in some peasant societies (this fact being reinforced by the extensive emigration of relatives of informants from the village either to other parts of the island or abroad, see Chapter 3), nevertheless kinship ties are an important basis of integration linking households within the village. Such ties are both consanguineal - parent/child; siblings and half-siblings; as well as more distant relationships; and affinal - between extra-residential mates as well as between persons who have had a previous conjugal union now dissolved (this phenomenon of 'past spouses' being of course linked to the mating pattern of serial monogamy described in Chapter 5). Other affinal ties such as step-relationships - either a step-parent/step-child (the latter being the former's spouse's outside child) or step-siblingship are also present. Such kinship relationships might be between principal adults of two households - as when an adult child is living neolocally elsewhere in the village, or when adult siblings are principal adults in separate neolocal households - or they

1) Foster op cit. Of Pitt-Rivers op cit who notes in his study of Spanish peasants that the dyadic contract can be the mark of equality and may itself form a basis for community integration. Referring back to the view expressed by some anthropologists that the 'individualism' in Caribbean social organisation defies the use of the concept of community (see Foot note \(^7\) p. xxx above), it can in fact be noted then in contrast to this viewpoint that such individualism typifies peasant societies in general and that individualism can itself be a community norm.
may be between persons who are not principal adults in their respective households, for example between children who are cousins; or between principal adults in one household and children in another, as when parents foster a child in another household, or when a child is living with one parent only, the other living in another household.

Such varying kinship ties may link more than two households in the village. The case of Miss CK, referred to in Chapter 5 provides a good example of this. Two of her children live with her; her eldest child lives neolocally in another household in the village; her past extra-residential mate, one of their children, one of their grandchildren, and this past mate's mother all live in a third household; and in a fourth live Miss CK's past consensual mate and two of their children.

The Ds are another example. Mr. and Mrs. D. live in one household with an 'adopted' child, Mrs. D's grandchild's adopted child and also Mrs. D's great grandchild. In a second household lives Mr. D's outside son Mr. BM, the latter living with his consensual mate, his outside child who is "sort of adopted" by the latter (the child's step-mother - the relationship however being referred to as "in-law") and the step-mother's brother. Mr. BM's mother, Mrs. J. - Mr. D's past extra-residential mate - lives alone in a third household, and Mr. BM's maternal half-sister Mrs. AJ. lives with her husband in a fourth household, this latter and the Ds' household therefore being linked by affinal rather than consanguineal kinship. In a fifth household lives Mrs. D's granddaughter Miss CX, with her consensual mate and their children, one of the children fostered in the Ds' household being full sibling to these children. Mrs. D's nephew (ZS) Mr. AD. is the household head in a sixth household, and his wife in turn is related to the male household head (Mr. AF.) in a seventh household, being his sister. Mr. AF. is the father of another
informant Miss AX., a principal adult in an eighth household where she lives with her consensual mate, their children and her outside child. Miss AX's mother, one of Mr. AF's past consensual mates, lives in a ninth household.

Another example is that of Mrs. P. and Mrs. AI, two sisters who each live with their respective husbands - the Ps living on the sisters' family land, and the AIs on their own bought land. One of Mrs. P's outside daughters is the female household head in a third household where she lives with several of her children (who are full siblings); one of the children fostered in the Ps' household being full sibling to these children.

Another case centers around Miss CI, Miss E. and their two brothers (one of whom is also an informant - Mr. CR.) who are four of a family of sixteen full siblings born in a village further inland in the parish. Miss CI, Miss E. and Mr. CR. are all principal adults in three of the sample households. Miss E's two daughters Mrs. AT. and Miss CU. are also principal adults in another two neolocal households; Miss CU. living with her consensual mate Mr. CV. and their three children, and Mrs. AT. with her husband and their two children, her outside child being fostered with its maternal grandmother Miss E., the latter's youngest child (maternal half-brother to Mrs. AT. and Miss CU.) also living in Miss E's household. Mr. CV's brother Mr. N. lives in a sixth household with his wife and children; Mr. CV. and Mr. N. are also immigrants to the village. Miss CI's present extra-residential mate Mr. CJ. lives in a seventh household. Until recently he had lived there consensually with another woman who has however since moved out and is now the female household head in an eighth household. Mr. CJ's maternal half-brother Mr. BZ. lives with his consensual mate and their children in a
ninth household. The brothers' mother Mrs. Z. lives in a tenth household with her husband (the brothers' step-father) and four of her grandchildren. The mother (who lives elsewhere in the island) of three of these grandchildren is a maternal half-sibling to both brothers, and the father of the fourth grandchild (the former living abroad) is half-sibling to Mr. BZ. and full sibling to Mr. CJ., so that there are variations with regard to the actual relationship between the brothers and their mother's grandchildren. The brothers' maternal uncle and aunt are the household heads in another two households in the village; the uncle and aunt being themselves half-siblings, each also being half-sibling to the brothers' mother. Miss CI's past consensual mate lives in a thirteenth household; he is father to two of the four children in her household. One of Mr. CR's step-children (an outside son of his consensual mate) is the extra-residential mate of the teenage daughter in yet another village household, this young couple having a baby who lives with its mother and maternal grandparents. The grandmother concerned is sister to a female household head in a fifteenth village household.

While as noted in Chapter 3 "born ya" villagers particularly have extensive kinship ties in the village while some immigrants may have few or no relatives in the village, yet not only may the type of extensive kin ties described above exist among immigrants (as in the case of Miss E. and her three siblings and two children - all six living in different households - who are all immigrants to the village), but kinship ties may also cut across the "born ya"/immigrant dichotomy both within specific households (as when one of the principal adults is an immigrant but his or her resident mate and children are not), and also between households - the type of extensive kin ties referred to above developing in conjunction with permanent settlement in the village.
Informal face-to-face interaction between villagers is another basis for integration, and this is greatly facilitated by both the physical structure of the village and the climate. For example many houses are small and therefore much of the daily household activities such as laundering take place outside in the yard, the shade of the trees in the latter also being cooler than the cramped houses. Furthermore since most households have outside kitchens there is much coming and going in the yard between house and kitchen, and the yards, while fenced with wire or low hedges, are visible from the village roads (of which there are many forming a network through the village) so that villagers walking by on their way to a shop for example shout greetings or stop to chat over the fence to villagers at home. Many houses too have verandahs - again related to the factor of climate - and these are cooler than the house so villagers often sit there to relax, again in full view of passers-by on the roads and much conversation is encouraged in this way. The shops and cross-roads in the village are also important foci for frequent meetings and gossip.

Much interaction also occurs between households in what I have referred to as the 'tenant compounds' - that is where several tenant households (living in separate houses or rooms) share a common yard, sometimes with the landlord's household also. Cooked food is sometimes offered between such households or those in neighbouring yards. On the Ds' house-spot for example live four households. Although each household does separate housekeeping, everyone in the yard "moves good", (as one of the tenants says), the children of the various households sometimes sharing in the cooked food of the other households. And the landlord Mrs. D. says that:

"We who are living in the yard here, we give from hand to hand; she [one of the tenants] cook and give me; me cook - everybody cook! We just live as one family. Now suppose I cook my dinner,
and these children [from the other households are here] I dish out dinner and give them. And when she [the tenant] come home now and cook, she dish out just the same way. Everybody cook, when we cooking - hand to hand. No make no difference; no quarrel or nothing at all; no chiding with each other."

Cooked food is also sometimes carried between households related by kinship in different parts of the village. Mrs. AJ, for example cooks regularly for her old mother who lives alone elsewhere in the village, carrying meals to the latter's home.1) And the Ps send a cooked meal sufficient for one person every evening to the household of Mrs. P's outside daughter, where each of the latter's several children take it in turn to be the recipient of the meal sent. The Ps send such food "just out of love" and to "assist she [the daughter] - a through she have the plenty children". Mr. O's sister who lives in a different yard across the road from the Os also sends "a little of her dinner in the evenings, in a little pan" for the Os' children, all of whom "partake" of it. The sister may bring it herself or the Os' little daughter may be sent to collect it. In return the Os sometimes give the sister presents of produce grown on their house-spot.

Village institutions such as the Basic School, the voluntary associations associated with the Community Centre, and the River Village Burial Society all cut across the "born ya"/immigrant dichotomy by aligning membership in terms of age (as in the case of the Basic School, the Boys' Youth Club and the Community Council - the latter consists only of adults - and the Burial Society, which again consists only of adults, in this case only of those between the ages of twenty-one and fifty), or sex (The Womens' Group and Boys' Youth Club), thus providing bases of integration in terms of the village per se. The fund-raising

1) Cf Fortes' account of a similar custom among the Ashanti op cit.
efforts for the building of the Community Centre were also seen in Chapter 3 to have mobilised all categories of villagers.

Membership in the River Village Burial Society particularly provides a basis for 'community' interaction identified primarily with the village. And it was seen in Chapter 6 that although mortuary ritual is still a kinship affair, that it is also a village (i.e. 'community') affair, as in other parts of the Caribbean and indeed in peasant societies elsewhere in the world. Village participation in such ritual was seen to occur both on formal and informal bases: in the performance of financial and ritual duties by the Society and on a more informal basis among the villagers regardless of such Society membership. The amenity of the village cemetery further marks the village as a community in the context of death as "All the dead go a the cemetery". This contrasts with the neighbouring village of Friendship for example which has no comparable amenity as a symbol of village solidarity: "River Village have the cemetery, Friendship have nowhere".

Leadership roles in the various voluntary associations can also be seen to reflect the concept of the village as a community in that such roles were seen in Chapter 3 to be an expression of one's reputation as a good citizen of the village, such roles often being held by long-term residents and older individuals rather than (as M.G. Smith and Comitas found) by "marginal individuals". It was also noted in conjunction with this observation that the opposition postulated by Smith between formal and informal leadership and his concomitant suggestion that the formalization of informal leadership stifles the latter is not therefore supported by the River Village data. It was indicated in Chapter 3 that these differences could be related at least to some extent to the difference in 'community organisation' between River Village and the
communities studied by Smith. This point can now be enlarged on somewhat, for in the light of the previous discussion it can be seen that River Village can, in certain contexts or situations, be regarded as a 'community'. This contrasts with Smith's view of villages in the hilly interior of the island (the area in relation to which he developed his hypotheses regarding rural community organisation and leadership in voluntary associations). In such areas, he says - in accordance with his operational definition of community referred to above - the village seldom coincides with the community:

"The village acts as the distributive and organisational centre for the more dispersed settlements grouped around it, and which it serves. Unless completely isolated, it cannot be regarded as forming a community of its own separate from these dispersed settlements, since its sectors form parts of the communities immediately behind them. Nor is the village as a whole simply a part of the community formed by those dispersed settlements which surround it, since the dispersed settlements are themselves distinct communities. Thus, communal relations hold between sectors of the village and the settlements immediately adjoining them, but do not hold between segments at the opposite ends of the village."

Smith notes that formal associations in these rural areas tend to be organised by officials on the basis of village boundaries, with leadership being vested in prominent persons - generally outsiders to the area - such as teachers; neither the organisation of such associations nor their leadership therefore reflecting community organisation.

If Smith's description of community organisation in such areas is valid, then, it could be that the fact that formal leadership in River Village does reflect 'community organisation' (in the context of the village) - and not just leadership, but the organisation of the associations themselves, for it was seen that the initiative for those associations which are viable in the village came from within the village itself - is because in certain contexts River Village qua village can be seen to be a community.

1) Smith, M.G. 1956 (b) op cit: 297.
And that this is so may be related to the fact that (as seen in Chapter 3) for historical reasons it is not - like the majority of peasant settlements in Jamaica - situated in the hilly interior of the island.

The conceptualisation of River Village as a community is sometimes reflected in verbalised expressions of village solidarity; - remarks for example regarding middle/upper class persons in the locality surrounding the village who have "been good to River Village" (e.g. providing the villagers with free land to cultivate etc.); or village solidarity being expressed vis-à-vis other neighbouring villages in the phrase which sometimes crops up in conversation: "Nothing good come out of ... [e.g. Friendship or some other village]." (The same sentiment is sometimes expressed by members of other villages regarding River Village too!)

It must not be presumed from the last statement regarding the expression of village solidarity - nor in fact from any of the preceding points made to support this conclusion - that River Village approximates the harmonious picture of interpersonal relations in a peasant community presented by Redfield's description of Tepoztlan. 1) Foster has suggested in his criticism of Redfield that peasant interpersonal relationships are rather typified by conflict (which he relates to the 'cognitive orientation' of the peasant, vis.: 'The Image of Limited Good'). 2)


Lewis goes further than this in his caution against Foster "on the danger of generalization about peasant personality ...", pointing out that such conflict "occurs in tribal, folk, and urban societies as well". 1) Without committing myself either for or against Foster's hypothesis it can simply be noted that River Village, like any other 'community', has its fair share of interpersonal conflict, and that such conflict provides another basis for integration among River Villagers. 2)
The Village as Part of a Wider Local Community. We can now turn to consider River Village as part of a community based on a wider locality than the village itself.

Firstly, it is part of a wider community which is defined with reference to other like villages in the locality, with which more intensive interaction takes place than with other more distant villages. Such villages (and the majority of the Maintown population) are, as noted in Chapter 3, similarly placed in the national colour/class stratification system and share a roughly similar value system and social organisation.

Individuals in River Village are linked to individuals in these other villages by ties of kinship (as seen for example from the data on birth-place of the sample in Chapter 3 and kinship-based claims to land in Chapter 8) and friendship. In addition the data on mortuary ritual in Chapter 6 shows that mortuary ritual in River Village involves persons from a wider locality than the village itself. And although the River Village Burial Society is primarily identified with the village per se, nevertheless it was seen that not only do members of this association live in other nearby villages (hence the need for the various Sick Committees to represent members from such villages) but that some River Villagers in turn belong to similar Societies in other nearby villages, e.g. Friendship. And it was noted in Chapter 4 that the purpose of blowing the conch-shell before the start of a "digging" was to summon people from the vicinity around the village, such co-operative labour groups not being confined to the latter. Common use of Maintown as a commercial and service center further provides a basis for face-to-face interaction between persons from River Village and other nearby villages and many of the River Village children go to the primary schools elsewhere in the vicinity such as Maintown or Friendship since the village has no such school itself.
While the situational aspect of 'community' that I am describing here can be viewed to some extent in terms of Redfield's concept of the "country-wide network" (1) - for example with regard to ties of kinship and friendship between individual River Villagers and members of other villages - yet there is a 'sense of community' over and above this which is identified with the locality itself, i.e. a territorial community which though ramified by such networks, in turn provides a reservoir as it were out of which such networks may be constructed. Thus the term "district" as used by River Villagers does in some contexts refer to this wider territorial community.

The second way in which River Village can be conceptualized as being part of a wider community based on locality is by considering certain bases of interaction between River Villagers and members of the local middle/upper class, and Foster's model of the asymmetrical variant of the dyadic contract is of considerable relevance here. (2) Perhaps the most obvious bases of interaction between villagers and members of the local middle/upper class are employer-employee and landlord-tenant relationships. Regarding the former, village women may work as domestics in middle/upper class households and men as agricultural labourers, pen-men or headmen on the properties (women also sometimes do light agricultural work such as weeding on the latter). Regarding the latter type of relationship (landlord-tenant) it was seen in Chapter 4 that while landlord-tenant relationships between villagers are concerned with the rental of rooms or houses, or the renting or leasing of house-spots,

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that landlord-tenant relationships regarding land outside the village for cultivation is generally associated with asymmetrical relationships: villager tenant, middle/upper class landlord. The discussion of employment opportunities in Chapter 4 showed that much employment for villagers is on an irregular basis including that on properties due to the seasonal nature of the crops cultivated (also jobs such as pasture-chopping do not provide continuous employment). Nevertheless, as with the case of landlord-tenant relationships in conjunction with 'free land' - where, although the tenure of a particular plot may be relatively insecure yet stable landlord-tenant relationships may develop with the tenant moving from one plot to another - so, even when employment on properties is irregular and seasonal, yet similarly stable employer-employee relationships may likewise develop when villagers work on and off for the same employer over the years. The case of Mr. C. provides one such example of the kind of relationship to which I refer.

Though an immigrant to the village, Mr. C. has settled there permanently and has now lived there for very many years. He is now 'retired' from manual labouring, being an elderly man, but describes his work history as follows:

"Those days I chiefly work with Mr. — [local middle/upper class property-owner]; chop pasture all the time, regular, regular. I work with him about some fifteen years, regularly."

This work had been by the "job". 1)

"I work when I like; I don't limit to work more day than I like to work. He give me a job and I work straight. When I want to stop, I stop. 2) I don't work chiefly on Saturdays."

1) See Smith, M.G. 1956 (c) op. cit, and Chapter 4 of this thesis.

2) Thus working by the "job" rather than the "day" ties in conveniently with part-time own-account cultivation - an occupation this particular man also used to do.
Although employment was by the "job" (and therefore he was not permanently employed) Mr. C. stresses that he was constantly given some sort of employment by this employer:

"For years I work with him; he give me work regularly - he must find work give me, for he don't want to see me idle by the way [i.e. unemployed]."

Such employer-employee relationships may become merged with landlord-tenant ones; for example the particular informant just referred to had also obtained land for cultivation (some rented, most free) over the years from his employer. Another example of the association between the two types of asymmetrical dyadic relationship is that of an old woman who when she was younger had worked as an agricultural labourer on a property outside the village, also obtaining free land from her employer.

A parallel to the type of stable asymmetrical employer-employee relationship which sometimes develops in relation to the agricultural labourer and property-owner even in the face of seasonal or 'irregular' employment is that between employer and domestic servant. For while in some cases the latter may work in the same middle/upper class household permanently over a long period of time, in other cases domestics may work on and off for the same employer over the years; such employment on the part of women for example being interrupted by child-bearing and rearing. Or perhaps simply being on a temporary basis at times when the employer's household requires extra domestic help for some reason. Another variant of the asymmetrical relationship which may develop over time is that between villager seamstresses and members of the local middle/upper class. For while the latter do shop periodically in the cities, Maintown has a very limited supply of ready-made clothes and so middle/upper class persons (like villagers - see above) often give out their clothes to be made; and such work may be given out periodically over the
years to the same dress-maker, thus resulting in a stable relationship.

In addition to the development of single-stranded relationships such as that of employer-employee referred to above, multiplex asymmetrical dyadic relationships often develop in association with these. The development of landlord-tenant relationships in association with employer-employee ones has already been touched on above, and this is perhaps the most simple example of the type of multiplex relationship to which I refer; but I also refer to something more complex — consolidated over years of common residence in the same locality. (These remarks are of course therefore more relevant in the case of "born ya" villagers or permanently settled migrants to the village.) For despite the difference in social class and consequent maintenance of social distance in certain situations (such as entertainment in the home) there is much opportunity for asymmetrical interpersonal relations which originate as, for example, single-stranded employer-employee relationships to become increasingly ramified on other bases. This type of asymmetrical dyadic relationship, while fitting Foster's model of the asymmetrical variant of the dyadic contract as mentioned above, is not however formalised in the way that the patron-client relationship on which he focuses is formalised. Rather, they are informal relationships built up out of little things such as the exchange of favours or mutual help in crisis situations; which, while taken as isolated incidents perhaps seem insignificant, yet the repetition of which over a long period of time reflect meaningful social relationships. The nature or type of favours exchanged or the help given in crisis situations may of course differ between the two persons from the respective social classes (a point also made by Foster). For example while a middle/upper class person may provide financial aid or make gifts of a non-agricultural nature, or provide professional advice on some problem, or -
a very common phenomenon - provide transport to and from Maintown, the villager may reciprocate with, for example, gifts of agricultural produce grown in the yard. (And villagers may also simply make such gifts periodically as an expression of the relationship which exists.) While such relationships are based on the dyadic contract, they may not in fact be confined simply to two persons, but may gradually become more diffuse and involve the families of the two persons who initiated the relationship. It can be pointed out that in the relatively isolated type of rural area where this study was carried out there is more opportunity for the kind of reciprocity referred to above since persons are further from main service centers and various facilities than those living in more urban areas.

Regular face-to-face association is important in ramifying the type of asymmetrical relationships just described, and opportunities for this are provided not only by the fact that both villagers and middle/upper class persons from the surrounding locality go to Maintown for most services and facilities, but also by the fact that in doing so most of the middle/upper class persons have to pass by or through River Village to get to Maintown as most live further inland than River Village (the area between the latter and Maintown consisting mainly of swamp). Furthermore, while Maintown bustles with activity on Court and market days, the pace of life in general both in the town and further inland is slow and people who know each other (whether of the same social class or not) have time to stop and 'ask after' each other and each other's families. And in the type of area in which this study was undertaken people of both classes - through long co-residence in the same locality - have watched each other's families grow up and so take an interest in each other's 'ups and downs'. While I have discussed multiplex asymmetrical relationships as
developing in conjunction with employer-employee relationships, they may also - due to the type of face-to-face association just referred to - develop independently of these simply through long co-residence in the same locality.

The type of relationships which I have described which represent some kind of 'community' based on regular face-to-face association between persons of different classes, and the consolidation of asymmetrical dyadic relationships, may conflict somewhat with the nature of relationships which outsiders generally associate as existing between the two main subcultures. While no-one can deny that class conflict is a prominent part of Jamaican life, it can be noted that not only is this the aspect of Jamaican life which currently attracts most publicity, but that to some extent at least such conflict is more typical of the urban slum areas than of the rural areas. Conditions are worse in the former, and in addition the opportunities for the development of the type of asymmetrical dyadic relationships described above, viz.: long-term residence in the same locality (n.b. property-farming - in which many of the middle/upper class who live in the rural areas are involved - lacks the geographical mobility associated with many other occupations) in conjunction with regular face-to-face association, where persons of the different subcultures have built up relationships of mutual interdependence as it were, are largely absent in the larger and more anonymous urban areas. Similarly, the type of relationships which I have been discussing are more typical of both middle/upper class persons and villagers who have lived longest in the same area since the crucial element in the development of such relationships are their gradual consolidation over time.  

1) Similar asymmetrical dyadic relationships also exist between persons of the local middle/upper class with persons from the other villages in the vicinity such as Frienship.
Thus while as I have suggested in Chapter 6 there is also a middle/upper class 'community' based on locality - though a more widely dispersed one than that which exists between River Villagers and the members of the middle/upper class surrounding the village, due not only to greater access to transport among the middle/upper class, but also because of the more dispersed pattern of settlement associated with the rural sections of the latter - similar to that noted by Smith for the rural areas of Jamaica which he studied\(^1\), yet an important point of contrast between my own data and both Smith and Comitas' analyses of rural Jamaica is on the point of 'social isolation' which they both suggest exists between members of the two main subcultures.\(^2\) (This perspective has also been perpetuated by the tendency of anthropological studies in the Caribbean not only to focus on the lower class but to study them as though the latter exist in a vacuum.) - Social distance in certain situations, yes; but social isolation in terms of other aspects of interpersonal relationships, no. Furthermore, I would suggest that the type of asymmetrical relationships to which I refer typify other rural areas also - even perhaps those studied by Smith and Comitas. For while it is easy for the outsider to such 'communities' to notice class differences and 'social distance' (in the sense of the word used above) it is also easy for the outsider to miss the type of relationship I have described since it is, as I have noted, built up out of little things - little exchanges of favours etc. - over a long period of time (incidents which as already suggested may seem to have little significance if taken in isolation, and which may therefore seem meaningless to the short-term outside observer); - a more subtle relationship than the more obvious symmetrical

\(^1\) Smith, M.G. 1956 (b) op. cit.

\(^2\) Ibid; Comitas op. cit.
ones between persons of the same social class. 1)

Again - as with the discussion of the village as a situational community - it must be noted that the type of community discussed here, based on asymmetrical interpersonal relations themselves based on locality, are of course not devoid of conflict. Employer-employee relationships for example provide (as elsewhere) plenty of scope for this.

As with the discussion of a community based on horizontal (symmetrical) relations between River Village and other villages in the locality where it was suggested that while the network of dyadic relations between individuals are of great importance, that yet there is a conceptualisation of community over and above this based on the territorial aspect itself - so with the community which includes vertical (asymmetrical) relations. This is illustrated for example in the discussion of the villagers' fund-raising efforts for the Community Centre (Chapter 3) where the villagers "collect from many, many gentlemen around here; write and beg local gentlemen, and raise four hundred ... pounds ...". The "local gentlemen" being members of the middle/upper class in the vicinity surrounding the village. 2)

1) My criticism of this hypothesis regarding 'social isolation' gains support from Barth's hypothesis regarding ethnic groups, viz.: that ethnic boundaries attract rather than repel social interaction between such groups. Barth, F.: "Introduction" in Barth, F. (ed.): Ethnic Groups and Boundaries (London: Allen & Unwin, 1969). For there is no reason why the same hypothesis should not apply to other subcultural groups.

2) By using a situational definition of community some of the 'types' or approximations of Redfield's Little Community can be seen to be situational aspects of community interaction in the area, rather than simply static structures. The village, for example, can be seen to be one type of Little Community; the community formed by the middle/upper classes in the area can be likened to Redfield's "diffuse community", where agriculture is carried on scattered homesteads, with much social interaction taking place in the home; the organisation of this community to some extent around this focal point of the Country Club bringing to mind certain similarities with the "intermittent community". Finally, the region around Maintown, of which River Village is a part, and which includes symmetrical interaction between like villages as well as asymmetrical interaction between classes, can all be regarded as a community with "part-time nucleation".


* e.g. as in this case classes.
We may now return for a moment to focus on the village as the unit of analysis in order to consider its interrelationship with the wider society in terms of the nature of integration denoted in conjunction with the concept of 'peasant society'. Before proceeding, and without intending to enter the 'definition of "peasant"' debate typifying much of the current literature on the subject, it can be noted that despite the profusion of definitions of peasantry that two main trends can be isolated. One is an occupational definition, 1) which seems inadequate in that it disregards certain important aspects of peasant organisation; the other being concerned with the nature of the interrelationship of the peasant community with the wider society. It is this latter aspect with which I am concerned. While there are within this second main trend various sub-trends depending on the emphasis on one or more of the following

1) For example Wolf defines peasants as "agriculturalists" (combining this with the criterion of 'effective tenancy' of the land), Wolf 1967 op cit. (though noting the importance of a structural relationship with the wider society also). Firth gives a more inclusive occupational definition based on the criterion of small-scale production with simple technology, thus including craftsmen and fishermen as well as agriculturalists, Firth, R.: Malay Fishermen (London: Kegan Paul, Trench, Trubner & Co., 1946), and "The Peasantry of South East Asia" in International Affairs, 26, 1950. Rogers op cit claims that "subsistence farmers", and "peasants" are interchangeable concepts, although he qualifies this by saying that the latter are not pure subsistence types. He also distinguishes between 'subsistence farming' and 'subsistence level', noting that it is the former on which his definition is based, although some peasants may also live at subsistence level. And an occupational definition of peasantry is inherent in Comitas' suggestion that the lower class Jamaicans in the communities which he studied should in some cases be referred to as an 'occupational pluralist' rather than a peasant, op cit.
aspects of this interrelationship: relation to urban centers; relation to the state; external political decisions; market activity; tradition-orientation; all these writers are primarily concerned to reiterate the point first made by Kroeber in his description of peasant societies: that the latter are "part-societies with part-cultures" (and which Fallers has refined to read "A peasant society is one whose primary constituent units are semi-autonomous local communities with semi-autonomous cultures" in order to distinguish peasant societies not only from primitive societies, but also to make explicit the distinction between peasant societies and modern industrial ones.)

Thus it is widely accepted in the literature that the peasant community, unlike the primitive one, is not a microcosm of the wider society. 1)

Fallers' analytical model of peasant societies is built up on previous writings and indebted to previous contributions on the subject by other anthropologists, and my use of it both in the more restricted sense in the preceding analyses of family structure and land tenure and my wider use of it below is not intended (with the exception of my criticism of a

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1) Kroeber, A.L.: Anthropology (New York: Harcourt, Brace & Co., 1948); Fallers op cit: 36. The literature concerned with the discussion of the concept of 'peasant' in terms of the interrelationship of the peasant community with the wider society is far too extensive to list, and reference can be confined to recent compilations of writings on peasant society, such as Potter et al., op cit. and Shanin, T. (ed.): Peasants and Peasant Societies (Middlesex: Penguin Books Ltd., 1971); see also the references to peasant economics in Chapter 3 of this thesis and Redfield, 1956 op cit.

2) See e.g. Manners op cit and Arensberg op cit for extensive discussion of this point. See also Padilla op cit; Littlejohn op cit and Greenfield 1956 op cit: 144-5.

However while the peasant community (in this case River Village) cannot be interpreted as a microcosm of the wider society, peasant societies being integrated through "a principle of organization not found in the primitive societies, viz. stratification..." (Littlejohn ibid: 94), nevertheless, it can be seen from the above situational discussion of River Village as part of a wider community involving asymmetrical relationships with the local middle/upper class that (as Padilla ibid and Littlejohn ibid have shown for the Caribbean and Indian community respectively) 'community' may cut across the variable social class or stratification (and as Padilla notes, ibid, also that of subcultures).
purely occupational definition of peasant) as a rejection of earlier contributions on the subject. Rather I have chosen to use it simply because (a) - having been built up from many previous contributions it considers several important aspects of the interrelationship between peasant community and wider society rather than emphasising or concentrating on only one or some of these aspects. And (b) because his discussion of peasant "culture" in his reiteration of Redfield's concepts of Great/Little Tradition seems particularly suited to the interpretation of the River Village data.

Fallers considers the "semi-autonomy" of the peasant community vis-à-vis the wider society under three main headings: "(1) the economic, (2) the political, and (3) what we may call, perhaps not very satisfactorily, the 'cultural' ..."¹ (important aspects in all these spheres being the principle of stratification and the relation of the peasant community to urban centers) and a brief examination of the River Village data in terms of this three fold model will now be undertaken.

**Economic semi-autonomy:** As seen from Chapters 3 and 4, the River Villagers are integrated with the wider society in terms of market activity - this latter being of the kind which typifies Caribbean peasantry in general.

**Political semi-autonomy:** As seen from Chapter 3, despite local leadership roles in village voluntary associations, River Village is not an autonomous political unit, being part of the wider national political and administrative structure, and as such subject to external political decisions (although they do of course have representation in the national Government.)

Important in both River Village's political and economic relationship with the wider society is its relationship to urban centers. Like

¹) Fallers *op cit.* 37.
all other villages in the parish River Village looks to Maintown as the political and administrative and economic center of the parish. Other towns in the parish also serve as important centers of trade and commerce, and political and administrative functions are also represented in varying degrees in some of these towns also. (Persons from other villages which are situated nearer to one of these smaller towns than to Maintown may in fact go to the former rather than to Maintown if their requirements can be met there. For River Villagers however, Maintown is not only the political and economic center of the parish, but also their nearest town.) And like all villages - and towns too - in the island, River Village looks to the island's capital city, Kingston, as the major political, administrative and economic center.

The variable of stratification is of course inseparable from the discussion of this topic and regarding the relationship between the village and urban centers it can be noted that while by and large the village (like similar villages throughout the parish and island) is comprised primarily of persons from the lowest stratum of the national colour/class stratification system, and a large proportion of the middle/upper class resides in towns and cities (e.g. Maintown), that not only does a fair proportion of the lower class live in towns and cities (again e.g. Maintown) - sharing a culture largely similar to that in the villages - but that a fair proportion of middle/upper class persons are also dispersed throughout the rural areas (as for example around River Village) in the pattern of settlement described in Chapter 3.

The element of stratification is also reflected in the economic and political relationship between River Village and the wider society. For example as indicated in Chapter 3 the large stores in Maintown tend to be owned and run by Chinese - who are, as indicated in Chapter 1, sub identified with the middle/upper class 'creole'/culture. And trade in
the Maintown market place does sometimes (as Mintz suggests is the case for markets in peasant societies) involve interaction between persons of different social strata (although as noted in Chapter 3 this is to some extent qualified by the fact that some middle/upper class households send their domestics to market). And in the political and administrative sphere many of the officials with which the River Villagers have to deal in Maintown are from the middle/upper class.

Semi-autonomy in other aspects of social organisation and concomitant value system: While the two main topics on which this thesis has focused - family structure and land tenure - are in many ways relatively unrelated (for example while much of the analysis of family structure focuses on conjugal relations, that is affinal kinship, the social organisation of land tenure is seen to be primarily associated with consanguineal kinship) it was seen that both have an important feature in common in that both reflect the feature of independence of/interdependence with the social organisation and concomitant value systems of the wider society. Family structure and land tenure do not of course exhaust the aspects of social organisation other than the 'economic' and 'political'; nevertheless they are important aspects of social organisation in any society, and their importance in Caribbean anthropology is reflected in the attention devoted to them in the current literature, and the controversy surrounding such analyses - particularly in the field of family structure. It can be noted in conjunction with this that while my own interpretations of the data on River Village family structure and land tenure have been seen to differ in many important respects from those put forward by various other anthropologists concerned with the study of similar topics elsewhere in Jamaica or the Caribbean, that the data itself is seen to have a basic similarity to that described by other
ethnographers of the West Indian or Caribbean region. It can be concluded from this, then, that my interpretation of River Village family structure and land tenure may therefore have a wider applicability to the study of these aspects of social organisation in the Caribbean than to River Village alone.
Table 1. Number of Farms & Area in Farms by Size Groups in Jamaica: 1968

<table>
<thead>
<tr>
<th>Size Group</th>
<th>No. of farms</th>
<th>% of total no.</th>
<th>Area (hectares)</th>
<th>% of total area</th>
<th>Average size of holding (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landless</td>
<td>5,099</td>
<td>2.7</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Below 0.4 hectares</td>
<td>52,273</td>
<td>27.4</td>
<td>8,757 (21,640 acres)</td>
<td>1.4</td>
<td>0.2 (0.4 acres)</td>
</tr>
<tr>
<td>0.4 - 2</td>
<td>92,331</td>
<td>48.4</td>
<td>81,819 (202,178 acres)</td>
<td>13.4</td>
<td>0.9 (2.2 acres)</td>
</tr>
<tr>
<td>2 - 4</td>
<td>24,741</td>
<td>13.0</td>
<td>65,685 (162,310 acres)</td>
<td>10.8</td>
<td>2.7 (6.6 acres)</td>
</tr>
<tr>
<td>4 - 10.1</td>
<td>12,140</td>
<td>6.4</td>
<td>69,298 (171,238 acres)</td>
<td>11.3</td>
<td>5.7 (14.1 acres)</td>
</tr>
<tr>
<td>10.1 - 20.2</td>
<td>2,232</td>
<td>1.2</td>
<td>29,482 (72,852 acres)</td>
<td>4.8</td>
<td>13.2 (32.6 acres)</td>
</tr>
<tr>
<td>20.2 - 40.5</td>
<td>772</td>
<td>0.4</td>
<td>21,146 (52,252 acres)</td>
<td>3.5</td>
<td>27.4 (67.7 acres)</td>
</tr>
<tr>
<td>40.5 - 80.9</td>
<td>376</td>
<td>0.2</td>
<td>20,522 (50,712 acres)</td>
<td>3.4</td>
<td>54.6 (134.9 acres)</td>
</tr>
<tr>
<td>80.9 - 202.4</td>
<td>323</td>
<td>0.2</td>
<td>39,574 (97,762 acres)</td>
<td>6.5</td>
<td>122.5 (302.7 acres)</td>
</tr>
<tr>
<td>Over 202.4</td>
<td>295</td>
<td>0.1</td>
<td>273,740 (676,427 acres)</td>
<td>44.9</td>
<td>9,279.4 (2,293.0 acres)</td>
</tr>
<tr>
<td>Totals</td>
<td>190,582</td>
<td>100.0</td>
<td>610,023 (1,507,397 acres)</td>
<td>100.0</td>
<td>3.2 (7.9 acres)</td>
</tr>
</tbody>
</table>

Source: Census of Agriculture, 1968-69, Jamaica, Preliminary Report, Tables 1 and 2, pp. 11-12.
Note: 'Kitchen gardeners' and rearers of small livestock within urban areas are not included in the table. This Table is taken from Floyd, B.: "Agriculture in Jamaica" in Geography, Jan. 1972, vol. 57, Part 1, no. 254, p.33.
Table 2. Contract Labour to the U.S. and Canada 1967 - 1970 *

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm workers sent to U.S.A.</td>
<td>12,048</td>
<td>9,464</td>
<td>12,028</td>
<td>13,893</td>
</tr>
<tr>
<td>Farm &amp; Factory workers sent to Canada</td>
<td>637</td>
<td>678</td>
<td>747</td>
<td>645</td>
</tr>
<tr>
<td><strong>Total sent</strong></td>
<td><strong>12,685</strong></td>
<td><strong>10,142</strong></td>
<td><strong>12,775</strong></td>
<td><strong>14,538</strong></td>
</tr>
<tr>
<td>Returned to Jamaica</td>
<td>12,547</td>
<td>9,780</td>
<td>12,370</td>
<td>12,983</td>
</tr>
<tr>
<td>Remaining</td>
<td>138</td>
<td>362</td>
<td>405</td>
<td>1,555</td>
</tr>
</tbody>
</table>

(* ) "Contract Labour 1967-1970"; Table in 1970 Yearbook op cit 49. There had been an increase from 1,260,800 migrants in 1969 to 1,482,000 in 1970. (Ibid). See also Table on "Overseas Contract Work Schemes: 1966-1970" (Ibid:119 which shows an increase from 10,530 workers sent in 1966 to 14,804 in 1970. "The overall increase owes nearly all to the U.S. agricultural workers scheme which went up by 1,865 or 15.5% ..... These were mostly employed on the Florida sugar farms..." (p.119). The duration of employment in the U.S. is now generally 3-6 months, the demand depending on the variables of harvest, weather conditions, U.S. Government policy and availability of labour in the U.S. (Ibid). It must be noted that migrant female labour also occurs in association with various domestic work schemes (see e.g. Henry, F.: "The West Indian Domestic Scheme in Canada" in Social & Economic Studies 17(1), 1968.)
Table 3. No. of Migrants to North America & U.K. 1967-1969. *

<table>
<thead>
<tr>
<th>Year</th>
<th>U.S.</th>
<th>Canada</th>
<th>U.K.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1967</td>
<td>10,483</td>
<td>3,459</td>
<td>8,107</td>
<td>22,049</td>
</tr>
<tr>
<td>1968</td>
<td>17,470</td>
<td>2,886</td>
<td>4,640</td>
<td>24,996</td>
</tr>
<tr>
<td>1969</td>
<td>16,947</td>
<td>3,889</td>
<td>2,699</td>
<td>23,535</td>
</tr>
</tbody>
</table>

(*) Taken from "Occupational Classification of Migrants 1967-1969" Table in 1970 Yearbook op cit:48. See this Table for breakdown into workers and dependents, and occupational classification. See also breakdown of migrants to the U.S. and Canada (1969) by age and sex - table on ibid:49. (Similar statistics were not available from the U.K., ibid).

Table 4. Racial Breakdown of Population, Jamaica 1960 *

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>African</td>
<td>1,236,706</td>
</tr>
<tr>
<td>Afro-European</td>
<td>235,494</td>
</tr>
<tr>
<td>Afro-East Indian</td>
<td>26,354</td>
</tr>
<tr>
<td>Afro-Chinese</td>
<td>9,672</td>
</tr>
<tr>
<td>European</td>
<td>12,428</td>
</tr>
<tr>
<td>Chinese</td>
<td>10,267</td>
</tr>
<tr>
<td>E. Indian</td>
<td>27,912</td>
</tr>
<tr>
<td>Syrian</td>
<td>1,354</td>
</tr>
<tr>
<td>Other</td>
<td>49,627</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,609,814</td>
</tr>
</tbody>
</table>

(*) Taken from 1970 Yearbook op cit.
Case I The material for this case study is based on interviews with five members of an unrestricted cognatic descent group. All five informants live in River Village in separate households established on the basis of neolocal residence. The tracing of genealogical links involved in the inheritance of rights to land indicates a cognatic descent group of considerable generational depth—seven generations—three of which are comprised of living members (the youngest generation consisting of children) and four of deceased ancestors.

Three of the informants are members of the second ascending generation of this descent group. They are full siblings—two sisters (Miss E. and Miss C.I.) and a brother (Mr. CR.); (all three informants have the same surname). The other two informants are two of Miss E’s illegitimate children—two full sisters (Miss CU. and Mrs. AT.), both in their twenties. As each informant was interviewed separately, the data could be cross-checked. All accounts support each other on the basic issues, but there is some variation regarding the degree of knowledge of the facts involved, and also regarding specific details such as the size of the plots of land and the absence or presence of wills.

Miss E. is the eldest of her parents’ sixteen legitimate children (only nine of whom are now alive). In addition her father (who will be referred to here as Mr. Y. — having, however, the same surname as his children, who took their name from him) had four outside illegitimate sons, all by one woman. Mr. Y. died eight years ago, but his wife is still living in the informants’ natal village elsewhere in the parish, some miles inland from River Village.

There are two categories of land involved in this case: bought land and family land.

Bought Land This consists of two separate pieces of land in the informants’ natal village, bought by Mr. Y. for himself and his wife. The plots are several chains apart. One piece was used as a house-spot or yard by the Ys and their children, and this is where old Mrs. Y. still lives, with
her son Jack. The house in which they now live is not their original house; the latter was destroyed by a hurricane after Mr. Y's death. (Miss E. says "My daddy's house did fall down in the storm; breeze blow it down.") The estimated area of this plot ranges from two squares to three-quarters of an acre. Jack cultivates it with coconuts, grapefruit, bananas and yams. Miss CI. says that when she lived there she also used to cultivate it; but when Miss E. lived there she had cultivated grounds of her own on free land in another district a few miles away.

Although this plot of land could be sold as it is recently bought land, this could only be done if all Mr. Y's children "pull together and decide to sell it"; and the mother, Mrs. Y., could not sell the land without the children's consent. But no-one intends to sell it, and it is apparent that it is in fact being transformed into family land. For Mr. Y. is buried there (and when his widow died some time after these interviews, so was she), and the land will be jointly inherited by all his children after the death of his wife. Miss CU. (Mr. Y's granddaughter) also states that her maternal grandfather made a stipulation against alienation: "Him say it mustn't sell." And his son, Mr. CR., explains the situation with regard to this land as follows: "Like how we are together [united, you know, it will come still family [land] because is plenty of us."

Miss E. says that her father made no stipulation regarding the inheritance of the house: "You see, as me mother is alive, him no make special will for nobody direct [particular] for the house." Mr. CR. states that the house will be inherited by "all" the children "who want it"; but that it is likely that only his brother Jack will use it.

Before his death old Mr. Y. had stipulated that his wife should live on the land until her death. There is disagreement among the informants as to whether this provision was made in a will or simply by word of mouth.

No-one lives on the second plot of land, the area of which is estimated
at between one and a half squares and four acres. Miss CU. says "is only coconut tree and naseberry tree" on this land, and these were there when the land was purchased. Jack and his full sister Rachel - who lives elsewhere in the informants' natal village with her husband - are the only two who go there to pick fruit. Miss CI. says that Rachel also cultivates it with the help of her husband, but that she does not know whether or not they cultivate the whole piece as she, Miss CI., does not go there. The position of old Mrs. Y. with regard to this land is similar to that regarding the house-spot, for the land is to be passed on to Mr. Y's descendants.

Miss CU. gives the most detailed information on the bought land, saying that her maternal grandmother has specified that the house-spot is for all the children, while the second piece "must share fe all the grandchildren dem", that is Miss CU's generation of Mr. Y's descendants - her siblings and maternal first cousins. None of the grandchildren, however, go up to this piece of land.

Family land Old Mr.Y. inherited family land in the hilly interior of the parish - about four miles further inland from the informants' natal village; the suffix 'Mountain' in the name of that area indicating that it was probably part of the hilly backlands of an estate in the pre-emancipation era, and in fact the 'family' only use this land for cultivating grounds. - Miss CI. says: "That is not a living area"; Mr.CR. says there is no house there as "It's aback" and Mrs. AT. says "Nobody don't live there, they only work ground."

All but Miss CU. refer to this land, and the four other informants are agreed on the point that Mr. Y. inherited the land from his mother. Miss E. traces relevant genealogical links one further ascending generation, and Mr. C.R. two further ascending generations - to the fifth and sixth ascending generations of the descent group respectively. Mr. CR. explained that this land is family land:
"Some of the families then, you know, they leave the land for inheritance to generations; - we have a property that cannot be sold. At the first, the older ones them said it must serve generations. One dead and leave it give the other; other dead leave it give the other, and everybody inherit it."

He says that this land has been inherited by the "descendants" of his father's "great grandfather - that is my father's mother's uncle's father", in other words his paternal grandmother's paternal grandfather. He does not know how the latter obtained the land: "I couldn't tell you, because is far up; far, far, far..." but he added that he thinks this ancestor also inherited the land from 'family', although he does not know from whom exactly. The ancestors are buried on this land: "The old, old ones them."

Mr. CR. states that his own father did not make a will (as Miss CI. and Miss CU. also say), but that there was originally a will concerning the land: "They got will at first; the older ones, far back...", but that he has never seen this document. Mrs. AT. mentioned that there is a will concerning this land, but she did not say who had made it.

Mr. CR. says he knows of no distinction between legitimate and illegitimate children regarding inheritance, and that the fact that his paternal half-brothers are illegitimate makes no difference to their claim to the land "Because is the father's property, you know - his land."

Miss E's account differs in certain respects from that of her brother Mr. CR. In addition to tracing the transmission of rights to the land one generation less than the latter, she states that her paternal grandmother inherited the land from the latter's father (rather than father's brother). She also gives details regarding the "sharing" or subdivision of the land in the grandmother's generation, and of transmission of rights to the land in a lateral as well as vertical direction. Her account is as follows.

1) Combining the information on this point from these two accounts it seems likely that both the father and his brother had rights to the land; and this fits in with Mr. CR's statement that the land had been inherited by his paternal grandmother's paternal uncle from a previous generation - the great grandfather - (who probably left the land to both his children). The differing statements by the informants as to inheritance from the grandmother's paternal uncle and father indicate that the father may have predeceased his brother, with the former's rights to the land being inherited laterally by his brother before being passed down to his children.
Her paternal grandmother's father had eight children, four sons and four daughters, who were all full siblings. She does not know how he obtained the land, she thinks he bought it (see, however, Footnote One) but is not sure. He made a will and each of his daughters was given their own portion. The sons did not get any land: "You see the four boys wasn't at home, they did gone out; they never stay at home."

On the information given here there are various possibilities; - either that the sons were excluded because they were not at home; or they were in fact entitled to the inheritance, but never returned home to exercise their rights; or that the daughters were specially selected to inherit because the sons had established their independence and perhaps even bought land of their own elsewhere.

Each of the four daughters received one acre except for the youngest who was given one and a half acres. Miss E. does not know why the latter received a larger share. These sisters left the land for "family's family" in the following way. One of them died, leaving her acre of land to the sister who had one and a half acres. When the latter died, she left the two and a half acres in a will for her brother's son, who has this land at present. The third sister died and "will lef' fe her one acre" to Miss E., her grandniece (ZSD). The fourth sister (the paternal grandmother) who is also dead, made a will leaving her share for Miss E's father. Miss CI. likewise states that although "is plenty family....we have a piece - me father have a piece for his own."

Mr. CR. states that his father's brothers who are dead could have used the land if they were alive, and that these uncles' children can also use the land.

Contrary to the reports of her siblings Miss CI. and Mr. C.R., Miss E. states that her father made a will, leaving the land for "family; - he never leave it for no special one." 'Family' being seen to refer not only to his legitimate children but also to his four illegitimate outside sons. His wife, who was also mentioned in the will was to
retain a life interest in the land, but it is not really her land and she cannot sell it - "After the death of the mother, deliver to children." In addition, none of the wife's siblings nor their lineal descendants can partake of the inheritance, for "That would be a different family." It can be seen then that apart from a life interest in the land, old Mrs. Y. is not counted as a member of the 'family' or descent group. This also applies to the spouses of her children; - for example Mr. CR. states that his consensual spouse and her outside children are excluded.

The father's share of the family land has not been divided. Miss E. explained that "It never go through that process, because nobody never make a fuss." And Mr. CR. said that each person "Just work what you want [as a ground] you no have no divide-up."

Estimates of this family land vary considerably. Miss E. refers to a total of four and a half acres, her father's share and her own individual share which she inherited from her paternal grandaunt each being one acre. Miss CI. says that her father's share is about nine acres; and Mr. CR. refers to the whole property as being about thirty acres.

Of Mr. Y's nine surviving legitimate children and the latter's four illegitimate paternal half-brothers - who all have rights to both their father's family land and bought land - only two have remained in the informants' natal village: Jack and Rachel, full siblings. Only Jack lives on the family house-spot with his mother: "Is him alone decide to stay" (he is not the eldest child). Rachel is married and lives with her husband on their own land. Only Jack and Rachel cultivate grounds at the family land outside the village, and as seen above, Jack also cultivates the house-spot and picks fruit from the second plot of bought land, Rachel/picking from and cultivating that piece. Jack also cultivates on his sister Miss E's individual share of the family land inherited from her grandaunt. He markets produce, partic-
ularly yams, from these various cultivations, selling from house to house in River Village and also sometimes selling at the Maintown market.

Of the rest of Mr. Y's legitimate children, four have emigrated to River Village. Of these, Miss E. left her natal village six years ago and has been living in River Village ever since. At present she lives neolocally in a rented one roomed board house with her nineteen-year old son (half-brother to the informants Miss GU. and Mrs. A.T.) and one of her grandchildren (Mrs. AT's outside son). She says she left her natal village because there is no electricity or water in the area.

Her sister Miss CI. also lives neolocally in a rented one-roomed wooden house in River Village with her four young children (by three previous mates). At present she is engaged in an extra-residential mating relationship with a man who lives elsewhere in the village on a piece of his mother's land (the latter living elsewhere in the village).

Mr. CR. left his natal village at nineteen, going to work in another parish for five years and subsequently returning to his natal village for a number of years after that, subsequently coming to live in River Village in 1958. At first he lived in a rented house, but bought one and a half squares of land in the village three years ago and now lives there in his own two-roomed wooden house with his consensual mate, the latter's outside son and grandson and also MR. CR's maternal uncle's grandchild. Mr. CR. cultivates his house-spot with coconuts, bananas, cocos and limes. About twenty years ago when he lived in his natal village he used to cultivate a ground of a couple of squares at the family land outside the latter village, planting cassava, yams and corn which his mother used to sell for him in the Maintown market.

Another brother - who is not included in the sample - also lives in River Village, where he has been for several years. He lives in a rented room.

Of the remaining three of Mr. Y's legitimate children, one son
lives in another parish where he works for a sugar factory. Miss E. says this brother has been there for thirteen years and lives in a house provided by the estate. Miss CI. however says he has been there for about eleven years and has built his own house on land which he has leased. She also says that her brother has said that he is going to return to his natal village, but she does not know if he will in fact do so. However, he does sometimes come to both his natal village and River Village to visit his kin.

Another son has been in yet another parish since he was a child. Miss E. says he has been away

"Long time, 'cause him go 'way from he was a little tot; one a him cousin - my father's nephew [ES] - take him. And from him go 'way until today, is around four time him come and look for us, and up to now nobody know where him is. We can't tell what happen, because we not hearing from him. He nah write, the person who tak' him nah write, nobody nah write, so we don't know wheh him deh."

The remaining son has also emigrated to another parish.

Of Mr. Y's four outside sons, one lives in a neighbouring parish, where he has been for a "long time" - over forty years. He is a cane farmer. A second one also lives in that parish: "Him there long time, and him go and come" to visit his kin. A third son lives in yet another parish; he has been there a"long time", but Miss E. says: "Me don't know what him do... me don't know where him is now because he usually write me...", but when her mother died eight years ago she wrote this half-brother and received no reply and has not heard of him since. The fourth son lives in a third parish. Miss E. says:

"Me don't even know how long he go 'way, because he was working in a nearby district when the Hotel them deh build, and from the Hotel build several years ago up until now, nobody can tell what happen to him."

Previous to him working at the hotel he had been in that other parish for a long time: "A down there him almost grow."

Of Miss E's two children interviewed one, Miss CU, lives neolocally in River Village with her consensual mate and their three children in
a rented room. Her mate, Mr. CV, has rights to family land on both sides of his family in another parish (his natal parish), but does not exercise these rights (see Case 2). Miss CU, who was born in the same inland village as her mother, spent parts of her childhood with her father (her mother's ex-extra-residential mate) in a neighbouring parish; her mother, in the informants' natal village and her maternal aunt elsewhere in the parish. When she first came to River Village she had lived in her maternal uncle, Mr. CR's household, for three months.

Miss E's other daughter, Mrs. AT, lives neolocally with her husband and their two children in a rented one-roomed house. Her husband has no rights in family land.

Although some of Mrs. Y's children (particularly those in River Village) go to visit the kin remaining in their natal village - visits which are reciprocated in River Village by Jack and Rachel, and sometimes even the old mother - none of these absent kin use any of the land to which they have rights in or in the vicinity of their informants' natal village. With regard to the family land in the hilly interior, Miss E. says: "But nobody can't live there man, is in a bush, so me no worry with it." Mr. CR. says that they do not "worry" to use the land, although they could if they wanted to; and that his father's brothers who are dead "have children too, but they don't worry" to use the land although they, too, are entitled to do so. Miss CU, speaking of one of her maternal grandfather's outside sons, says: "Him say him have fe his own [land], so him don't want any" of his father's land.

The fact that Jack and Rachel cultivate their father's land does not give them any priority to the land itself, although they are entitled to the crops they cultivate, because, as the informants say, the land was left to all of them, not to any particular person. With regard to fruit trees, "everybody" (that is all the 'family') is entitled to:

"go in and they pick right through whatever you want; nobody destroy, and nobody avoid [prevent from] enter a next one from pick; everybody go in and [take] whatever you want."
In addition, any of Mr. Y's children could go and build on the land "if they want to"; and Mrs. AT. (Mr. Y's grandchild) says that: "Me no have no share directly [no individual portion of the land], but if me go up there and want anything [fruit]" she gets it.

With regard to her own individual portion of the family land (inherited from her paternal grandaunt) which her brother Jack cultivates, Miss E. says that she could take the land away from him anytime, "Because a no them pay the tax; me pay the tax" - that portion of the land being hers alone. Although Jack reaps the produce which he cultivates there, Miss E. says that: "If me go up there, him give me two coconuts." With regard to future rights in this land, Miss E. says that "Perhaps when me grow older, she is now in her fifties, me will it to my children." She has not decided yet on the details of the will, but: "Anytime me decide, me go to a lawyer and ask him how to do it." However, all her four children (who are by three different men) will have equal rights to the land.

Miss CU. and Mrs. AT's father (Miss E's ex-extra-residential mate) has inherited rights from his "old parents" to land in another parish; Mrs. A.T. does not know how her paternal grandparents obtained the land. The latter consists of two separate plots less than a mile apart: a piece "right at the roadside" (where those of the family remaining on the land live), and another piece "into the mountainside".

The grandparents were married and had several children, and the grandfather also had some outside children. A will was made stipulating subdivision of the land between all the grandfather's children ("They make the will to divide it"). The male children were given larger shares than the female children, the former receiving shares of two acres each, and the latter of one and a half acres each. Mrs. AT. thinks that the grandmother outlived the grandfather, but she was allowed to remain on the land.

In the eyes of the family each of the grandfather's children has the power to sell his individual share of the land. For Mrs. AT.
explained that if the land had been undivided and held jointly by the siblings, then if one wished to sell his share he would have to consult the others and come to some arrangement to have his share surveyed and divided from the rest before it could be sold; but that when — as in the case of her father and his siblings — the land is already subdivided between the co-heirs, then each has the power to sell his share. At one point her father had in fact considered selling his portion of the land, for he no longer lives there, having emigrated to another parish; and "the brothers them say, well if he going to sell it, must sell it..." But he had in the end decided against selling it: "cause him say he have four of we [children], so he'd like to give we fe we piece." Her father has four children (all illegitimate) by two different women: Mrs. AT. and her full sister Miss CU; and their two paternal half-brothers. So her father plans to subdivide the land equally between these children, and then if they wish to sell their share they could do so. Mrs. AT. does not know if this subdivision will be effected through a will, but her father has told her "several times" of his plans regarding the land. The mothers of his children (for example Miss E.) will not inherit any of the land.

Case 2 Mr. N. has rights in some of his father's family land and also in his mother's family land. Both plots are in the vicinity of Mr. N's natal village in another parish. The informant emigrated from the latter when he was fourteen in order to come and work with a relative on a property just outside River Village. One of Mr. N's brothers Mr. GV, a full sibling, has also emigrated to live in River Village, and is also an informant.

On the informants' father's side there are two pieces of family land. One piece is about one acre and is in the siblings' natal
village itself. This land previously belonged to Mr. N's paternal grandmother, but he does not know how she obtained it. The other piece, which is bigger (Mr. N. could not however estimate the size) is "far" from the first piece, being outside the village. This piece had previously belonged to Mr. N's paternal grandfather, whom he thinks bought the land. These paternal grandparents (who were married and had four legitimate sons) lived on the grandmother's land. During her lifetime she had given each of her four sons a spot on her land on which to build their own house (leaving only her own house-spot). The house-spots which she gave them were of unequal size, diminishing in area from the oldest to the youngest son's.

The grandmother predeceased her husband, dying suddenly. She had not made a will and regarding the allocation of her land: "she just go there and show [her sons] the spot and the amount." However she and her husband had discussed the inheritance of the land, and so after her death the grandfather told the sons that they were to inherit the house-spots they had been allocated. Previously however, "They never know [about this], for she never tell them. Is my grandfather tell them say where they living now, it concerning them." 1

Whereas the four sons obtained land for house-spots from their mother, they were given land from their father to cultivate. He gave them each a plot before his death, retaining a plot to cultivate for himself. These plots were, like the house-spots, of unequal size, Mr. N's father's being about half an acre. Mr. N. explained the process of subdivision of both the grandparents' land as follows:

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1) Cf Davenport 1961 op cit: who notes with regard to Black Point family land that: "Because parents keep the contents of their wills secret, a son or daughter is never sure what part of the estate he will inherit, even though he may have been allotted a portion of it for his immediate use."
"Some shares bigger than some - touch depending on the age of them. And you know, they mighta love some more than some, although it is the same children them; but you know, some is with them more than some from they were child."

In fact however, age does not seem to have been a very important factor in the subdivision of the grandfather’s land, for Mr. N’s father – the second son – was given a piece of the same size as the eldest son. The grandfather did not make a will regarding the subdivision, "he just gave them it"; and the sons had no title for the land.

However due to the fact that Mr. N’s father died before the paternal grandfather, the latter made a will concerning the inheritance of this son’s share by the latter’s children. (Mr. N. says that his own father died intestate because he "died suddenly".) Mr. N’s father died leaving two sets of children: four illegitimate ones by Mr. N’s mother; and six legitimate ones by Mr. N’s step-mother. So the grandfather specified that his son’s share from the grandmother’s land should be left for his son’s wife and their four legitimate daughters; whereas the share from the grandfather’s land should be inherited by the four illegitimate children (Mr. N., Mr. CV, and their full siblings Janet and Arnold) and the two legitimate sons.

With regard to the first of these two pieces Mr. N. says that his step-mother cannot sell the land (having only a life interest in it; and Mrs. N. discussing this topic on another occasion also told me that "the father’s wife don’t get [inherit] nothing; but she can live there, because she have the children there.") On this piece of land now live the step-mother and all her children by Mr. N’s father. However since the latter’s death she has remarried, and so her second husband also lives there. This share remains undivided, but there

1) This differs from the situation described by Clarke 1953 op. cit: 95, where a man’s wife only has a right to life interest in his land if she does not remarry.
are now three houses on it. The first is:

"That house what my father did dead leave; - a part of it did break down by breeze-blow [hurricane] and Government give them one in space of that, but they still repair that one."

Then there is the above-mentioned house given by the Government; in this live the step-mother and her second husband "and some of the grandchildren them; fe her daughter's children them." And there is a third house which one of Mr. N's half-sisters "build up for her own self on the premises."

No-one lives on the second piece of land (inherited by Mr. N., his three full siblings and their two paternal half-brothers). Of these co-heirs Mr. N. and Mr. CV. both live in River Village as mentioned previously. Their two other full siblings live in separate houses on their maternal grandmother's land (see below), and the two half-brothers live on the other piece of their father's land. Mr. N., who is the eldest of all his father's children, is in charge of the land, but he does not intend to return to his natal village to live. In his absence there is

"nobody directly in charge, but when I was down there I always tell my uncle - my father's brother - to look over it. He living in the district."

One of the half-brothers cultivates "just a portion" of this land; Mr. N. has no rights to this produce "for is his labour that, so I don't business with his labour." His sister Janet does not bother to use this land for:

"The mostly thing that is there that she would like to get is breadfruit, and we have it on my [maternal] grandmother's premises [where Janet lives] already, so she just don't worry. Is only the other side [the half-brothers] will go there and pick it, and give it away and sell it. And my other brother Arnold - he will go there and pick it, and anything he like to do with it, he do with it. Mr. N. only benefits from the breadfruit crop when he goes down to visit.

Although Mr. N's father's share of the land remains undivided, yet it is distinct from Mr. N's paternal uncle's share, for "We have a line there; for my uncle's and that land join. But we have a
direct line." (As will be seen below, Mr. N's other two paternal uncles sold their shares.)

The situation regarding Mr. N's paternal uncles' shares in his paternal grandfather's land is as follows. One uncle is dead; this is the third of the grandparents' four sons. This uncle had emigrated to another parish. He had no children, and had arranged for his father to sell his share of the land for him; and "my grandfather got the money and send it to him." The youngest of the four sons also went to live in yet another parish, and Mr. N. says that "From I was twelve years of age he leave and I don't see him again." This uncle had one child, a son, whom he took with him when he left. This uncle's share in the land was also sold: "Is my grandfather - which is his father - also sell it for him and gave him the money."

The eldest of the four sons, Roger, is still living in Mr. N's natal village "on his premises same place" on the grandmother's land. In addition to his own share of the grandfather's land outside the village, Roger had also inherited the grandfather's own plot (which the latter used to cultivate himself) after the grandfather's death. In addition, the grandparents' own house-spot on the grandmother's land was inherited by Roger's youngest son after the grandfather's death. Although Roger had several sons, this one was the only one to inherit that housespot, for the grandfather "love that one; he take that one - just adopt him as his own." The grandfather made the specifications concerning these two shares in a will, sometime after Mr. N's own father's death, and after the two uncles sold their shares. But Mr. N. states that these stipulations were in a separate will from that concerning the inheritance of his own father's land by the latter's two sets of children. He does not know which will was made first, but insists that there were two separate wills on "different paper" at "different times."

The position regarding the future inheritance of Mr. N's father's shares in both the grandparents' land is as follows. The share inher-
ited from the grandfather by Mr. N., his three full siblings and their two paternal half-brothers will be inherited by the children of all these co-heirs. The share inherited from the grandmother by the other children will likewise be inherited by the latter's children - "It must work same way." But while Mr. N's step-mother's descendants (his father's grandchildren) will inherit rights to this land, the step-mother's

"family them, on her side, can't. They don't have no claims, - that's my mother-in-law's [step-mother's] brothers and sisters. They don't have no claims on it; for that premises belongs to 'Edwards' [informants' father's surname, borne by his children] so it must be only 'Edwards'. And she [the step-mother] were 'Philips' before; so no 'Philips' have no dealing with it. Must be bare 'Edwardses'."

Mr. N's uncle Roger's shares will likewise be inherited by the latter's children: "He have plenty sons, and they are all occupying there now. I don't feel that he will make a will."

Regarding the land on the informants' mother's side of the family (three squares), Mr. N. states that it did not "directly belong to my own mother; is not she bought it. My mother born come see the land"; - for the land is "kinda family business." He can account for the transmission of rights to the land in detail to three ascending generations - to his "great grandmother" (his maternal grandmother's mother) - but: "I couldn't tell you how she got it; I did born come see it." However he can trace the line of inheritance back through two further ascending generations: to the great grandmother's mother, and then to the latter's father. Including the children of Mr. N's generation then, this indicates a cognatic descent group of seven generations.

The great grandmother had only two children (daughters) - Mr. N's grandmother and "big aunt" (grandaunt). She left the land for them both, but did not make a will. The grandaunt's son ("my big aunt's son - me just call him cousin") built a house for himself and his own mother on the land prior to the great grandmother's death. When the
latter died, she did not specify who should inherit her own house, and the other daughter (Mr. N's grandmother) continued to live there. The grandaunt married and moved to her "husband's premises" and the "cousin" went to England, where he has remained for the twenty years. At first the grandaunt rented out their house "to anyone seeking a house to rent" and "collect the rent for her son." However during a hurricane the house left by the great grandmother "did break down." The grandaunt then stopped renting out her house "and let me grannie - which is her sister - live into that one." This grandmother is still living in that house with one of her grandchildren, Mr. N's full brother Arnold. They do not have to pay any rent. Some time after the hurricane, Mr. N's grandmother was given a house by the Government to replace the one which had been destroyed. In this house live another of her children (Mr. N's full sister, Janet) and the latter's six children. They also do not have to pay rent - "for is our own house."

Although each of the great grandmother's daughters have a house-spot on the land, the latter remains undivided: "Is just a plain piece a place; it never surveyor."

The grandaunt is now dead. She had only two children, one of whom died as a child; so it is only Mr. N's "cousin" in England who survives her. And although she "never directly leave" her housespot to her son, he has rights to this land: "Through we know that that place belongs to her, we claims it to be for her son also." Mr. N's grandmother had two children also (daughters): his mother (who died when Mr. CV, her youngest child, was a little boy) and his maternal aunt, who lives in Kingston and does not use the land. As children Mr. N. and his full siblings had lived on the land along with their mother and grandmother.

The living heirs to this land are as follows: Mr. N's maternal grandmother (living on the land); his maternal aunt (in Kingston);
sons (in England); Mr. N. (who lives on land which he is purchasing under a 'lease and sale' arrangement in River Village) and his three full siblings: Mr. CV. (who lives in a rented room in River Village), Arnold and Janet (both living on the land); and the children of Mr. N. and his full siblings — for example his five children (who live with him in River Village), Mr. CV's three children (who live with their father in River Village) and Janet's six children (living with her on the land).

Of these, the only heirs exercising their rights of residence to the land are the grandmother, Arnold, Janet and the latter's six children. However, all the absent kin and their descendants retain rights in this land (which will not be subdivided). The grandmother — the oldest surviving heir — does not intend to make a will; and Mr. N. explained the situation regarding the future inheritance of the land as follows. His grandmother:

"don't made no will. She said since her grandmother and her old parents never made no will, she will not made none; she just make there that [for example] I can go and inherit it, and if I die my children can go and inherit it also. And if they have children also, they can go and still inherit the land."

(This being also the position with regard to Mr. N's full siblings and their descendants.) And in a separate interview Mrs. N. had also stated with reference to this land that: "I know that my children them [all by Mr. N.] will reap benefit there." Mr. N.'s maternal aunt in Kingston retains similar rights to the other descendants, for "all of us is come as one [family]." Regarding the "cousin" and his two sons in England, Mr. N. does not think that any of these heirs will return to exercise their rights to the land as the cousin has bought seventy acres of land elsewhere in Mr. N.'s natal parish:

"I believe that through he have that land, and he also bought [other] land... and he's not in Jamaica, and he's supposed to be better than us — that's why I say that."

Nevertheless these heirs would be allowed to use the family land if they wished to, because "the privilege is all one family." None of
Mr. N's half-siblings (all on his father's side) have any rights to this land.

Neither the "cousin", Mr. N., nor any of the latter's full siblings will be making wills regarding the future inheritance of the land by their descendants. No special child will inherit: "All of them just occupy it, until they die; and if they have any children, then their children come and still inherit it, for we not selling it." - This being because it "is just a family place". The land will not be subdivided: "Just live on it same way" as those who live on it at present. Mr. N. Says "It can't divide up, for it is very small." This includes the spot where the "cousin" built his house - "All of us will occupy [inheri] the whole place." And Mr. N. explained that in a situation like this, if a will were to be made:

"It will bring fuss, you know, because the land don't big enough. If it was from a acre upwards, now, you could say 'Alright - one square for this brother, or a next square for that sister [etc.], and go on until it [the subdivision] complete."

When I asked Mr. N. if, for example, he wanted to sell the land would this be allowed by the other co-heirs, he said: "Probably we would agree; but it will bring fuss later on - some of them going to want more[ of the proceeds] than the others."

Mr. N's maternal grandmother and grandaunt used to cultivate "as much as they could" (one or two squares) of the seventy-acre land purchased by the "cousin". They would plant yams and corn. This land is not, however, family land - for "is his [the cousin's] own land." Mr. N. draws a clear distinction between family land and individually owned land. The former, he says, is like if a person's father has land

"and he die, and he doesn't make a will, and he die and leave it [the land], and the mummy [father's spouse] die, and still leave it, and you have a child, you still leave it fe that child, and you'child come [grow] up, and still have a child; and he die, or she die, and leave it still..."

and so on. Whereas:
They have to take out a different Title [for each share]. [Such land] wouldn't be a family land, for a will make."

When I enquired whether a will could be made to ensure joint inheritance in undivided land - for example in his own situation - Mr. N. seemed doubtful and said: "Well, she [the grandmother] never say that; and I couldn't suggest that." In his own model, then, inheritance by "all the family" and the making of a will are diametrically opposed, for the latter is associated with individual rights in land.

**Case 3** There is family land on both Mr. O's father's and mother's side. The former consists of two plots in River Village, and the latter of one plot in the neighbouring village of Friendship. On both sides Mr. O. traces the genealogical links involved in the transmission of the land back to the era of slavery: two and three ascending generations - to his paternal grandfather and his mother's paternal grandfather respectively. In both cases he states that the land was acquired in the early post-emancipation era.

Mr. O's paternal grandfather - one of eleven sons who were scattered throughout the island - "touch a little of the slavery; he was in slave days ...", working on a property just outside River Village. After emancipation the grandfather had purchased two plots of land in River Village. One is the plot on which Mr. O. now lives with his wife and their five children. This is the larger of the two plots, being between nine and nine and a half squares in size ("The paper say one acre more or less"). The other plot does not adjoin the first, but is very near it, being separated from it only by the road and the plot of one other villager. This other plot is a 'lot' - that is two and a half squares. The grandfather had lived on this smaller plot, but had planted several trees, on the larger one, which are still there.
As we began to discuss the transmission of the grandfather's land, Mr. O. explained the concept of family land:

"You see, the 'family land' is inherited by some of the old people. Right enough, land can't be carried by no-one; so if you is fortunate to have a bank account and a big piece of land, when your time is expired you just hand it out to somebody else. (And if you have no relatives, then the Government or somebody will take it. You can't take it with you.) Well, for that reason now, the grandfather - when his time is expired - he hand it over to my father. Father said 'My time is ended' - he hand it to the children. Well, it was quite a few bretherns of us, but all died left only meself and me sister over there on the smaller plot now. So she has that part - the same 'lot'"

The grandfather was married, and outlived his wife. He had only one son, Mr. O's father, and left both plots to him in a will. In addition he stipulated that the 'lot' should be inherited by the first legitimate daughter to be born to his son: "The first lawfully heir as a girl; he say is for a girl." The larger piece was to be inherited by all his son's other children. Mr. O. does not know the reason for these specifications, except for the fact that there was an "extra" (second) piece of land: "I don't know; that's his design, and it carries that way."

Mr. O's father married Mr. O's mother, who was from the neighbouring village of Friendship, bringing her to live with him on the smaller of the two plots of land in River Village, and this was where all Mr. O's father's children were born. The father had no outside children, but the mother had three: all illegitimate children (sons) which she had previously borne to two other men. Mr. O's parents had six children together - four sons and two daughters:

"Well, the first child that was born to my father was a boy, and the second was a boy, so they didn't get it [the 'extra' plot]; they get over here [where he lives]." His sister who now lives on the 'extra' plot was their third child, and "she was fortunate to be the first lawful[female] heir, and she has it until this day." One of the sons died young, so the larger plot "was concerning four children", Mr. O. being the youngest of these.
Mr. O's father did not make another will, but kept the grandfather's will; this has, however, since been destroyed. Mr. O's mother outlived her husband, and had continued to live on the smaller plot of land. Her husband had stated that she "should rest there until the end of her days", adding this stipulation to the original will. However Mr. O's mother could not have sold the land:

"According to the will she could not sell it (and she had no intention of that either) ... The old grandfather say the land should not be sold, it is for his heritage, going down. It must go from children to grandchildren, right down."

With regard to the larger plot, the will stated that: "We must live in peace ... [share] it; not to be sold." However the will did not stipulate an actual subdivision of the land, for although it "said it should be shared for us, they didn't tell us how it is to be shared; and so it just remain one block." But Mr. O. says that all the co-heirs could have subdivided it if they so wished.

The sister who inherited the smaller plot was married, but is now widowed. While her husband was alive they had not lived on her inherited land, living elsewhere in the village. However she returned to live on her own land after her husband's death, for "Is hers by heritage, so she just occupy it." (She had also inherited the house which was on that land.) About half a square of this land is rented to an immigrant household as a house-spot; these tenants erecting their own house on the latter.

Of the other four children who inherited the larger plot, Mr. O. is the only survivor, and so the rights of their deceased siblings in the land have been passed laterally to him. However, during their lifetime, the other three had spent much of their time abroad. The eldest of Mr. O's full brothers Mark (who was seventeen years older than Mr. O., who is now in his sixties) had emigrated to Costa Rica in 1907, and from there to Cuba in 1918. He came back to Jamaica in 1920, returning to Cuba in 1921 and taking Mr. O. (then just out of school) with him. Mr. O. remained in Cuba until 1938, returning
to Jamaica in that year. Mark remained in Cuba until his death in the 1950’s.

Mr. O’s other full brother Sam (fifteen years older than Mr. O.) had emigrated first to Costa Rica and then to New York City. Mr. O. thinks "he’s the brightest one out of all" for he owned his car and apartment, and had a good job there — having become a collector for the furniture firm for which he worked for many years. And, he says, "When a man own his car and his own place in New York, you must have a big standing [status]." Sam became a naturalised U.S. citizen, dying there two years ago.

The younger of Mr. O’s two sisters had emigrated to Costa Rica in 1906, becoming a naturalised citizen there, and remaining there until her death a year ago.

It must be noted that although Mr. O. now lives on the larger plot of family land that he had also been non-resident there until about 1962 (when he would have been nearly sixty). For as noted above he spent seventeen years in Cuba as a young man (working mainly as a labourer in the cane-fields and occasionally on the railways). He had also spent fifteen months (from 1944-5) in the United States during the Second World War, employed in Farm Work and in a paper mill; returning there again for six months in 1946, again doing Farm Work and also working in a factory. And even prior to his emigration to Cuba, Mr. O. had, along with the rest of his siblings, lived on the smaller plot of land in River Village. Subsequent to his return from the United States in 1945 Mr. O. had lived in a rented house in Maintown, where (apart from a few months abroad the following year) he lived until 1959, when he returned to River Village. He had lived in Maintown because he had found River Village too rural after his long period of living abroad. By the time of his return to his natal village he had had four children, by the woman to whom he was now married. His
decision to return to River Village was influenced by his concern for his children, for he wanted to remove them from the more urban atmosphere of Maintown; and also because he had rights to family land in the former:

"Why I leave Maintown now, to up here, is just the children. You must have a source of living, so I say: 'Well, since I have a piece of land at River Village, is best I go up there and make use of it.'"

Not only did Mr. O. return to reactivate his rights of residence to his family land after a prolonged absence from his natal village, but his absent siblings who were co-heirs to that plot could also have done likewise; this being so not only from Mr. O's point of view, but also that of the law. This latter point is illustrated by the situation which arose when Mr. O. decided to return to River Village and exercise his rights to the land. For, apart from a "little trash house" which the watchman (who had taken care of the land in the co-heirs' absence) had been allowed to erect rent-free, there was no house on the land; for none of the family had ever lived there, nor even cultivated it very intensively. And it was, until this time, lying in ruin. So Mr. O. decided to take out a loan from the P.C. Bank in order to build a "self-help" house on the Government's Farm House Scheme. However, in order to obtain the loan he had to show a Title for the land and he did not have one. To obtain a Title, he had either to have undisputed claim to the land, or have the consent of the joint owners. So he was advised by the Bank to "administer on the land":

"I had to write up to the Administrator General, declaring my status; and after explaining the matter to him, him send and instruct me, say I should write ..."

and get the consent of his brother in New York (the other brother was by now dead). The Administrator General also gave him a form to send to his brother for the latter's consent, and Sam had to "full out that form, and go to a Notary Public, and have it signed
So he did that, and sent it back to the Administrator General."

In addition, Sam renounced his claim to the land voluntarily.

"Because my brother was a naturalised American, and his children were native of America, and he sent and told the Administrator General that he is not coming back."

However if Sam had said that he was returning to Jamaica, "He would still maintain his claim to this piece of land."

The Administrator General then sent Mr. O. another form to take to the Clerk of the Court at the Maintown Court House:

"and ask the Clerk of the Court to assist me by getting out the details and put it in the Gazette for a certain period [one month]. You see, he push it to the public that if anybody have any claim or sub-claim. And after the month pass, he just sent me a paper giving clearance. So I took that paper to the Bank up there, and they get out a Title."

While the Farm House was being built the Os lived as tenants in a house across the road from their land in River Village. During that time, however, they spent most of their spare time working on their own land. They built an outdoor washhouse and latrine on the latter, and renovated the little trash house for use as an outside kitchen. And while they lived as tenants, Mr. O. had told his landlord that they would only use the latter's accommodation as a "rest house". So the Os had done their cooking and washing on their own land, in addition to cultivating the latter in their spare time (Mr. O. had at that time also been employed in a regular skilled manual job), only returning to their rented premises at night to sleep; for they "didn't want to stay over there molest the gentleman [their landlord]."

The whittling down of the actual exercise of rights to the land by Mr. O's generation of co-heirs — due to permanent emigration (accompanied by social mobility) and eventually death — has led to the consolidation of usufructory rights to the land by one of the co-heirs (Mr. O.), which has in turn permitted the intensive use of the land by this one resident co-heir. For in addition to the build-
ing of a strong three-roomed concrete Farm House, much of the land is cultivated intensively with a variety of produce planted on the four-tiered basis common to Jamaican agriculture, viz.: root crops (yams; cocos; dasheen; arrowroot); short shrubs (callaloo; tomatoes; chow-chow; peppers); tall shrubs (bananas; plantain; cane and corn); and economic trees (breadfruit; paw-paw; mango; ackee; avocado pear; sweet sop; sour sop; pomegranate; coconut; star apple; naseberry; pimento and citrus). Although most of the trees were planted by Mr. O. or his wife and children, a few were – as mentioned previously – planted by the focal ancestor, Mr. O’s grandfather, and these Mr. O. was able to identify:

"This naseberry tree – according to what my mother told me – and that one there. The star apple tree here; and these three naseberry trees along the road there. All of them come from the property where his grandfather had been a slave; from the slave days they came out there. My grandfather bring them and plant here, and they catch. So we know of it."

In addition to this, two separate parts of the land are rented out to two different tenants, one of whom uses the land as a house-spot, the other cultivating it.

It must however be stressed that the intensive use of this family land by one of the co-heirs has not come about through the process of exclusion associated with utrolateral affiliation of the Iban type, but through voluntary non-exercise of rights by the other co-heirs due to their permanent emigration from the island, this latter being reinforced by their deaths. As seen above, too, no exclusive residence rule was in operation.

There are already indications that a similar situation regarding the non-use of family land by the majority of the focal ancestor’s descendants will occur in the next generation; and that Mr. O’s children are probably the only ones who will be interested in the land (it is as yet too soon to say whether or not even they will remain there, since their ages range from six to sixteen). For example
Mr. O's brother Sam who lived in New York had stated before his death (when the subject of administering on the land had arisen) that his children have no interest in their father's family land as they are American citizens. Likewise with regard to Mr. O's sister's children in Costa Rica, who are natives of the latter. And of this sister's children Mr. O. states that although they could claim rights to the land on which he lives "because they would claim their mother's part" (note - no exclusive residence rule, these children's rights not being invalidated through either their mother's or their own non-residence on the land), that he thinks it very unlikely that they would since "they were born there [Costa Rica], and they don't know anything out here."

Mr. O. has made no will concerning the future inheritance of the land: "Not yet"; but is "trying to instil" a sense of "partnership" in his children regarding the land. (For he points out that: "You have plenty family that live in a separated condition animosity - they are the ones that make trouble.") His wife, if she survives him, will be allowed to remain on the land until her death, but she would have no power to sell it "because the children would lay claim to it."

In discussing the position of his outside illegitimate son - born prior to his current conjugal union as the result of a casual relationship ("just coincidence"), and who never lived with his father, being fostered first with his (the child's) maternal grandmother, and after her death with another relative - Mr. O. says that this child has less claim to the family land than his other children, "Because according to the grandfather's will, this is family heritage" and this child "Not grown with me, and you see he is not in what you call the marriage settlement." Nevertheless this outside child

"can have claim if we bring him into it; - suppose all of us come together and say 'We are all family, that boy is mine',
so let us will a part for him*, and we all come to one agreement now, say 'Well, alright, give him such and such a piece', he can come in under that source. But he can't come in of his own accord."

Here Mr. O. recognises both the legal distinction between legitimate and illegitimate children, and also the possibility of the latter's inclusion in the inheritance in accordance with customary principles. The situation appears to be also influenced by the fact that the child never lived with his father (unlike, for example, Mr. F's outside illegitimate son, who was raised by his father's wife, the child's step-mother, and who is included in the inheritance of rights to land from his father, see Case 5). For as seen below, while Mr. O's illegitimate maternal half-brothers (his mother's outside children) did not actually "have claim" to their stepfather's family land, nevertheless they could live there, as their step-father "took them over" and they all lived "as one family."

Mr. O. does not intend to subdivide the land between his children: "That is left up to them; because no man should stipulate among his children." For, he says, a variety of factors may influence the actual need of the respective children to use the land:

"You know, according to the status of the world today, a girl generally changes her name; she may be fortunate to marry somebody - probably of financial standing - and she don't pay this thing [her family land] any mind [attention] again; say 'Well, I used to have part in me brothers' land over there, but I marry now, and I have a bigger settlement, I don't worry with them.' - All that is in it [involved]. As well as the boy come and say, 'Well, I learn mechanic and I going America', and him forget this place, just like what happen to us [Mr. O's generation]: the bigger brothers say 'Well, I am gone over here', and so it hand down to me."

Here - through the combination of speculation as to how his own children may behave regarding their relative need to use the family land, and his own experience regarding his siblings' non-use of it - Mr. O. indicates the various factors such as emigration, social mobility, neolocal residence and the acquisition of individually owned land by an individual or the latter's spouse, which contribute towards
non-use of family land by the majority of co-heirs.

Despite the proscriptions against the alienation of the land made by Mr. O's grandfather, the former states that he could in fact now sell the land if he wanted to (although he has no intention of so doing) because "conditions changes now" and "there is nobody to stop me."

Mr. O. referred to the paternal side of his family through which rights to this family land had been transmitted as a lineage, and told me that he had instructed his children that if anyone asked how they had obtained the land, they should say it had been passed down from his paternal grandfather "Stephen Hunter" to his father "Jeffrey Hunter", to himself "Cyril Hunter", and would be inherited by them, his children, also surnamed "Hunter". Although his sister who inherited the smaller plot and now lives there is now surnamed "Saughton" as a result of her marriage, Mr. O. pointed out that she had also been "Hunter" before her marriage. So his model of passing land through the 'name' does not involve the exclusion of married women with a different surname belonging to the 'family'.

His reference to a 'lineage' had Biblical rather than West African connotations - simply indicating the passing of rights to land 'in a line' - and he interspersed his conversations with frequent references to the Bible and 'moralistic' statements.

As mentioned above, Mr. O's three maternal half-brothers "didn't have claim" to any of Mr. O's family land. Nevertheless Mr. O's father "took them over" and they had all lived as "one family ... according to how we live, we count them as brothers", and they could live on the land. However these half-siblings had also spent much of their lives abroad. The eldest of them, Anthony, had emigrated to Costa Rica and subsequently to Africa, living abroad for about forty years, but eventually returning to River Village, where he died.
While in Costa Rica this brother "seemed to find a little go [success]" and so had sent for five of his younger siblings in succession: Mr. O's other two half-brothers (full-siblings, but also half-brothers to Anthony): Mr. O's two full brothers and the younger of Mr. O's two sisters. The second of Mr. O's half-brothers, Michael, had also remained abroad for about forty years, also eventually returning to River Village, where he too died. The youngest of the half-brothers returned from Costa Rica after thirty years, likewise dying in River Village. (While in Costa Rica Mr. O's three half-brothers had all had their own farms, where they grew mainly bananas and cocoa.)

While in Costa Rica Michael had sent his mother money to buy some land for him in River Village, and she purchased two adjoining plots there for him (from two different villagers), this consolidated holding being less than half an acre. When Anthony had returned to River Village, his mother had told him to live on a part of Michael's bought land. So Anthony had purchased a house in Maintown which he had moved to Michael's land in River Village. On the adjoining piece of land was a building which the mother rented out, but this was later destroyed in a hurricane. When John returned to Jamaica he had continued to rent out the above building prior to its destruction, and had himself lived in rented premises elsewhere in the village, keeping a small shop. He eventually sold the two adjoining pieces of bought land.

The plot of land on Mr. O's mother's side in the village of Friendship is one 'lot'. This land was obtained by Mr. O's mother's paternal grandfather - who "was in the slave" - in the early post-emancipation period. This ancestor had only one child, a son (Mr. O's maternal grandfather) to whom he left this land. Mr. O. says that he did not, however, make a will:
"They wasn't so much intelligent ... Them never make any will. So you see, those ancient people, they very few of them make any will. And most of them died 'intestate' ..."

(according, he says, 'to how the Government puts it'.)

Mr. O's grandfather had four children – two sons and two daughters – all surnamed "Brown", as was the grandfather. His spouse (Mr. O's grandmother, whom the informant referred to as "Aunt Madge") outlived him and remained on the land until her death, when she was buried on the land. Mr. O. thinks that his mother was the only one of the grandfather's four children to outlive their father, for he knows that the other sister definitely predeceased the grandfather, and the two sons emigrated to the United States and Costa Rica respectively, dying there: "So all of them is out; she alone - it were left to her," No will was made regarding this transmission either.

Mr. O's mother lived with her mother until the latter's death, and when his mother married his father she left Friendship, coming to live in River Village on her husband's family land (to which however, as seen above, she had only a life interest): "But she lay claim to that piece of land up there [Friendship]; - she alone." However, since she no longer had need of this land, she allowed Mr. O's matrilateral parallel cousin (this lady 'called his mother "aunt"', being the latter's sister's daughter) to use the land:

"But as we lived a united life, the family - there was other family up there - and my mother simply said to the other lady up there, say: 'Well Jane, since I am married and get this piece here [her husband's land] you better hold on to that piece there [her family land],' So she deliver that piece to her. So she have that piece. So the birthplace of her home up there fall to Jane."

Jane, who is married, still lives on this land in Friendship, and pays the taxes herself. The land has never been subdivided. There was no will involved in this transfer, Mr. O. has never attempted to claim this land, and does not seem particularly interested in it.

And with regard to his children and this land he says:
"We don't give them no claim in that, because first thing, the land was fallen from 'Brown', while them become 'Hunter', so their claim is in River Village. And, living together as a united family, if we go up there and they have star-apples or anything - guinep and so forth on the land - and we passing there, they say: 'Well, alright boy, you want a bunch of guinep - take it.'"

There were certain aspects of this case which at first seemed to support the argument for the exclusion of the children of a non-resident heir (that is Mr. O. - through the non-residence of his mother), and also inheritance 'through the name'. However, with regard to the first point, it seems clear that - in addition to the fact that as a descendant of the focal ancestor, Jane, according to customary principles, would have rights of use to this land - Jane's exclusive use of the land during Mr. O's mother's lifetime was due to the latter's specific wish which accompanied her voluntary renunciation of usufructory rights due to her marriage and emigration. Mr. O. and his sister have each inherited land sufficient for their own needs and have no reason to disturb their cousin, and Mr. O's emphasis on the unity of the family as the basis of Jane's exclusive use of the land implies his full consent to her continued use of the land on the same grounds as his mother first gave it to her to use. He thus has neither reason nor desire to interfere with his mother's arrangement.

With regard to the second point - the possibility of inheritance 'through the name' - this would appear to be somewhat of a rationalisation, for as seen above Mr. O. points out that his sister, though married and now surnamed "Saughton", nevertheless retains her rights to "Hunter" land; also his mother could have, if she had wished, retained her rights to the "Brown" land after her marriage. Even if it is argued that these heirs were born "Hunter" and "Brown" respectively, and his children were not born "Brown", there is still the example of his sister Mrs. Saughton's daughter, who was not born "Hunter", but who, Mr. O. indicates, will have rights to her mother's
This case concerns two sisters Mrs. AI. and Mrs. P., who have inherited rights to land from their mother in River Village. The sisters are full siblings, but they are not legitimate children. The data on the land was collected from both sisters (with help from their respective husbands) and also from one of Mrs. P's outside illegitimate daughters Miss CW, who also lives in River Village. The data could therefore be cross-checked, and the various accounts were found to support each other in most respects. There are however discrepancies on certain details which demonstrates variation in knowledge of the relevant genealogy.

Mrs. AI., the older of the two sisters, lives neolocally in River Village with her husband, three of their adult daughters and five of their grandchildren in their own five-roomed wooden house on their own bought land. Mrs. AI. has lived on this land since 1936, from before she and Mr. AI. were married. Mr. AI. has planted several economic trees on this bought land and the household rears pigs in the yard.

Mrs. P. lives with her husband and two of her grandchildren on part of the sisters' family land (which is half an acre in all, the Ps' house-spot being one square). They have lived here since 1966, prior to this living in Maintown (for about twenty-two years, subsequent to their marriage) except for the first three months of their marriage, when they also lived in River Village. They lived in a rented house in Maintown for most of the time there, but built their own house three years before moving back to River Village. When they moved, they had this house transported to their present house-spot. The house is made of wood, with three rooms and a verandah. Mr. P. cultivates yams, pumpkins, corn and chow-chow in the yard, and the Ps have also planted some economic trees there. There were already breadfruit trees and a pear tree on the land from before.

None of Mrs. P's four children (two outside illegitimate children; and two legitimate children by her husband) live at home.
One, Miss CW, lives elsewhere in the village; another two living elsewhere in the parish (the exact residence of the fourth is not known). Mr. P., who is Barbadian (born in Barbados to a Barbadian father and Jamaican mother but who was brought to Jamaica by his father at the age of three, his mother also returning to live in Jamaica, living there ever since) has three outside illegitimate children, none of whom live with the Ps — two living elsewhere in the island and one abroad.

Miss CW, one of Mrs. P's outside children, lives neolocally elsewhere in River Village in a rented room with nine of her eleven children, she and the father of these children at present mating extra-residentially despite their previous consensual union.

All three informants (Mrs. AI, Mrs. P. and Miss CW.) state that Mrs. AI. and Mrs. P. inherited the family land, along with their mother's other children (full siblings, but illegitimate) from their mother. However, none of the accounts agree on the actual details of the transmission of rights in the land to the mother. Mrs. P. states that her mother was raised by the latter's older sister and the sister's spouse ("my mother's 'brother-in-law'" — to whom the sister was not however married), and that this "old man" died leaving his land to his spouse who later died leaving it for her younger sister, Mrs. P's mother. Mrs. P. does not know whether or not the old man made a will, but says that neither her maternal aunt nor her mother made one: "Just leave everything"; however, she says that they had a Title for the land.

Mrs. AI. states that her mother inherited the land from the latter's maternal aunt's spouse (her mother's "step-father"), to whom the aunt was not married, and that this couple raised her mother. She says that her mother's aunt died before the "old man", and that when the latter died he left the land for Mrs. AI's mother. She also says that "A will had to read over", and that the old
man gave her mother a Title for the land, but that these documents have since been destroyed: "The storm you know come, and rain, and everything get spoil up." She says her mother did not, however, make a will, and she does not know how the old man obtained the land.

Mrs. P's daughter Miss CW. can only trace the transmission of the land to her maternal grandmother, and she does not know if a will was made.

So while on the basis of Mrs. P. and Miss CW's information there is only evidence of a four-generation cognatic descent group (Mrs. P's mother and the latter's children, grandchildren and great grandchildren), on the basis of Mrs. AI's account there is evidence of one further ascending generation (her mother's maternal aunt), giving a cognatic descent group with a depth of five generations. However, despite the discrepancy between the accounts on this point, both the sisters are aware that the focal ancestor obtained the land as an inheritance from outside the 'family', from a man who was the spouse of whichever relative (older sister or maternal aunt) played the role of their mother's foster-mother. Miss CW. on the other hand does not mention these details at all, having less knowledge of the relevant genealogy than her mother and aunt.

Mrs. AI. and Mrs. P's mother died when the siblings were fourteen and ten years old respectively, leaving the land to all her nine children. Mrs. P. states that their mother left the Title for the land with her eldest child, a son, and that she left the land.

1) I have taken Mrs. AI's account to be the most reliable since she is the older of the two sisters and therefore most likely to be the best informed on the matter, especially in view of the sisters' respective ages at the time of their mother's death. This supposition is supported by the fact that she traces the transmission the furthest, and it is more likely that her sister Mrs. P. telescoped the genealogy than that Mrs. AI. added to it.
"for everyone of us; - as one die it come to the other, and
the other, come right round." She is here referring to the lat¬
eral consolidation of rights among the living siblings (the element
of 'survivorship') due to the death of several of the children.
She states that after her eldest brother's death, the trusteeship
of the land "pass to my sister Mrs. AI", and that "Is three of
us [siblings] leave now, so it [the land] distribute for the three
of us." Mrs. AI's account confirms these details, for she says
regarding the land that her mother "said everybody must inherit it";
that since her elder brother's death "Is/responsible for it"; and
that "Is only three alive now; all the rest die."

The third sibling which both sisters refer to is a brother
who now lives in another parish. However, despite references in
both sisters' accounts to the fact that there are only three sib¬
lings left now, Mrs.AI. - later in her account - said that there is
in fact a fourth sibling alive (whom Mrs. P. does not mention at
all). This is an older sister who emigrated to Costa Rica as a
child, when Mrs. AI. was only one year old (and therefore before
Mrs. P. was even born) and who has never returned. So Mrs. P. has
never seen her, and Mrs. AI. has never really known her:

"She write the bigger ones and enquire about me, because we
was the only two girls then, and after she been away, me
mother have Mrs. P., so she don't know her. And she leave
me when I was a little babe. She couldn't know nothing about
me, but she always write and enquire ... She go 'way as a
child you know, along with her [maternal] aunt; her aunt
took her away ... because she love her." (Mrs. AI. has two maternal aunts who emigrated to Costa Rica). Mrs.
AI. does not know if this sister will ever return to Jamaica, and
the latter has never actually written to Mrs. AI. The latter heard
no news of this sister over a long period of time, but earlier this
year was able to discover that the sister is still alive - by making
enquiries through a friend who also has a sister in Costa Rica.
Miss CW, who only mentions a total of five siblings in her mother's generation (again reflecting her more limited knowledge of the genealogy, being of a younger generation) says that of these, two of her maternal uncles have died leaving only three siblings (her mother, Mrs. P., her aunt Mrs. AI. and her uncle in another parish). One of her deceased uncles had not used the land: "Him did live at rent house, him never go a the land"; but she says that if he were alive he would still have rights to the land. The other deceased uncle (the eldest however "did live on the land, like the land was belongs to him." She says that this uncle went away for a while, during which time her aunt Mrs.AI looked after the land, and that when he returned he resumed control of the land until his death - having built his house there, and living there until he died: "And since him dead now, me aunt take it over. So me aunt have the land." (Here she refers to Mrs. AI's trusteeship of the land, for as seen above Mrs. AI. does not in fact live on the land.)

Of the three siblings alive in Jamaica, Mrs. P. is the only co-heir resident on the land, and it must be noted that she only returned to live in River Village three years ago, after an absence from the village of twenty-two years. Mrs.AI. has been living on her husband's bought land from 1936. However she still refers to her family land (which is some distance from her own house-spot) as "my yard"; and though non-resident on the latter, she exercises her rights to the land by renting out the house which was built there by her deceased brother. —And as seen above, both her sister and her niece regard Mrs.AI. as being in charge of the land. The brother who lives elsewhere in the island does not exercise his rights to the land because of voluntary renunciation; Mrs. AI. says "Him did want to leave out", and Miss CW. says he has been
away since she was a child (she is now in her thirties), and has bought a piece of land elsewhere in the island where he has built his own house. Nevertheless all the informants agree on the point that this brother retains his rights in the family land.

When their mother left the land for all her children she did not subdivide it. However, since her elder brother's death Mrs. AI. has divided the land so that Mrs. P. could have a house-spot when she returned to live in River Village in 1966. The subdivision of the land, then, appears to have been precipitated by Mrs. P's return. Concerning the subdivision, Mrs. P. says that Mrs. AI:

"Part it and give me my share over this side; and that part - she response for that part [in the middle], for the higher part up that way is for my brother. But him don't live on it - just leave vacant up there."

She says that her brother's share is the biggest, and her sister's and her own are about the same size (one square); and that she has nothing to do with the other part of the land. The person who rents the house on her sister's piece of the land is "some strange[r]man from [another parish]."

Mrs. AI. says of the family land: "I divide it and give her [Mrs. P.] a part." But she says that the remainder of the land, although it belongs to both her brother and herself, has remained undivided: "It just the one piece; we don't divide it otherwise; until when anytime that he should come, and want it to divide. But I don't divide it."

Miss CW. says that her aunt Mrs. AI: "give my mother fe him a piece a land. And my uncle now, have fe him piece a land; but through him is in [another parish], it still down there [lies unused]."

She says that each of the three siblings has a separate part of the land, but clarifies the situation by explaining that while her mother's share is 'lined off' from the rest of the land, the uncle and aunt's shares are not 'lined off' from each other. This, then,
reconciles the apparent discrepancy between Mrs. P. and Mrs. AI's accounts on this point. Miss C.W. added that there is no house on her uncle's part - "Only the bare land" - and that the part with the house built by her deceased uncle is the part which now belongs to her aunt, and that the latter rents out the house "to some fella"; but that none of the land belonging to either her aunt or uncle is rented out - it is "just down there same way."

The whittling down of the number of living co-heirs to the land has now resulted in a feasible potential threefold division of the land which includes one resident heir and two non-resident heirs (one of whom - the brother - exercises no rights at all to the land since he neither rents it out, nor is there any house on his part to rent out), but which appears to take no account of the fourth living sibling - the sister in Costa Rica. However this has nothing to do with either non-residence on, or non-exercise of rights to the land per se, for the absent brother fits both these criteria. Rather, it seems that since each of the three informants at some stage refer to a total of three living siblings, that - due to the fact that they have never known this sister, that she has been away for fifty-seven years, and that they had no news of her over a long period - she has virtually no importance in their lives and they were not even certain that she was still alive. 1) at the time of the subdivision. However, although Mrs. AI. thinks it unlikely that this sister will return to Jamaica - "Because if she's interested she could write" (and she has not) - yet in the event of this unlikely occurrence, Mrs. AI. says that "If she come, there will be no objection" to her exercising her rights to the

1) Such a situation, arising from complete loss of contact over several years, was frequently encountered during field work; and while not invalidating Patterson's observation (Patterson, S. op cit) that West Indian migrants abroad keep up close contact with their kin at home, shows that the opposite situation also exists.
family land.

The land is closely associated with the name of "Williams", the sisters' maiden name. For example Miss CW. differentiates between her aunt's own house-spot (bought land) and her family land by saying that the latter is "Williams" land while the former is "AI" land - "Williams" being her aunt's maiden name and "AI" her married name. And she went on to explain that "We mother [Mrs. P.] is on 'Williams' land, because me mother is 'Williams'". Again however, she refers to her mother's maiden name. However this association with the name of "Williams" in no way provides any evidence of a bias towards patrilineal inheritance, for the first member of the 'family' to hold the land was a woman - either the siblings' mother (according to Mrs.P.) or maternal aunt (according to Mrs. AI.) both of whom were unmarried. (For the "old man" to whom they both trace the land was not a member of the 'family'.) Also two of the three relevant "Williams" heirs at present (Mrs.P. and Mrs. AI.) are married women who are generally known by their married names. And although the sisters' brother's children would have the surname "Williams", none of the sisters' children - whom the sisters' state will be included in the inheritance of the land - have that surname, all being named after their respective fathers (who are not included in the "Williams" descent group). Mrs.P's various children, for example, have three different surnames as they are by three different men, but this does not alter the fact that they are all counted as heirs: "No difference, for they are all for one mother." Finally, the siblings took their surname of "Williams" from their father, while they inherited rights to the land from their mother. And since they are illegitimate, their mother would not have taken their father's name, not being married to him; so that she in fact would have had a different surname from her children.
As the position stands in the present generation of actual holders of the land, the rights of the deceased siblings have first passed laterally to the living siblings (the matter of the sister in Costa Rica remaining in abeyance as it were, with the attitude that she will probably never return to the island). Regarding the vertical devolution of rights to the land in the future through inheritance by the next generation (Miss CW, her maternal half-sisters and their maternal first cousins) there is a somewhat contradictory situation. For while the children of the deceased siblings (of which there are only two) are acknowledged to have a potential claim to the land, and one in fact actually uses the land (for cultivation) at present, yet due to the actual partition of Mrs. P's share from the rest, only her children will inherit rights to the latter, and if the potential subdivision of the rest of the land is effected, the situation will be similar with regard to the other two siblings' children.

These points will now be examined in more detail. With regard to the potential rights of the children of the deceased siblings, Mrs. AI. in fact states that only one of these siblings had a child - a son - who lives "in the district here; and suppose - him plant something on it all the same - but suppose anything is on it and him want it, I never object to him. Him go and pick it all the same." Miss CW, however, who also mentions this son - her first cousin - (stating that he is the child of the deceased uncle who did not use the land) refers in addition to another first cousin, the daughter of the uncle who had lived on the land before his death. She says that this cousin will inherit her father's house and that she has rights to the land. Also that the cousin's mother (her uncle's widow) was divorced, and had remarried after her ex-husband's death and is now living
elsewhere and has no rights to the land. However this cousin has been in England since 1960, and has not returned since then. Since writing her father and Mrs. P. once, no news has been heard of her.

With regard to the future inheritance of the land, Mrs. P. says that all her four children will inherit rights to her share. There is no distinction in this respect between her two outside illegitimate daughters and her two legitimate ones, "For they're all for one mother." However her husband's three outside illegitimate children will not inherit rights to the land, "For they have no control over this end of the family." (This information that Mrs. P.'s step-children are not included in the 'family' or descent group is all the more reliable in that this statement was actually made by their own father, Mr. P.) Mrs. P. says that she will not make a will, and Mr. P. added, to clarify the situation, that "Just the same like how we get up and see that it has been passed through the family, the same way it carries continuously." - This being the opposition inherent in the 'pure' customary system between intestate inheritance and the rights of all the family to family land, and the making of a will and individual rights to land. Mrs. P.'s share might be subdivided into four parts for her children "If necessity so arises; well if it has to be done, well it would have to." (This reply indicating that she does not in fact plan to subdivide it.) She says that her children will not inherit rights to her siblings' shares, for — as her

1) This fits with Clarke's observation that a man's widow retains a life interest in her husband's family land only if she does not remarry (1953 op cit: 95), but contrasts with the situation in Case 2 above where Mr. N's step-mother has retained a life interest in her deceased husband's family land despite her remarriage, living on this land with her second husband.
husband points out: "Mrs. AI. has children too, and the other brother has children too. So they are by right entitled to their portion just like her [Mrs. P's children]."

Mrs. AI. says that quite honestly she has not thought very much about the future inheritance of the land, and has not made a will, although there is a possibility that she may yet do so as she said in a non-committal manner: "When I feel to". (Mr. AI. also states that their children will inherit rights to his bought land, so they will in fact be inheriting from both parents.) Regarding the inheritance of Mrs. P's share by the latter's children, Mrs. AI. says: "She has to tell them; I can't tell [them]." Similarly, regarding the inheritance of her brother's share:

"But he must tell his children, not I. Because him can get his own [divided off] and sell it, and sell out the children them, or if him wanted to give it to dem, give it. So I really can't tell what he will do."

Miss CW. states that "When me aunt dead, we as daughters might get it ...", meaning that when her aunt's generation is dead (as noted above she regards her aunt as being in charge of the land) her own generation will probably inherit the land in their status as children of the present holders. However she will only inherit rights to her mother's share, for - for example - "Me aunt have children" who will inherit from her.

Although Mrs. AI. says that her brother could sell his share if he wished, neither she nor Mrs. P. intend to sell theirs; and even with regard to the possibility of her brother wishing to sell his share, her phrase "sell out the children" is suggestive of the betrayal of future heirs.

When I asked Miss C.W. if the land could be sold, she answered without hesitation in the negative, explaining that it is "family land"; and regarding the proscription against the alienation of such land in general, she says:
"I don't know the reason; them say the old ones dead, and young ones take it; — daughter take it, and daughter dead and grandchild take it, and it go right over till great grandchildren have it. Mustn't sell."  

Although Mrs. P. said that her father had no land, and Mrs.AI. also said this, the latter corrected herself saying that he did in fact have family land in the mountainous interior of the parish:

"Up in the country, but we don't go there; you know, we's not interested, because it is not a case to say it did definitely will out that we have any [specific individual] claim over it. Just family. So them stop back that side — I mean those family at that side rule it."

Not only are she and her siblings not interested in the land, but their father was also not interested in it; for although "He always go and come pick something" from it he did not live there. That land belonged to the sisters' paternal grandmother, and is now being used by other of the latter's descendants. The reasons for the lack of interest in this land on the part of the sisters include their residence in another (less isolated) part of the parish — River Village being much nearer to the coast than the village where their father's family land is; the marginal nature of their father's family land (being in the mountainous interior); the fact that they have sufficient land elsewhere (in River Village) and that they have no specific individual rights to their father's family land — which would make up for disadvantage of it being in an isolated area and serve as an attraction to exercise their rights to the land, for the latter is "just family" land. (Here again is the opposition in the customary system between land left for the general use of the family, and land which has been specifically allocated through a will.) In addition it must be noted that

1) Miss CW's reference to inheritance by the "daughters" does not imply the selection of daughters to inherit, her phraseology simply being influenced by the fact that in the case of inheritance from her mother, the latter's heirs are all daughters — Mrs.P. having only daughters.
non-exercise of rights to this land is due to voluntary renunciation rather than exclusion, and that in fact their father did partially exercise his rights by picking fruit from the land - being permitted to do this despite his non-residence there.

There is family land on both Mr. AI's father and mother's side; the former being in the hilly interior of the parish and the latter in the neighbouring village of Friendship. Yet when I asked if there were land in his family, he at first said that he was "not interested in having no family land"; and it was not until Mrs. AI said "Then you' mother don't have none at Friendship?" that he said yes, she did, but went on to explain that "I have my own, so me never so much interested in it." There is, however, as will be seen below, an additional reason why he does not bother to exercise his rights to his mother's land - because his sister is living there.

His mother purchased the land ("Just a 'lot'") from the Parish Council. She left no will when she died, but left the land undivided "to all of us [her children]". One of these children, a daughter, lived in Kingston and did not use the land; she is now dead. The other daughter lives on the land in Friendship. The mother's house was not however left for this child or for any child in particular.

Regarding his children's position regarding this land Mr. AI. laughed and pointed out that "Since I don't interested, they can't interested in there!" However he says that his children go there all the time.

Non-exercise of rights by Mr. AI. at present, and by his children in the future is clearly dependent on his voluntary renunciation due both to his lack of interest in this family land through having purchased his own land, and his concern for his sister's needs. Nevertheless he still retains his rights to the land, and could use it if he wished. If this were to happen his children could also use it in the future - "if I take it over". And he went on
to say that "I would be the most suitable one to take it over, but I wouldn't deprive my sister, since him live there." (My emphasis.)

With regard to his father's land, Mr. AI. says that he is not very familiar with that side of the family who live up there, for his mother left his father (to whom she was not married) when Mr. AI. was a child, bringing him down to Friendship to live: "I leave up there from a small boy, so I don't have no idea of the land. I never grow with my father."

His father had subsequently married another woman, and after his death his legitimate children had inherited his land: "He inherit by other children which he has outside; so I don't know about that side." He does not know whether or not his father made a will, and indicates that it is not that he could not go and use that land — "but I would never attempt to go."

Mr. AI, who emigrated from Friendship to live in River Village when he was eighteen 'Just for a change', purchased his own bought land (a 'lot' — two and a half squares) in 1935 from another villager. As mentioned above he has built a five-roomed wooden house on it, living here since 1936. At a later date he purchased a second (adjoining) piece of land of approximately three-quarters of an acre from the Parochial Board (now Parish Council). So although the land was purchased as two separate holdings, they now form one consolidated holding of approximately one acre. Mr. AI. states that this land is not family land because he bought it. He says however that "it may become family land later on, when it develop" — that is in the process of future transmission.

In addition to their three adult daughters who live with them, the AIs have three other children who have left both home and River

1) These are the father's legitimate children. This illustrates the point made earlier in the thesis that 'outside' and 'illegitimate' are not synonyms.
Village: their eldest daughter, who is married and lives elsewhere in the parish, and two sons, one who lives in another parish and another who used to live in his own house on the Al's' bought land, but who — earlier this year — moved to live elsewhere in the parish as a result of a transfer in his job. Mr. Al. gave this son (their third child) one square of his bought land to use as a house-spot, and the son has built a three-roomed house there, which is at present empty. The reason why Mr. Al. gave this son these usufructory rights was purely a practical one: "Just because he want to build, I give him space to build."

Mr. Al. has not made a will concerning the inheritance of his bought land, but he says that he might make one in the future — but not yet. He is however now sixty. All his children are to inherit his land, but he has not yet decided on the exact terms of the inheritance — for example whether the land will be subdivided or remain undivided.

Mrs. P’s husband says that neither of his parents have land in Jamaica. However he says that "the family side of the daddy — the same line" had land in Barbados. However his father did not use this land, and he was not interested in it; one obvious factor in this lack of interest being his emigration to Jamaica where he remained until his death. An additional reason was given which is of interest in view of Otterbein’s above-mentioned hypothesis which compares the unrestricted non-UDG in Barbados with the restricted variant with an exclusive residence rule in Jamaica. — Mr. P. states that in Barbados, although when parents die "other relatives comes in and takes it [the land] over" and "keep on using" the land, that:

"You know they have a system — what their parents have, they don't count as theirs. The scripture says 'Mother have, father have, blessed the child that has its own.' So although they do have for themselves, and they [parents] give them, [the children] say not theirs. — So don't interested."
Obviously no argument can be made with regard to Barbadian family on the basis of this isolated case, but both Mr. P.'s father's lack of interest in the land combined with the sustained disinterest of Mr. P. through his father's emigration, may also be bolstered by an attitude similar to that common in Jamaica — that the limitations of family land do not ensure specific individual rights and so lead to a lack of interest and voluntary non-exercise of rights. And while it is possible that Mr. P. has been influenced in his argument by the Jamaican attitude to family land, it can be noted that he was brought up by his Barbadian father (whose influence still clearly remains in the fact that Mr. P., though in his fifties and resident in Jamaica since he was three years old, retains a pronounced Barbadian accent). This case, then, while remaining an isolated one, may be indicative of a similar attitude in both islands with regard to family land — a conclusion which was seen in Chapter 8 to be validated by Greenfield's data on Barbadian family land.

Case 5 Mrs. F. lives in a house which her husband built on one acre of bought land which he purchased in River Village. Mr. F. is at present working in England.

Mrs. F. has six children, all for her husband: three sons and three daughters, all now adult. Mr. F. has one outside illegitimate son by a previous extra-residential union, who was raised by Mrs. F. from the age of six. This son is now in the United States. Mrs. F.'s four eldest children are in England; the two youngest children live with her, and with them also lives "one little gran": Mrs. F.'s granddaughter, her brother's son's daughter.

Mrs. F. is from another village elsewhere in the parish and Mr. F. from another rural parish. The couple met when both were
working in Maintown, and when Mr. F. purchased a piece of land adjoining Mrs. F.'s parents' land in her natal village, and built his house there, the couple established a consensual union. They subsequently moved to River Village about eighteen years ago, after Mr. F. had purchased a second piece of land (their present house-spot) and built their present house. They have a Title for this second piece of bought land though not for the first. Their own bought land in Mrs. F.'s natal village is not being used at all now, neither for cultivation nor as a house-spot; it is "Just an empty land."

Mrs. F. has inherited rights to land in her natal village from her father. Her parents were not married but lived in a consensual union on the said land (half an acre) which was purchased by Mrs. F.'s father. Mrs. F.'s parents had three children: Mrs. F. and her two brothers, Tom and Robert. Tom is the eldest of the three children and lives on the family land in the siblings' natal village, and Robert is the youngest and now lives in River Village in a rented house. Mrs. F.'s father did not make a will, but when he died he left "the paper in me mother's hand. Not a Title; a paper to approve who the land were bought from and so on" (that is a receipt of purchase). ¹)

Mrs. F.'s mother continued to live on the land until her death, but in the interim the house in which she lived "mash down", and so it was necessary to have a second house built on the land. Robert financed a part of the building, but the mother had to borrow money to have this completed. To do this she mortgaged the land, taking a loan from a nearby People's Co-operative Bank.

¹) Cf Clarke 1953 op cit: 86, who in discussing the customary system of land tenure in the villages she studied, notes that "three documents are popularly believed to establish proof of ownership..." one of which is "a receipt from the vendor when the land is purchased, stating the amount paid and the area and, in some cases, setting out the natural boundaries...", adding that such a receipt is however only evidence of possession.
Prior to her death the mother used to pay the tax on the land; after the mother's death Mrs. F. paid off £44 which was owing in taxes. At present Tom and Robert pay the tax.

When the mother died she did not make a will, but all three children inherited joint rights in the land which remained undivided as neither parent had made any specifications concerning its subdivision. However Mrs. F. says that she does not want any of the land, and so she is going to have the land divided between her two brothers:

"To be reasonable, me no want no land; me looking about it for the two of them. I would like to get the land [(divided)] in two: piece fo Tom, piece fo Robert, and everybody get their own piece of paper."

The reason why she is supervising the matter is because one brother is "sick" and the other is "careless." This subdivision has not yet been effected, and Mrs. F. is not sure exactly what the legal process will involve, but she is going to discuss it with a lawyer, and each of her brothers will be given a separate Title for their share.

Not only has Mrs. F. decided to renounce her rights to the land and arrange for her brothers to have legally sanctioned individual rights to the latter, but she has also selected specific heirs to inherit the land from her brothers at their death. Tom's only child (a son, Alan) is to inherit the former's share; Mrs. F. states that Alan "is not a lawful child, but he is taking good care of my brother now - that a him father". (Alan is the father of the grandniece who is fostered with Mrs. F.). Mrs. F's third child (her second son, Peter, who is in England) is to inherit Robert's share, because he financed and organised his maternal grandmother's funeral.
Mrs. F. has also supervised the living arrangements regarding her mother's house. Robert has inherited that house after the mother's death as he had helped to finance its building, and Tom had had a separate house on the same land. However Robert had gone abroad to the United States, and Tom's house "knock down", so Tom moved into Robert's house. Alan also lives on that land in a separate house from his father, with his wife and their other two children. Robert has only one child, an illegitimate son, Hyron, but Mrs. F. is not including him in the future inheritance of her father's land; the reason for this seems to be because he, along with his maternal grandmother, "run Robert a court" for some disagreement.

Mrs. F's father's land adjoins her paternal uncle's land; and Mrs. F. states that these two brothers bought the land, 1) but that she does not know the details of the purchase as she was then a child. The uncle's daughter lives on this adjoining piece of land.

During the interim between field work and my return visit Tom died and his son Alan inherited the former's rights to the family land although no subdivision had in fact yet been effected. Tom is buried on the land beside Alan's house.

With reference to the Ps' own bought land - in Mrs. F's natal village and also in River Village - although they have not yet made a will, Mrs. F. says that her husband's outside son will inherit the piece in her natal village, and that her six children will all inherit rights to the land in River Village. Regarding the latter piece, she would not make any stipulations about a subdivision, and the land would just remain undivided: "I wouldn't

1) Cf. Clarke ibid: 97, who notes that "It is not uncommon for two brothers to club together and purchase a piece of land ...."
say; just let it to them". However she says that the land is big enough for each of them to have a house-spot if they so wished. The River Village land will therefore be transformed into family land after the death of the parents. The land in her natal village will not however go through such a process of transformation, and though it will be inherited land, Mr. F's outside son will hold individual rights to it.

Mrs. F. says that the house on the River Village land will probably be left to her eldest son, for he had helped her to repay a loan.

Mr. F's parents have land in his natal parish, but Mrs.F. does not know much about it. Her father-in-law is still alive, but is ill. There is a possibility, she says, that her husband's son will inherit rights to this land, for:

"I hear the old man [her father-in-law] talking that the step-boy what I raise mostly, him more recognise him than him son. That step-boy look after him, you know! He look after him very nice."

However, on my return visit Mrs. F. told me that her father-in-law had stated that his land should be inherited by herself, her husband, the latter's outside son, and the Fs' youngest child, a daughter. The father-in-law has not made a will regarding the future inheritance of this land: "Just say it". She also told me that due to her father-in-law's illness she has been paying the tax on that land for the past few years. This probably accounts for her inclusion in the inheritance.

**Case 6** Miss BL. and her maternal aunt Mrs. AM. both live in River Village and have rights to one acre of family land in their natal village a few miles inland. Mrs. AM. and Miss BL's mother are maternal half-sisters and the latter lives in the informants'
natal village.

Both informants trace the transmission of the land back to Mrs. AM's maternal grandfather - Miss EL's great grandfather. They both state that Mrs. AM's mother's own mother died when the former was a child, and that she was subsequently raised by her step-mother, her father's second spouse. By this second union Miss EL's great grandfather had several children (paternal half-siblings to Miss EL's maternal grandmother).

On the death of the great grandfather all his children inherited joint rights to the undivided land: "They just own the whole thing." Mrs. AM. does not think that this transmission was effected through a will; Miss EL. says that "They should have a will", but that she does not in fact think that there was one, going on to explain that there is really no need to make a will in such a situation if the family is united: "Some family might live loving, and another one [may not, so] - they have to make a will." She states that a will is generally made only if there is likely to be familial conflict or if there are no potential heirs in the family:

"If it's only one member of the family, then, and seeing that is going to pass out, you know, you might say 'Well, I want to leave it to such and such.'"

Mrs. AM. states that there is only one member of her mother's generation now living on the family land - her mother's paternal half-sister - "because everybody get big and own them own place"; going on to point out nevertheless that the land remains "family land": "But according to it, as a family you know, is family land." Miss EL. says that several of her grandmother's paternal half-siblings are now dead and that the land is used as a family burial ground:

"When one member of the family dies it's just round there they bury him. Because I have a [grand] auntie died last year and she buried there on the same land."
Her grandmother (Mrs. AM's mother) is still alive and lives on Miss BL's mother's own bought land (three-quarters of an acre) which is also in the informants' natal village (not however adjoining the family land). This is where Miss BL's mother also lives, but in a separate house from the latter's mother. Miss BL's mother's house was built for her by her children - Miss BL, the latter's full brother and their two maternal half-siblings (a sister and brother who are full siblings to each other): "Well seeing that my brother is in England and everybody sort of get big, we feel that she should have somewhere comfortable."

Miss BL states that all the children of her grandmother and of the latter's siblings have established their independence and so are not interested in the family land: "Some of them mightn't want it, because they are looking out for themselves", but that the land will however be left for the grandchildren (that is her generation of heirs). But even this generation have all established their independence: "Actually come to think of it everyone of the family that I know of, they have for themselves."

Examples of such self-sufficiency include the two informants themselves. Mrs. AM. lives with her husband and their six children in their own house on leased land; and Miss BL. lives with her consensual spouse in a rented house. She has her own bought land (one acre) in her natal village which her father looks after for her and where she eventually hopes to build her own house; at present however there is no electricity in the area. She has almost the whole area of that land planted in cane which she sells to a nearby sugar estate. Other examples of members of the family who have established their independence are Miss BL's mother who as mentioned above has her own land and house; and Miss BL's two half-siblings who have both emigrated, the brother
to England and the sister to the United States. Her full brother boards with Miss BL in River Village and commutes to a skilled manual job at the above-mentioned sugar estate.

Mrs. AM says that none of the heirs to the family land could sell it, and Miss BL states that it should not be sold but left for posterity:

"I don't believe if you have a piece of land which is just family land you should do away with it. If the older ones even passed away, they should leave it and give it to the smaller ones that coming up. I believe everybody should come up and inherit."

In addition she feels that while the various members of the family may use or pick from the family land and live in unity under such conditions, that alienation of the land might generate familial conflict:

"Maybe if I want a jellie coconut you can just go and pick without no [ill] feelings. But suppose they sell it now, I am going to carry a feelings, and the other one is going to carry a feelings; you know, that kind of thing."

Adding that just the previous week there had been an example of this kind of conflict: "Some family have land and one brother want to sell it and the other one don't decide; well they sort of have fuss."

Case 7 Mrs. H. was born in a town some miles away elsewhere in the parish, but lived in another village (also elsewhere in the parish) with her mother (her parents were unmarried) until she was nine months old. She was then fostered with her paternal grandmother, at first living with the latter on the paternal grandparents' bought land in still another village (also elsewhere in the parish) and then moving with her back to her (Mrs. H's) natal town. Mrs. H's paternal grandmother died when Mrs. H. was ten, and she was then raised by her two paternal aunts
(full siblings to her father) who were like older sisters to her. Her mother died the following year when Mrs. H. was eleven. Mrs. H. now lives neolocally in River Village with her husband in their own house on leased land.

There are two pieces of land on Mrs. H's father's side, both in the same vicinity - in her paternal grandfather's village (the village where she lived when she was first fostered with her paternal grandmother); and one piece of land on her mother's side - in the village where Mrs. H. lived until she was nine months old. Mrs. H. has potential rights of inheritance to all three pieces of land.

Mrs. H. makes a distinction between the two pieces of land on her father's side by referring to one and not the other as "family land". "One piece is family - all the family them - and the other piece, now, is for me [paternal] aunt and me Daddy."

The piece which she refers to as family land is about 15 acres; Mrs. H's paternal grandfather and his brothers and sisters (who were all legitimate children and full siblings, and who she states were of Scottish descent) inherited this land and the house on it from their parents in a Will. (However "that house break down, because it was a long time" ago that it was built.) Mrs. H. did not know her great grandparents from whom the land was inherited. The great grandfather's surname was Davies, and the land is owned by all his descendants:

"All the families them, the other families them - all the 'Daviseses' them. For we all are 'Daviseses', and there are grandchildren [to her father's generation] coming up; for it's not me alone have children, you know; is plenty family. Them scattered all about."

In speaking of these descendants as 'Davises' Mrs. H. is not being literal, for she is aware that her children, for example, were not born surnamed 'Davies'. Rather she is referring to an
ancestor-oriented cognatic descent group, holding corporate rights in land, which is descended from her great grandparents, the focal ancestral pair, and recruited on the basis of an ideology of unrestricted cognatic descent. Non-residence on the land being obviously of no consequence regarding the retention of the rights of the group to this land. Such a group, based on the concept of biological rather than 'legitimate' (i.e. in the eyes of the law) descent, is therefore comprised of members who all have Davies blood, although all may not be surnamed 'Davies'.

However, none of these members of the descent group in fact live on the land, and the structure of the group has been strongly influenced by migration. The whereabouts of some of Mrs. H's own close relatives will serve to illustrate this point. Of her grandfather's generation there are two siblings still alive - a grandaunt and granduncle - who live in another rural parish and Kingston respectively. The granduncle left home from he was a boy, and has since purchased land near Kingston where he has his own business. Her grandfather had bought his own land in his natal village (see above) and lived there with his wife and their three legitimate children. Of her grandfather's three children, one daughter is dead, the other daughter has emigrated to England, and Mrs. H's father (who is now married) lives in yet another village elsewhere in the parish. Of Mrs. H's own paternal first cousins - of which there are four, two children to each aunt - one set of cousins (two daughters of the aunt in England) are also in England, while the others, a son and a daughter (who is married) are both living in Kingston. Of Mrs. H's own children, two have died, one lives with her in River Village, and her eldest daughter lives in Kingston.

Mrs. H. says that the land is a "kind of bushy place", and
is more suited to "work ground or raise stock" than for living on; there are, however, several economic trees on the land - pimento, mangos, limes, oranges and custard apples - and any of the members of the descent group can go and pick from there and "take anything you want." For example she reaped some pimento from the land in 1962, although she has not been there since.

She feels that neither she nor any of her cousins and their descendants would be "robbed" of their rights by any other member(s) of the group; and for example if the land were to be sold, she feels that they would all be given something from the proceeds.

It is clear that non-exercise of rights to this land is voluntary rather than being due to either exclusion due to non-residence, or a rule of utrolateral affiliation, and that emigration from the area is an important contributory factor in this process. Non-use of the land is also probably exacerbated by the fact that the land is marginal. The argument against exclusion based on non-residence is supported for example with reference to the grandfather's sub-branch of the descent group, whose descendants still retain their rights to the land despite non-residence there from the grandfather's time.

The second piece of land on Mrs. H's father's side of the family is her paternal grandfather's own bought land referred to above. During the grandparents' life-time approximately two acres of this land was sold, leaving a piece of approximately equivalent size: "Him did have a big piece leave, with the house, and she plant coffee and arrowroot and gungo, and all those things."

Although Mrs. H. distinguishes this land from her family land, the former is in fact itself being transformed into family land. For the remaining piece and the grandparents' "big home" on it, were left in a Will to be jointly inherited by
the grandparents' three legitimate children (neither grandparent had any outside children). Of these three children one (a daughter) has since died, and her rights have been inherited laterally by the other two siblings, hence Mrs. H's statement that the land belonged to her father and aunt: "The both of them just take it, and them don't give us any yet." Mrs. H. states that her aunt showed her the Will when she was much younger, about sixteen years previously.

The land is not divided, and when Mrs. H's aunt emigrated to England in 1963 she left the land in the care of her brother, Mrs. H's father. But since the latter is also non-resident on the land (see above) the house is rented out. Mrs. H. has not heard from her aunt since 1965; she says that the aunt has said that she would probably return to Jamaica for a holiday, but not permanently. Nevertheless Mrs. H. states that her aunt still retains her rights to the land, and says that for example if either of those two siblings wanted to sell the land, each would have to consult the other and come to an agreement, and that they would have to share the proceeds from the sale. She mentions another possibility, however, in the event that one sibling should want to alienate their rights to the land; - the land could be surveyed and subdivided, and then one share could be sold. However, the siblings do not intend to sell the land, but to pass it on to the next generation of descendants - not only to their own children, but also to those of their deceased sister. However they have not yet made a Will concerning this transmission: "Is so them say it must go. Them don't make a Will yet, but I hear them talk about it. So none of us will rob each other."

Of all her first cousins she states:
"If my father and my aunt die, we are all living as one family [i.e. united] and we live good, so we could all partake of it. We all come in like family again, like how fe dem [her father's generation] start off as family first."

Lateral consolidation of rights with regard to the land will therefore be followed by vertical devolution.

Mrs. H's distinction between the two pieces of land on the basis of one being family land while the other is not, can be seen to be based on two factors:

(i) the more recent origin of the grandfather's land;
(ii) the fact that only one transmission has so far taken place regarding the grandfather's land and therefore the number of actual heirs to the land is more limited than in the greatgrandfather's land. 1) Nevertheless, Mrs. H's own model also recognises the concept of a potential cognatic descent group emerging with reference to holding corporate rights in the grandfather's land. Both models (i.e. this one and the 'Davieses' above) of a cognatic descent group are based on the ideology of unrestricted cognatic descent, and in both, rights to land are unaffected by either non-residence on, or non-exercise of, rights to the land. In both cases joint rights in land are based on cousinship as well as siblingship.

The complementary processes of segmentation - fission and fusion - can be noted in the interrelationship of resources and people. For by the acquisition of an additional piece of land by the grandfather, two focal ancestors (or ancestral pairs) and cognatic descent groups can be identified situationally; one, with reference to the grandfather, which is four generations deep.

1) Cf. Clarke 1953 op cit: 110 who notes a somewhat similar case where an informant's insistence that a recently bought piece of land to which she had inherited joint rights was not family land was "almost academic."
The other, of which the former group can be seen to be a sub-branch, with reference to the great grandfather, which is five generations deep.

The land on Mrs. H's mother's side was bought by her maternal grandparents (who were married), the land being one acre. They died leaving four children - two sons and two daughters, all legitimate and full siblings - who inherited joint rights to the land which remains undivided. Mrs. H. does not know whether or not this transmission was effected through a will. Only two of the grandparents' children are still alive, for as mentioned above Mrs. H's mother died when Mrs. H. was eleven and one of her maternal uncles is also dead.

Of the two remaining co-heirs only her uncle uses the land, for her aunt emigrated to Canada in 1961 to join her two daughters there. Mrs. H. does not hear from her, and so does not know whether or not she has emigrated permanently. The uncle lives on the land with his wife in the grandparents' house, and acts as a trustee for the land: "Him look after the land." There is now a second house on the land, for: "The uncle make up a home in the same yard and give one of his daughters."

Neither Mrs. H. nor her younger maternal half-sister (who lives in yet another village elsewhere in the parish and has ten children) have yet actually inherited their mother's right to the land. However, Mrs. H. says that she is entitled to pick produce from the land. She is not, in fact, really very interested in the land:

"When me ready to go there, me go there and pick whatever me want; but me don't worry them to say, well, me would like to have piece, because me just don't like[that village]."

(It can be noted that she retains these rights despite the fact that neither she nor her mother are resident on the land, and also despite the fact that she was, from the age of nine months, fostered with her paternal relatives.)
Case 8. Along with his siblings, Mr. CN. has inherited rights from his father to family land in another parish (the informant's natal parish). Mr. CN's father inherited the land from "old family" - from his paternal grandfather (Mr. CN's great grandfather) who "come from England and come out ya". The informant does not know how his great grandfather obtained the land, but said that he had a big property which he divided between his three sons in a will: "It cut up fe John, Charles and James. Dem cut off, surveyor off fe dem part give dem; them get their own share - those brothers." James was Mr. CN's paternal grandfather. When the latter died, he "leave three daughters and two sons - Simon and Donald. Donald is me father. My father and fe him sister was the two lawfully out a those children." However, although three of these children were illegitimate, James divided his share equally between all five children:

"That land [James' share] cut up. They go back and they cut up the land. - Them big property, you know. - They cut up the land; and that land share among - how them share it, that me father get twenty-seven acres. All five a them get; equal pieces. Well, the other granduncles of mine [John and Charles], them don't business with that - in a that land. For them was surveyor and cut off fe dem, their own place, so that nobody discommode nobody. So we that leave now, of my father children, have that land now."

Seven acres of Mr. CN's father's share have been sold, leaving twenty acres.

Mr. CN. does not mention a will made by the grandfather, but his own father, Donald, made one: "Me father make the will and give it over to me mother; deliver it to her", leaving the land for his seven children. There was a provision in the will that his spouse should remain on the land "till death", also that the parents' house should be inherited by the youngest daughter who had looked after the mother. Two of these seven children subsequently died, and Mr. CN's mother "reform" that
will, but only with regard to the number of inheriting children, for there was "nothing different" apart from this between the stipulations of the original and amended wills. After the mother's death another of the children died, leaving only four: Mr. CN, one brother and two sisters.

Although seven acres of this land had previously been sold, and although Mr. CN states that most of the remaining land could be sold, he says that the part of the land where his ancestors are buried - "That burying ground there now, three square, four square of it" - must not be sold. Mr. CN thinks his ancestors have been buried there since the time of slavery: "Must be generate ... from slave." There is "no great cultivation" on the land for it is infertile, and none of it is rented out: "Not at all; nothing of the sort."

None of the surviving siblings live on the land. Mr. CN (who is now in his seventies) emigrated from his natal parish as a young man, working in various other parts of the island and finally settling in River Village in 1945. Although he has had several children (only seven of which are now alive) by various extra-residential and consensual unions he now lives alone in a small house rented from a friend.

The sister who inherited Mr. CN's parents' house lives in yet another parish. She has no children, neither does the brother. Mr. CN's nephew - his other sister's son - lives on the family land in the house inherited by the latter's maternal aunt. He pays rent for the house, which is collected by his maternal uncle who gives it to the aunt.

So far the father's share of the family land has remained undivided, but the four siblings intend to get together sometime in the coming year to have the land surveyed and subdivided, and
also to make a will concerning it: "We don't divide; we don't know how we expect to divide it. We expect to call a surveyor - mussi some time from now to May." If the land were to be subdivided equally between the four siblings, each would receive a share of five acres; but the terms of the division have not yet been decided. (In view of the fact that only two of the siblings have children, it would have been enlightening to have been able to follow up this case to see whether the shares of the two childless ones would, on their death, pass laterally to the other siblings (or if these latter predeceased the childless siblings to their nieces and nephews) or whether - as in Case 2 - those without children would sell their share.) However, whatever the division is to be, it will be based on a joint agreement between the four siblings: "Whatever is being said, or whatever is being done, we must come together."

Counting children, grandchildren and great grandchildren, Mr. CN. has thirty-four descendants; but regarding the future of his own rights in the family land he is still undecided. However it is clear that to him the 'dutifulness' of his children will have an important influence on his decision:

"Couldn't tell you yet [regarding his plans for the inheritance of his rights]. In having these children then, you have to look and know the one that is more interested in you, - you just can't get up and do things so [on the spur of the moment]. Suppose you have children, and you have a couple of shillings in the Bank; - you not going just pick it up and lef' it give one so. Have to look at the ones to whom that interesting; and look around you. Perhaps one of the boys [his son] won't get ha'penny worth; - not hearing [from him], not seeing him. Him deh a [Mr. CN's natal parish], and him come here to visit one time [only]."

The informant gave information on only four of his other children. Two of his daughters are in England. The older of the two has been there for fourteen years: "A Jamaican married him and carry him away." She has seven children. Mr. CN. does not know whether or not she and her family will be returning to Jamaica,
and has virtually lost touch with her as she "nah correspond". The younger daughter, who has been in England for eleven years, does however keep in touch with him. She writes him and came out for a visit last year, but has since returned. This daughter (who is also married to a Jamaican) and her husband have bought their own house in England.

His oldest daughter (the oldest of his children) lives in another village a few miles from River Village. She is the only one of his children who helps support him (but she cannot give him money regularly, "Only when she can afford it; for she having seven children ...")

His youngest daughter - the youngest of all his children - lives in another parish with her mother. She has one child. She comes to see him every alternate week, and washes his clothes for him. Mr. CN. supports this child.

Case 2 Mr. A. lives in River Village on land inherited from his father. With him live his wife and their two children: a son and daughter, both in their early twenties, and the latter's three children, two daughters and a son, who are all half-siblings to each other. Mrs. A. has one outside illegitimate son by a previous extra-residential union who lives elsewhere in the parish. Mr. A. has no other children alive.

Mr. A. was born at his present house-spot (half an acre), and apart from two trips to work in Cuba as a young man has lived on this spot all his life. This land was bought for Mr. A's father by the latter's employer, and Mr. A's father built a house on the land. This house has however tumbled down. Mr. A's parents, who were married, lived there and their fourteen children were born there; there were four daughters and ten sons, and Mr. A.
is the youngest of the fourteen. However ten of them died young, leaving only three sons and a daughter.

When the children became adults, their father built a second house on the land for the three sons, and this is where the As live. However at the time of field work they were building a Farm House on the land, and they later moved there.

When the father died, his wife, Mr. A's mother, continued to live on the land until her daughter eventually took her to live with her in Kingston, where she remained until her death.

The father had 'no time' to make a will because he died of a heart attack: "But he always use the word that he leave the land for his children". So the surviving children inherited the land which remained undivided. By the time the mother died there were only three of the children left: Mr. A., one of his brothers, and one of his sisters. Of these only Mr. A. was interested in the land. The sister, after emigrating to Panama for seven years, returned and settled with her husband in Kingston, where she has remained; Mr. A. has not seen her from before the birth of his daughter (which was twenty three years ago) and does not in fact know whether or not she is still alive. Mrs. A. says the sister "Must die now", and he agrees that she may be dead. The brother has been abroad for over seventy years: in the United States, Costa Rica and Cuba. He emigrated from when Mr. A. was "a tot". Mr. A. last saw him in Cuba, where he left him in 1921. The brother subsequently went to the United States but Mr. A. has not heard from him since about 1931. So Mr. A. says that he may still be in America or he may now be dead. So although "it was all the family inherit" the land, and "all the children have rights, equal rights," he considers that he is now in charge of the land. He put forward several reasons for this:

(1) He is the "last lawful heir";
since his brother and sister were not interested in the land and he was, he alone has been paying the tax. So he points out that if it were not for him the land would have been liable for confiscation: "Because it would be taken away; taxes would be due and nobody would pay";

Along with his sister, he has shouldered the family responsibilities towards their parents: "Because I bury my father and me sister buried me mother". When the latter died she was buried in Kingston, and Mr. A. says that his sister did not notify him of the death; he only discovered it on his next visit to Kingston.

This case is one which at one stage appeared to point to the possibility of a process of exclusion at work, for Mr.A. claims that he is in "sole charge" of the land, that he could sell it if he wanted, and that his sister's son would not inherit any rights to it. Each of these points will be dealt with in turn.

The first appears to be primarily based on (ii) above; however he states that if his siblings were alive they "can freely come" and live on the land if they wished, and even in the house. It is just that they could not sell the land without his permission, and could not come and cause trouble for him; they would have to acknowledge his primary authority over the land: "They have to come to my saying; they could not come here and remonstrate on me"; and for example if the land were to be subdivided, he would be in charge of that.

Secondly, he does not intend to sell the land, and would only do so "if I want to leave the family", that is act against the family.

Regarding his sister's son, who is her only child alive (and he states that his brother has no children) the reason for his exclusion is based neither on his non-residence on the land
nor his mother's non-residence there, but on his failure to be
dutiful: "He wasn't attentive; neither to me nor his [maternal]
grandmother". (Mr. A. places a high value on 'dutifulness' as
is shown not only by his remarks regarding the burial of his
parents, but also by the fact that the reason that he returned
to Jamaica after his first trip to Cuba was because his mother
was ill.)

Lastly, it must be emphasised that whatever the situation
with regard to his siblings now, their non-exercise of rights to
the land was based purely on voluntary renunciation. The brother
did not return after emigrating, and has been away for over seventy
years; the sister has been away for over thirty years, and in
addition had stated that she did not want any land in River
Village.

Mr. A. makes full use of the land; not only does he live
there, but he also cultivates yams and coffee, and rents house-
spots to several tenants who have built or brought their houses
there. There are several economic trees on the land - naseberry
(3), coconuts (8), ackees (4), and a tangerine and grapefruit.
All but one of these are on the part of the land which he retains
as his house-spot. In addition to the old wooden house which was
left by the parents, and where he lives at present, he was, as
mentioned above, having a Farm House built on the land. (Such
houses are generally much stronger than the average village house).

He says that his two children will inherit the land: he has
made no will, but "probably later on I may make a will." He would
leave the land undivided but the children could choose a particu-
lar part each if they wished. His wife would not inherit the
land because he says she is only living on the land because she
is his wife, and has no claim to it. However if she survived him
she could continue to live there until her death. (It is to be
noted that in both the present generation and Mr. A's father's generation the spouse who only retained a life interest in the land was a legal wife).

My return visit in 1972 enabled me to follow up the actual situation regarding the inheritance of this land subsequent to Mr. A's death which occurred in 1970.

Mrs. A. states that when Mr. A. became ill and realised that he was not going to recover he wrote out a will and had it witnessed by her and two other villagers a few days prior to his death. He was at that time aged seventy-five. There was no stipulation against the sale of the land in the will, but Mrs. A. says that she "always hear him say he's not selling his family land." She, the widow, is to live on the house-spot until her death, after which the land is to be inherited jointly by the A's two children. Mrs. A's outside son is not included in the inheritance. The land is to be inherited undivided, but the two heirs may subsequently divide it if they wish.

Mr. A. had a Title for the land, but his widow does not know where it is.

Mrs. A. does not know if her husband's brother in America ever had any children, and as mentioned above, she thinks this brother is now dead. However in the event of there being any of these heirs alive or in existence Mrs. A. says that if they wanted to use the land they would have to pay recompense to Mr. A's family of procreation as Mr. A. had "protected" the land by paying the tax. This indicates that while Mr. A's children have been designated heirs, such other heirs - if they were to return - would be allowed to use the land once the question of recompense for the upkeep of taxes had been settled; - a viewpoint also expressed by Mr. A. during his lifetime.

Although as mentioned above the A's adult daughter was (along
with her three children) living with her parents at the time of field work, she had subsequently moved out of her parents' house to establish a consensual union in a rented house elsewhere in the village where she lived for about two years. After her father's death, however, the young couple moved to live in their own house built on Mr. A's land by the girl's brothers (the As' son and Mrs. A's outside son). The daughter's three oldest (outside) children have been left to live with Mrs. A., while the young couple's two children (maternal half-siblings to the above three children), born subsequent to field work, live with their parents. The outside kitchen is divided between the two households: a part for Mrs. A. and a part for her daughter.

Mr. A., along with those of his siblings alive when his father died, also inherited rights from his father to half an acre of land in the latter's natal village elsewhere in the parish. His father had himself inherited the land from his own father (Mr. A's paternal grandfather), but Mr. A. does not know how the latter obtained it. As mentioned above Mr. A's father died intestate but he "never sold his father's place" in order that he could also leave it for his children.

Mr. A. thinks that his grandfather died intestate, but knows that the land was inherited by the grandfather's four sons, one of whom was a paternal half-sibling to the other three who were full siblings. However Mr. A's father was the only one of these sons to exercise his claim to the land, and consolidated his individual use of it by paying the taxes. The other three brothers' non-exercise of their rights was based on voluntary renunciation:

"The other sons don't look about it, them was away at different districts, different parishes. When taxes was paying for it, I understood it was only my father paying taxes."

Mr. A. does not think that his uncles would ever have bothered to return to the land for "in those days" they were "old men". His
father's position in relation to the land, then, was similar to his own regarding his house-spot in River Village. Mr. A. likewise feels that the uncles could not have claimed the land because they had not bothered to pay tax. While this may be considered to support the argument for an exclusive descent group, it must be pointed out that the possibility of exclusion followed voluntary renunciation by these heirs (and as seen above in the case of Mr. A's house-spot he in fact says that his siblings "can freely come" and use the land).

To further support the argument that voluntary renunciation is the crucial variable in the system, it can be noted that when Mr. A's father died, none of his siblings, if they were still alive, bothered to claim the land, and neither did any of the heirs in Mr. A's generation, for the land "was left alone to the public" (that is lying in disuse) and no-one paid the tax on it. It must also be emphasised that non-residence per se on the land was not an important factor in the father's charge of the land, for he himself left his natal village and came to River Village to work, living there for the rest of his life and having all his fourteen children there.

Sometime after his father's death the tax collector informed Mr. A. that tax was owing on the land. The collector also explained that there was a woman living next to the land who was interested in purchasing it if he were willing to sell it: "I say 'alright, I not using it, and it's a distance off me'; that time I didn't have any children. I went up there and sold it out." This was in 1945, and at that time there were only three of his father's children alive, and of these only two were in Jamaica: Mr. A. and his sister, who was in Kingston. Although both were non-resident on the land, and neither was paying tax, both had to give permission for the sale:

"I send for her in Kingston, and she came down, and we all signed up some documents; and after we sell the piece we divide the money: give her her portion, and she went back to Kingston."

Mr. A. also inherited rights from his mother to half an acre
of land in River Village which his mother had inherited from her two maternal aunts who raised her as a child because her own mother had died; neither aunt had any children. Mr. A's mother first became pregnant for his father while she was still living with her aunts, but later moved to live with his father on Mr. A's present house-spot where all the couple's fourteen children were born. When the aunts saw that Mr. A's father "determine to marry" his mother "they gave the lands over to my father for the benefit of my mother", so that "when they die, my mother is to get it". This transmission was effected by deed of gift during the aunts' lifetime, but it was not until they died that Mr. A's father took charge of the land on behalf of his spouse. In return, Mr. A's father supported these aunts, as "when they were alive they were unable to support themselves."

Although once Mr. A's mother had moved to his father's house-spot she never returned to live on the aunt's land, she still exercised her claim to the latter after their death: "My mother occupied [held] it; when she was married she still occupied it and was getting fruits off it." Though non-resident on the land she did not rent it out.

Mr. A's father acted as a trustee for the land on behalf of his spouse, and the latter gave the land to Mr. A. also by deed of gift during her lifetime. She did so when she was living in Kingston with her daughter. At this time only three of the mother's children were alive: Mr. A., his brother who had emigrated abroad, and his sister, who said that she did not want any of the land. So his mother left it to Mr. A. alone, making the transfer in the presence of his sister, and giving him not only individual rights to the land, but also the freedom to do as he liked with it:
"She said 'Take my piece of land, do as you like with it, because your sister don't want it; your sister don't want nowhere in River Village. So you take it, and do as you like with it: rent, sell or lease'".

At a later date Mr. A. did in fact sell the land.

Mrs. A. has inherited rights from her maternal grandmother to land in her natal village some miles further inland in the parish. The grandmother, who died intestate, had purchased three plots of land in that village: one acre, half an acre and a quarter of a square in size respectively.

The grandmother's children are now all dead, and at least three of them (including Mrs. A's mother) predeceased the grandmother. Since the latter died when Mrs. A. was only eleven, she is not very sure of all the details concerning the land. However she knows that the grandmother said she was to inherit the land "When me come to perfection [maturity]" because she was "alone" (her mother had died and she never knew her father; her parents were not married). Nevertheless she states that her grandmother "only say that" and that if her cousins in Colon (her grandmother's grandchildren) were to come to Jamaica that they "can eat and drink [from the fruit trees on the land]; me don't have no worries [would not mind if they did so]". However she states that these cousins "nah correspond" and so she has no news of them.

Ever since the grandmother's death nearly fifty years ago there has been a complete lack of interest in the land and it has fallen into complete disuse. After the grandmother's death no-one paid the tax on the land until recently when enquiries were made by the Tax Office. Mrs. A. then had the land registered in her name and now pays the taxes. Prior to her death the grandmother had received financial assistance on Poor Relief, and since the taxes lapsed on the land one of the three plots was confiscated by the Government.

Although Mrs. A. pays the tax on the two remaining plots (which
are about six chains apart: "one is down riverside and piece is up hillside") she is not interested in the land and would sell it if someone wished to buy it, for her children are also not interested in it: "If me get sale, me sell it. Just as chief [might as well]. For the children them say they not going up there; - too bushy."

There are naseberry and breadfruit trees on the land, and Mrs. A. used to pick fruit from these whenever she visited her natal village; but she no longer goes there: "Just a couple of years now don't go up, through me sick."

There is no longer a house there as the grandmother's house has long since broken down; and although Mrs. A. does not use the land it is not rented out; she has asked someone in that district to "look over" it.

She has no Title for the land. It can be noted that Mrs. A. retains her rights to the land despite her absence from her natal village for nearly thirty years.

This case clearly illustrates ambilateral (either or both) rather than utrolateral (one or the other, not both) affiliation regarding inheritance to rights in land; for both Mr. and Mrs. A. inherited rights to land, and both retained these rights after the establishment of their conjugal union. In addition Mr. A. inherited rights from both his father (to two pieces of land) and mother (one piece). Mrs. A. only inherited rights from her mother's side of the family; her parents were not married and she never knew her father.

Case 10 Mrs. Z. has inherited rights to three pieces of land in River Village. Two pieces (three squares and a quarter of an acre respectively) were inherited from her father (who also had a third plot in the village which he however sold before his death) and one (half an acre) from her paternal uncle. The plots are all some dis-
tance from each other.

Mrs. Z. lives with her husband and four of her grandchildren on the plot inherited from her uncle.

Although Mrs. Z. has no children by her husband (their union is her fourth and while it has lasted for fifteen years, only commenced when she was in her forties) she has had seven children by three previous unions. Two of these children have died, leaving the eldest child, a son Mr. E.Z., by her first union, who lives in River Village (see below); another three sons by a second union: Ronald (who has emigrated to England); Mr. C. J. (who lives in River Village, see below) and Benjamin (who has also emigrated to England); and a daughter by her third union, who lives in another parish. Mrs. Z's husband had five children by one woman in a previous non-legal union.

The paternal uncle from whom Mrs. Z. inherited the land on which she lives had one child, a son, who emigrated to the United States, and subsequently lost contact completely with his father, who did not even know where he was. Mrs. Z. says that this is the only reason that she inherited the land instead of her uncle's son. She does not know how her uncle obtained the land, but knows that he had it for "more than twenty odd years". He did not make a will, but shortly before he died he told her that she could have the land. (At this time his brother, Mrs. Z's father, was still alive.) The land is registered in Mrs. Z's name for the purpose of paying tax.

She has lived on this land since 1952, first in a one-roomed wooden house, and then from 1960 in her present house, built for her by her son Benjamin. This house is made of concrete and has four rooms and a verandah. She now rents out the first house on a weekly basis to a tenant. There are ackee, breadfruit and naseberry trees on the land, and Mrs. Z. cultivates a small area beside her
house with cocos, yams, bananas and coconuts. She keeps fowls and a duck, and used to rear white pigs.

She has given both her maternal half-brother Mr. X, and her maternal half-sister Miss CL, (who are also maternal half-siblings to each other,) the use of house-spots on the land. Each of these siblings lives in a separate house. Miss CL. lives alone in a strong one-roomed wooden house which was built free of charge for her by the Parish Council one year ago (see Chapter 3). Mr. X. has lived here for three years in his own two-roomed wooden house which he employed someone to build. With him lives one of his three outside illegitimate children, a daughter. Neither he nor Miss CL. have either actual or potential rights of inheritance to the land since they are maternal half-siblings to Mrs. Z. and she inherited the land from her paternal uncle. However, Mrs. Z. does not charge them any rent for their house-spots, and allows them to pick produce from the trees in the yard. Mr. X. stresses the fact that he does not take advantage of his sister's kindness, saying that although he sometimes picks from her trees, "I never take charge; I have a conscience."

Mrs. Z. also allows her siblings to cultivate on the land if they wish; Miss CL. does not cultivate, but Mr. X. sometimes planted small amounts of cassava or coconuts, although he has nothing planted at the moment. However he rears a pig and a dozen fowls. Mrs. Z. and Mr. X. each have an outside kitchen, but Miss CL. cooks on a "coal pot" at the doorway of her house.

Mrs. Z.'s husband has a life-interest in the land, but Mrs. Z. intends to leave it to two of her five children alive: "To me and this land now, I have the mind to share it for two children - Benjamin and the girl." She refers here to her two youngest children alive. The daughter is her only daughter, and Benjamin built her present house for her. In addition, he allows his mother to cultivate on his own bought land just outside the village. Benjamin alone
will inherit the big house. Mrs. Z. will not subdivide the land, but says that the two children probably will for "it can easily part, you know, that Benjamin have his own; a fence can run." In such an event, her house and the land immediately surrounding it would be fenced off as Benjamin's.

Mrs. Z. traces the transmission of the three-square plot inherited from her father to two ascending generations. She says that the her father, David Boyd, "get/land as a inheritance" from his paternal aunt, Sybil Boyd, who in turn inherited it from her brother, Peter Boyd (David's paternal uncle); she does not know how he obtained it: 1)

"Me father told me that he had an aunt, and the aunt told him that she get the land from Peter Boyd; and Peter Boyd leave the land to Sybil Boyd; and Sybil Boyd give David Boyd, which is my father, the land; and David Boyd give it to Jane Boyd, which is me. So that land now, not to be sold; not to be sold. It must go from generation to generation, that land. We call it the family land."

Her adamance that this land must not be alienated from future heirs contrasts significantly with her attitude on this question with regard to her present house-spot. For although she does not intend to sell the latter, she stated at one point that 'perhaps' it could be sold and at another, that it could be sold - she does not know the details of previous transmission (if any) regarding the latter and does not look upon it as an "inheritance" (that is as family land).

The strength of the sanctions operating against alienation of the land is illustrated by the situation which arose after the death of her second spouse with whom she had lived on the land before she moved to her present house-spot in 1952. After his death, the

1) Since a lateral transmission took place in this generation, it is likely that the land had been inherited as family land by that generation.
Government" (Parish Council) had given her an allowance to help with the support of her children. However, at a later point the Parish Council told her that since she had this land she did not qualify to be on the Pauper Roll, and that therefore she must either repay the money that she had received, or forfeit the land: "After a while, now, Government said me have to pay back the money; - say me no pauper!" There was a court case concerning this: "Me go all a Court for it; and them tell me say that me have to pay back the money, or else, the land. Either the money or the land." So she repaid the money rather than forfeit the land.

Mrs. Z. inherited the land alone, in a will made by her father, but she does not know if a Will was made concerning any of the previous transmissions.

When Mrs. Z. moved to her present house-spot in 1952, she allowed her son Mr. CJ. to continue living in that house. (Her children had previously lived there with her, and the others were away.) Since then Mr. CJ. lived there (for much of the time with his consensual spouse and their four children. However, this woman has recently left him and taken the children with her to live elsewhere in the village, because he had been visiting another woman in the village, regularly for the past three years. So he now lives there alone, and continues to visit the latter at her own house.) Mrs. Z. has also given her oldest son, Mr. EZ, the use of a house-spot on this land, where he has built a three-roomed wooden house with a verandah. He has lived there for two years with his consensual spouse and their five children. In addition, Mrs. Z. rents a house-spot to a tenant who lives there in his own house.

Although Mrs. Z. allows her two above-mentioned sons to live on the land, to pick from the fruit trees (coconuts, oranges and grapefruit) and to cultivate there if they wish,(Mr. EZ's house-
hold for example cultivate small quantities of callaloo, plantain, chow-chow, yams and cassava) she has not yet transmitted rights of ownership in the land to them, being still the actual holder of the land herself, and still pays the tax herself.

She says that when she dies the land is not to be sold, but is to be inherited by "the children" and all her children's children, and she emphasises that all these grandchildren will inherit those rights. It is to be noted that the grandchildren by her three children who have left the village are definitely included as potential heirs, despite the fact that of these three children, two are living in England. The two sons now resident on the land may continue to live there as long as they wish, but they will not be able to exclude Mrs. Z's other descendants on the basis of their residence; for the land is to be passed on down the "family":

"It is not to be sold; the two [sons] could get, but other grandchildren will have to get. It have to leave for 'gron'; the daughter and sons' children; everybody touch up [share]. (Me have 'nough, me have twenty-seven grandchildren; and according to it, three must be on the way! Beside the twenty-seven. One is for me daughter and the two must be the sons.) Them can partake anything; all of them - go over and pick."

Mrs. Z. has not made a will, but states that "if I live, I out to make one."

The third piece of land (a quarter acre "more or less") was in fact left in a will by Mrs. Z's father to her legitimate paternal half-brother: "That land, my father leave it for my lawfully brother; but don't know where him is for years now ... for he went abroad."

Mrs. Z. had been on good terms with her half-brother, but although he returned to the island to visit his parents, no news has been heard of him since before their father died nearly forty years ago. So Mrs. Z. has claimed rights to the land on the basis that she is also David Boyd's child. However she does not claim these rights against her brother (for she explained in detail that it is really his land) but against the husband of a cousin (Mrs. Z's FZSD) who claims to have bought the land through the executor of the will. It is difficu-
cult to assess exactly what did actually occur on the basis of Mrs. Z's account; her story is one of "trickery" on the other disputants' part. It must be remembered, however, that she is an illegitimate child, and therefore has no rights of inheritance from her father in the eyes of the Law; much of the conflict may therefore have ensued due to the discrepancies between her expectations on the basis of the customary system, and the fact that a will was made concerning this land and left to be administered according to the Law. However, after much ill-feeling had been aroused, some degree of settlement was reached, for Mrs. Z. now collects the rent from the premises and pays the tax on the land.

Case 11 Mrs. D. has inherited rights to land in two other villages in the parish: from her father - in a village a few miles inland; and from her mother and step-father in another village also a few miles inland.

Until the age of twelve Mrs. D. had lived with her paternal grandmother, but when she was twelve her mother and step-father (who were married) took her to live with them in another village, where she remained until she established a consensual union in River Village over fifty years ago. This union (her second - the first being extra-residential) has lasted for fifty-six years, she and her spouse having married twenty-six years ago. After living consensually for a few years in a rented house, the couple purchased their present house in River Village with the surrounding land (one acre) and have lived here ever since.

Her father's land "Is a family land; old parents' land. Old parents died and leave it ..."; she is referring to her paternal grandparents to whom she traces the land. She does not know how the grandparents obtained the land: "We just can't say;
because we only grow up and see them with it. But how they come by it we cannot tell."

Mrs. D's father and paternal aunt (who were full siblings) inherited the land from the grandparents; there was a third sibling, Mrs. D's paternal uncle; but she has never seen him as he went abroad from before she was born, and although she is now in her seventies he has never returned. The land was subdivided between Mrs. D's father and aunt; her father "made the boundary line before he died". So he "had his own" share, and when he died he left this for his two children, Mrs. D. and her sister (full siblings, but both illegitimate), and they are "responsible" for that part of the land. The father's share (three-quarters of an acre) remained undivided, being held jointly by the two sisters. The aunt's share of the land was inherited by the latter's son, and when he died his wife and daughter continued to live there.

The transmission of the land down the generations has occurred through intestate succession; her father and aunt's parents

"died and leave it to them; and after them died, them leave it to we. No will wasn't made; just leave it as it is ... And as everybody goes and come together [lives in unity] it wasn't such a ticklish time ..."

(In other words, since the family lived in unity, there was no need for a will.)

Although Mrs. D. and her sister were not living on the land they used to go and pick fruit from it:

"We was occupying it; no - we weren't living there, we go and come and pick. Is a fruitful place: coffee, bread-fruit and coconut; so we go and come and pick, each of us."

Since neither Mrs. D. nor her sister live on the land, the wire fence serving as a boundary between her father and aunt's original shares has been "opened" so that all the land can be used by the aunt's son's wife and daughter as they are the only ones living there. But although they use the whole land, "We know our line and they know theirs ...", and "every now and then them bring
things from there [her part of the land] come give me: bread-fruit, coconut and all."

Although Mrs. D. retains her rights to the land she is really not interested in using it, and so has stopped contributing to the taxes for it, leaving those who use the land to keep up these payments; and she is happy just to let her aunt’s descendants use all of it:

"We don't trouble one another. If they bring anything come give me, me take it ... The child what live on it paying the taxes. So me no molest her. Because whole heap a land no help you know! Me nah particular; for me have here [her and her husband’s bought land in River Village]. Me no want no more; just satisfied."

Mrs. D’s step-father bought land in another village, which was comprised of three plots: two small pieces of an acre and half an acre respectively; and a larger piece which Mrs. D. estimates at eighteen acres. Although not adjoining each other, these pieces are all in the same general vicinity.

The step-father made a will stating that the land should be inherited by the children after his wife’s death. Most of the land was left to the mother’s "lawful" children – that is the step-father's children, Mrs. D’s maternal half-siblings. However Mrs. D. was also included in the will and inherited a share of half an acre.

Only two of her maternal half-siblings are still alive: Brian and Dick (a half-sister and half-brother having died) – "so the two of them is head of affairs" regarding the land. However only Brian lives on the land, for Dick has been living in Kingston for many years. Brian has no children, but Dick has two: a son who has been living in the United States for some time, and a daughter who is still at school in Kingston.

Mrs. D. is not interested in her share of the land: "As me come to what me is now and settle down here [River Village], me
don't worry to go up there." But sometimes her brother Brian
brings "breadfruit, coconut, anything he pick; sometimes they
bring down a whole bag-load of things for me from the land."

Dick likewise is not interested in using any of the land:
"He lives in Kingston and them don't worry [with the land] down
here ..." Nevertheless Dick does not want any of the land to be
sold; for when the Tax Office notified Mrs. D. that Brian was not
paying tax on the land and that they intended to confiscate some
of the land in order to sell it and so claim the money owed, and
Mrs. D. in turn notified Dick of the situation:

"Dick said Brian not to sell it, for if he sell it behind
his back the person [who buys it] will lose the money, for
he's a lawfully heir, and he'll come down and claim it;
because he cannot do it without the two of them consult to¬
gether."

And although Dick's son is living in the United States, when
Dick notified him of the situation,

"He send back to say not a piece of the land to be sold,
because he is young and coming up, and we the older ones
going down, and the land must finish in Wilson's name [the
family surname]. When all the Wilsons gone then the land
can go, but while he is alive nobody cannot [alienate] the
land."

Dick's son intends to return to live on the land, "but we
don't know when. He send to tell us he expect to be out."

Mr. D., along with his three brothers, inherited joint rights
in undivided land in his natal village some miles away from his
parents. However, through joint agreement the siblings sold the
land as they were not using it; - Mr. D. and another of the broth¬
ers live in River Village, another lives in the neighbouring vill¬
age of Friendship, and the fourth emigrated to England a very
long time ago. However although the brothers did not live on the
land "everybody pick out of it until they agree to sell it ...[
Mr. D.] used to get something off it; had mangos and all them
things." The land had been leased out for some time prior to the
sale.
Case 12. Mr. CM. has family land in the neighbouring village of Friendship. He traces the transmission of the land to three ascending generations: his mother's paternal grandfather, who bought the land. Mr. CM. is almost seventy, so the purchase of this land by the focal ancestor was probably made in the early post-emancipation era. The great grandfather made no will, and Mr. CM's maternal grandfather "just succeeded" to the land. The grandfather also did not make a will, and when he died the land was inherited by his daughter, Mr. CM's mother, the only one of the grandfather's children still alive at the time. (Previously his mother's siblings had all "gone away, and no-one knows what became of them".) Mr. CM's mother also did not make a will, and after her death Mr. CM. paid the tax on the land and was "responsible" for it. His ancestors are buried on this land: his mother, his maternal grandfather, and his mother's paternal grandfather.

Mr. CM's mother had six children: Mr. CM., the oldest child; another son; and four daughters. Mr. CM. says that she did not "directly" leave the land for all her children: "I responsible". His siblings "all take 'way themselves" and his mother left the land to him alone as he stood all the funeral expenses of his maternal grandfather; he also had to bury his mother too. Nevertheless he says that if any of his siblings come and want to use the land he would tell them to go and use it: "Them go there, and anything them want they pick and so on". And if they wanted to "make houses" up there they could: "For we are sisters and brothers - I wouldn't be against them for using it if they want to"; although, he added, they would have to contribute to the tax as he alone has been paying this and it has cost him a lot of money.

No-one lives on the land (which is between one and two acres in size); his mother used to live there, but after she died her house "break down". Three of Mr. CM's sisters live elsewhere in
the parish, with a fourth living in Kingston, and his brother is in England. Mr. CM. himself came to live in River Village as a young man, first living in a rented house and subsequently in his own house on a quarter of an acre of land which he purchased in the village; he still lives there. In addition to this land he leases five acres of land from a nearby property where he cultivates cane as a cash crop.

Mr. CM. has three illegitimate children: two daughters and a son, all full siblings and now adult. The children's mother — who had lived with Mr. CM. in a consensual union — has been dead for several years. The son (the eldest of the three children) lives a few miles outside the village where he owns his house and has a family. One of the daughters is in England, where she has been for the past eleven years; she owns a house there. She has not returned to Jamaica during this time but may soon return for a visit. The younger daughter lives in Kingston and may be emigrating to the United States.

Mr. CM. has "not yet" made a will, but plans to leave his house-spot in River Village for his three children: "I wouldn't have to divide it." The three children would also inherit his family land in Friendship. His siblings' children would not, however, inherit this. He says that his children could sell the family land after his death if they wished, as after one dies one does not know what happens. However, he says, many people do not want family land to be sold: "From the old time system; generations inherit"; and he explained that the burial of ancestors on family land is an important element in the proscription against alienation of such land: "Them say you selling out the dead". 
Case 13 Miss BW. lives in River Village on three acres of land purchased by her former consensual spouse, who has since left her. Miss BW. was born in another village elsewhere in the parish, some miles inland from River Village, and is of negro descent; but her ex-consensual spouse was Chinese, having emigrated from Canton to Jamaica as a young man in order to join his uncle (who also came from China) in a retail business in Maintown.

Miss BW. has twelve children; her eldest is a son, Paul, by a previous extra-residential union. Then she had eleven children by the above-mentioned Chinese spouse. When the latter purchased the land in River Village the Title was first made out in his name alone. However after the house was built there, he had the Title transferred to Miss BW's name and that of certain of their children. At the time of the transfer their youngest child (a son, Frank, now twenty-seven) was not yet born, so they then had ten children: three daughters and seven sons. Of these the father included the names of the five youngest sons (Ivan, Sam, Wallace, Robert and Godfrey) on the Title. Not included were all three daughters (Susan, their eldest child; Mavis and Gem) and the two eldest sons (Edgar and Basil). Miss BW's outside son was also not included. Miss BW. states that once this transfer had been made, her ex-consensual spouse had no claim to the land: "Him don't business with it again." She also says that the Title is sufficient to ensure hers and the relevant children's claims, and so there was no need for a will.

Of the five sons included in the Title, two (Ivan and Sam) were sent to China as children to live with their paternal uncle, going by boat along "with other Chinese". (Edgar, who lives in Maintown, says that it is a custom among the Jamaican Chinese to send some sons back to China; he says that his father also wanted to send him there, but that he refused to go.) The intention was
that the two sons would eventually return to Jamaica; however for very many years Miss BW. has heard nothing of them, and she thinks they may be dead.

After her youngest child Frank was born, Miss BW. added his name to the Title. She also added those of two of the daughters, Mavis and Gem. So of her eleven children by her ex-consensual spouse, the only ones not included on the Title are the three eldest children: Susan, Edgar and Basil. The only reason that these are not included is because "Them is the oldest ones"; they would, therefore, be the first most likely to establish their independence.

All of Miss BW's children except Wallace, who lives in a separate house on the land (and who is referred to as Mr. BV, being in the sample) have left the village.

With Miss BW. live four of her grandchildren and one great grandchild. The grandchildren are: Gem's two sons (full siblings) and Robert's daughter and son (half-siblings). The great grandchild is Susan's daughter's son.

There are various economic trees growing on the land: breadfruit, grapefruit, avocado pear, and paw-paw, and Miss BW. has planted a little corn and pumpkin there, and also keeps a few chickens. She states that until her death she has sole charge of the land; for example, although she has given her son Mr. BV. two squares of the land to use as a house-spot, and also allows him to cultivate there, she says that at present the land:

"belong to me. But him can live there until him dead. But him can't do nothing to it. Him can't sell it, and him can't borrow nothing 'pon it."

None of the children whose names are on the Title could sell the land without her permission, and she has no intention of selling it, for:

"If I sell it and I don't dead, I will sell out myself. And then, you see, some of the children them [might be] ungrateful,
so now they might please themself and wouldn't please me. So without I don't sign to it, them couldn't do nothing at all. I would have to sign, and I wouldn't."

Even after her death she does not want the land to be sold: "No, no, no - not to sell."

Any of the children whose names are on the Title can come and build on the land or pick fruit from the trees there (though what Mr. BV. has planted on his house-spot - see below - belongs to his household): "If they choose to get spot [to build], they will get it. If they don't [so] choose, they go and come." The three children not included in the Title can also come and pick fruit: "Then go and come and anything them want, them get."

The resident son's house-spot is not "measured off" from the rest of the land, and none of the land will be measured off for any particular heir, for this would mean subdivision of the land, and Miss BW. believes that confusion and conflict are inherent in such a process:

"No measure nothing give them; for you know when you measure things give them - any [amount of] fuss. This [one] don't want people to come over here, and that [one] don't want other to come over here ..."

and so on. But undivided as the land is now, "Nobody can stop one another from go and come."

Miss BW's house (wooden, with six rooms and a verandah) has not been earmarked for any particular child to inherit:

"Anyone want to come, them come" and use it.

Miss BW. pays the tax on the land (which is registered in her name) - "£8 and some pence" annually. Her son Mr. BV. helps her to pay this as he lives on the land, and all her children help to support her - some are "weekly supportance" and some monthly.

The house which Mr. BV. has had built on the land is a nine-roomed concrete house with a verandah. He has lived there for the past eight years with his consensual spouse and their ten children
(prior to this, the couple had previously lived together in two other houses, both rented, elsewhere in the village). Mr. BV. has planted bananas, plantains, coconuts, breadfruit, grapefruit and mangos around his house, and his household rears several dozen chickens for the purpose of selling eggs.

The rest of Miss BW's children are scattered about — both within the island and abroad. Paul, her outside son, has emigrated to England, where he has been for the past fourteen years (he has, however, returned during that time to visit). Her eldest daughter Susan lives in Maintown, where she keeps a rum shop. Edgar owns a large house in Maintown, where he lives with his wife and children. Basil has emigrated to the United States. Mavis is married and owns a shop in Maintown, which her sister Gem runs for her while the former raises livestock on a fairly large scale (having several acres of land some miles away). Gem lives with Mavis and the latter's husband, and so does Frank, who works for Mavis driving a truck which she owns. Robert has a clerical job in Kingston, where he lives; although he comes home to visit once a month. Godfrey has emigrated to England where he has been for twelve years; he sometimes returns home on visits.

Although scattered about like this, a certain amount of diffuse solidarity is nevertheless maintained between the members of this extended family (and is strongest between those resident in River Village and Maintown) through: the common support by the children of their mother, Miss BW; visits home to their mother; fostering of children with the mother; joint rights of most of the children to the land in River Village; and a certain amount of independent interaction between the siblings themselves, particularly those in Maintown.

In addition to this land which she lives on in River Village, Miss BW also has rights to her parents' one acre of bought land in
her natal village further inland, but she does not exercise these rights. Her parents are both dead. They did not make a will, but all their children inherited rights to their land: "All of we can go in and come out same like this land" (here she is making a comparison with the land in River Village discussed above); and "It can't sell; not selling - for is there mother and father bury."
The land has therefore been transformed from bought land into family land. Although "Plenty of we have shares in the land", only one sibling actually uses the land - a sister, who lives in the parents' house. Miss BW. does not exercise her rights to the land because: "I don't want none, for I have plenty." (Another factor contributing to her non-exercise of rights to this family land being that she emigrated from her natal village very many years ago in order to establish a consensual union with the father of her eleven children, who lived elsewhere in the parish.)

Case 14. Mrs. C. has inherited rights "from old arrivance" to family land in her natal village in another rural parish. Although she is not certain of the origin of the land Mrs. C. knows that her maternal grandfather left the land to:

"All the children them; - all his children and the grandchildren. All of us can go on the land and pick, but no selling ... Say it mustn't sell, must stay there serve everybody - as long as till every generation dead out. But nobody can go there go out none and sell."

(The grandfather had no siblings, so the land was probably either bought or individually inherited by him.)

The grandfather did not make a will, but gave each of his children their own portion of the land: "Divided up and everybody get." Some of these children are still alive, but Mrs. C's mother is dead. The latter's share was three-quarters of an acre and she
left it to be inherited jointly by all her children (five daughters and three sons):

"She just leave it for all of us to pick off it; but it not to sell. As heirs all of we go and pick; [it] don't divide at all."

However of Mrs. C's mother's children only one - a daughter - uses the land; and Mrs. C. says that neither she nor her other siblings would "trouble" this sister: "We don't trouble her, because she is deadly poor, and all the others can see them way. We can see we way so we no worry her." One of the other siblings, for example - Mrs. C's maternal half-sister - has emigrated to the United States having previously had her own home in Kingston. And all that sister's children live in Kingston with the exception of one who has emigrated to Canada; and Mrs. C. does not think that any of these relatives will return to her natal parish.

Mrs. C. herself has no need of the family land since she and her husband have their own bought land in River Village where they live neolocally: "You know what I do? - 'Mother have, and father have, happy the child that have its own.' So I try to have my own ..."

However, although only one of Mrs. C's siblings lives on the mother's share of the family land, the absent heirs nevertheless retain their rights to this land:

"All of us would have to go and sign before it can sell. Because if one sell it, we can go - we who leave go and take it away [from the purchaser]."

However she commented that in view of this, sale of the land would "make too much worries".

Mrs. C. says she does not know the details regarding the use of the other shares of the family land which were left to her mother's siblings, for she herself left her natal village when she was a child (she is now nearly sixty) and she 'grew out' in various other
parts of the island; and she does not return to her natal parish often. So of these other members of the "family" she knows "nothing at all about them business", and seems to have little contact with them except "when them dead me go a their funeral".

Case 15  Mr. AS. and Mr. AR, two full siblings, are descendants of one of the "old families" of River Village. The siblings' "old parents" (who will be referred to here as Mr. and Mrs. DC — all of these persons however having the same surname) were married and had three legitimate sons, of which Mr. AS. is the eldest and Mr. AR. the youngest. Both these brothers live on separate plots of land in River Village inherited from their father (see below).

With Mr. AS. live his wife and their three children. Prior to his current conjugal union Mr. AS. had been married to another woman who died, the couple having had two children. These latter (both now in their twenties and living in towns elsewhere in the island) had been raised by his second wife, having been infants when their own mother died. With Mr. AR. live his wife and their five children, his wife's sister also living with them. The middle brother, Gerald, has no children and has left the village, now living in a neighbouring parish.

In addition to these three sons, Mr. and Mrs. DC. each had one outside child - in each case a daughter. The brothers' maternal half-sister lives in Kingston, and the paternal half-sister in another parish. Both the parents have been dead for several years now, the mother outliving the husband by one year. Both are buried in the River Village cemetery.

Old Mr. DC. had six different holdings of land, five of which were in River Village: one inherited, three purchased and one received as a gift from his employer. The sixth he purchased in
a village elsewhere in the parish.

(i) The holding which old Mr. DC. inherited is between a quarter and a half of an acre in size. This was inherited from his maternal aunt who had raised him. I was not able to discover how the aunt had obtained the land. The aunt died intestate, just leaving the land to Mr. DC. alone "because he maintain her until her death." Mr. DC. had one sister, who died; but in any case she inherited no rights to the land. On this piece of land is a big old upstairs house where Mr. and Mrs. DC. had lived, and where Mr. AS. and Mr. AR. had lived as children. In addition, Mr. DC. had built two two-roomed "tenement houses" on this land for rental, and partitioned off that part of the land from that where his big house was.

(ii) Old Mr. DC. had purchased a plot two squares in size adjoining the above inherited land.

(iii) He also purchased another plot across the road from these two; this was also two squares in size and is the plot where Mr. AR. now lives.

(iv) The third piece which Mr. DC. purchased in River Village was the quarter-acre plot where Mr. AS. now lives. However, this piece was bought on Mr. AS's behalf, and the latter had helped to buy it. Mr. AS. states that to encourage his father to assist him with the purchase, "I told him to put it [the Title] in his name." In addition, after Mr. AS's first house was destroyed in a hurricane, his father had taken out a mortgage on Mr. AS's behalf - pledging his own land as security - in conjunction with the Government Rehabilitation Subsidy Scheme to build Mr. AS's present house:

"You borrow money from a Bank; in those days you had what you call Rehabilitation Scheme - it was after the storm, so Government loan money, gave you a subsidy: 33%. So I proceeded through him, and got [the rest of] the money, and paid the money back through him."

(v) Old Mr. DC. had been given a piece of land at the edge of the
village ("Just a slip of land by the riverside") by his employer, a property-owner who lived just outside the village. The land is:

"three or four squares; [the property-owner] cut it off [divided it from] the property proper before he sold it, and gave him a Title to cover it."

(vi) The sixth holding was purchased by old Mr. DC. in another village elsewhere in the parish in a four-step process of consolidation, from four sisters who had each inherited a portion of the land. As Mr. AS. pointed out to me, this is an example of the complexity involved in selling land which has been inherited by several children:

"I know my father bought a piece of land at [another village] ... It was left for four sisters. He bought it from one sister, and not long after another sister sold out to him; and not long after that, too, another sister sold out to him. Well, he had these three pieces of land, and one sister was still alive and had her piece! And it went on for a couple of years, and she became old and decide to sell, and so he eventually bought out the whole plot of land."

Old Mr. DC. had, however, sold this piece of land before he died.

Before his death, Mr. DC. made a will concerning his various holdings of land. Mr. AS, the eldest son, had originally been made executor of the will. However, due to a subsequent disagreement with his parents, this was revoked by the father, and Mr. AR, the youngest son, was made executor instead. Mr. AS. thinks that the reason why the youngest and not the middle son was made executor after him is because "my father had a great amount of love for this [youngest] son."

The will contained the following stipulations:

(i) Regarding the plot which Mr. DC. had inherited from his maternal aunt, his wife was to continue living on this land until her death, and was to "supervise" the land; but she could not sell any of it - having only a life interest in it. The land was to be inherited by Mr. DC's outside daughter and four of his grandchildren: Mr. AS's two children by his first marriage (a son and a daughter), and Mr. AR's two oldest children (both sons). When
he made the will some of his other grandchildren had also been born, and by the time that he died only Mr. AR's youngest child had not yet been born, so the grandfather had knowingly selected four of his nine grandchildren to inherit this land. The only explanation which I received for this selection was: "I don't know why he did it like that ... but I suppose there are too many to divide it up." Although this land is partitioned by a fence, Mr. AS. states that (at the ideological level) it remains undivided. Mrs. AS. says "the land could not be divided", and Mr. AS. "terms it 'complicated'; because if they sell it, they have to divide"the money. He does not think it will ever be sold, because although "a Title can be got, so many people involved."

Mrs. AR. also states that there is no plan to sell the land. However, while she also says that the above-mentioned four grandchildren did inherit this land, she says that the part of the land with the big upstairs house is for Mr. AS's two eldest children, while the part with the "tenement houses" is for her two eldest children; adding that at the time of the grandfather's death there were only two of these houses on the land (a third has since been built), and that he left one for each of the latter grandchildren in the will. However, she says that each of the two parts is not subdivided between each of these two sets of grandchildren, and that if it were ever to be sold all the co-heirs involved would first have to agree.

Regarding the big house, after old Mrs. DC. died, the brothers' paternal half-sister had come down to River Village and had instructed Mr. AS.:

"to remodel the place, rent it out, collect the rent, and pay back what I spend, and then I could give them [the rest of the money] after that. But I remodelled it, change it up, and started to collect, and I was not allowed to collect all the money, because my brother [Mr. AR] and I fell out, and he being the executor, he overran me, you see. Because I
really saw the will, and read it, but I didn't study it. I didn't study it at all. So when I found that I would lose out if I went to Court, I left it alone."

For he was neither the executor, nor did he have rights to that land.

Both the big house and the three "tenement houses" are now rented out to tenants, and these arrangements and the collection of the rent on the co-heirs' behalf are supervised by Mr. AR. as executor of the will. None of the land is however rented to the tenants.

(ii) The adjoining plot of land which Mr. DC. had purchased was left to his middle son Gerald, who has no children and lives in another parish. He has since sold this land to another villager, a woman.

(iii) The plot across the road from these two was left to the youngest son, Mr. AR. This is where the latter now lives. Although Mr. AR. inherited this land in the will, he in fact lived on this land from eight years prior to his father's death. He has built a large concrete house on the land, and the household rears chickens and pigs in the yard.

(iv) The piece of land on which Mr. AS, the eldest son, lives also "got into the will." Mr. AS. explained that:

"Little before he died, he include it in the will, and will it for my first two children. When I found out that, I went to him and ask him 'Why did you do that? You should will it to me and allow me to will it to who I like.' ... Because I really feel that it was wrong for him to have willed it to them; for then they could turn me out ... So he gave me an Indenture - a legal document, giving me the land now, handing it over to me."

This document was:

"separate from the will, but that modifies the will - that clause in the will - because this was done before he died; so it couldn't work in the will; the will had nothing over it."

Immediately after his father's death, Mr. AS. took out a

Registered Title for the land in his own name. Mr. AS. has also
built a large stone house on his land and has planted various economic trees there, the household also rearing chickens, goats and pigs in the yard.

(v) The land by the river at the edge of the village which Mr. DC. had received as a gift from his employer was left for Mr. AS's two children by his first wife. This piece is also supervised by Mr. AR, the executor of the will, on their behalf, but is not rented out - just kept "privately". There are breadfruit and coconut trees on the land, and Mr. AR cultivates bananas there, hiring someone to dig the holes for planting. Mr. AR's household reaps this produce; none of it is sold.

There is family land on both Mrs. AS's mother's and father's side elsewhere in the parish (both of these plots being in the same general vicinity). On her mother's side the land is less than a quarter of an acre, and is up on a hill. Mrs. AS traces the genealogical links involved in the transmission of the land three ascending generations, to her mother's maternal grandmother, but does not know how the latter obtained it. It was transmitted from the great grandmother to the grandmother (who was an only child) by word of mouth only, for no will was made as it was inherited "just as heritage". The grandmother had three daughters who inherited the land after her death: (i) Mrs. AS's maternal aunt, who died; (ii) Mrs. AS's mother, who is married and went to live elsewhere with her husband, leaving a third sister on the land; (iii) this latter sister, who also got married and vacated the land. So the latter is now unoccupied and lying idle, for it is not rented out. Nevertheless the two sisters retain their rights to the land, which remains undivided. Mrs. AS. could use the land if she wished.

On her father's side Mrs. AS. also traces the relevant links three ascending generations, to her "great grandmother and grand-
father" - her father's maternal grandparents - who had a "big piece of land, about an acre". She does not know how they obtained it. The land was left to Mrs. AS's paternal grandmother and granduncle (the grandmother's brother), but Mrs. AS. does not know whether or not a will was made. Her most recent knowledge regarding the actual use of the land is that: "My granduncle's daughter was living there with her aunt, which is my grandmother." She does not know how the land will be inherited in the future - "for there are many grandchildren".

There is also family land in Mr. AR's wife's family - on her father's side - elsewhere in the parish. Mrs. AR's father inherited a share of this land from his father, and lives on this plot which is a quarter of an acre. His siblings also inherited shares, but Mrs. AR. knows none of the details regarding her father's siblings' shares. In addition, her father has his own land up in the hills elsewhere in the parish; he used to cultivate this land prior to his present illness. Mrs. AR. states that since her father is still alive there is no discussion about the inheritance of his land, and she does not know his plans concerning this. She inherited nothing from her mother: "Well mama, she's really from [another rural parish]; well we weren't acquainted with her family, so we don't know anything about it." Mrs. AR. had, as a child, lived in the village where her father's family land is situated.

In a discussion of the concept of 'family land' with Mr. AS, the latter drew a distinction between land which is passed to specific heirs through a will (for example his father's various plots of land), and "inheritance" or "heritage" (for example his wife's mother's family land): "Some families don't will, they just leave it to the mother and the children, and then the mother dies ... " and the children inherit. Here he is referring to the
spouse's life interest in family land, with the individual's rights being inherited by the latter's children.

Mr. AS. identifies two different elements in the tendency against the alienation of family land. One is the practical difficulties involved in the sale of such land - the potential lack of agreement between the joint heirs, and the need to furnish a Registered Title or prove rightful possession of the land before it can be sold. He illustrated the former point with reference to a fairly recent case in River Village where a man had died leaving land "for four girls and a boy. And you can't imagine the amount of fuss! Some want to sell, some don't want to sell, and things like that." Secondly: "I think sometimes the parents don't want it to be sold"; and with regard to the burial of ancestors on family land he says: "Some take pride in that." However he predicts a change in the importance of such traditional sanctions:

"It won't last for no length of time, because while one won't sell it, say: 'Well, my father and mother was buried there' and say he's not selling it, and leave it for children, [these children] would feel: 'Well, I want to go abroad', and 'I want to go to Kingston to live'; [so] they sell it!"

Case 16 Mrs. AQ. has inherited rights to family land from her mother in her natal village in the interior of the parish. She says the land belonged to her maternal grandparents, and that it was subsequently left "to family"; - to her mother and the latter's siblings who all lived there but are now all dead. And subsequently to the next generation: "We the descendants have it now, it hasn't been sold." She does not know if a will was made concerning the transmission of the land.

One of her sisters is living on the land, but any of the "family" can use the land:
"Anybody else go in. Any relatives can go, because you know they are more or less loving, and therefore it doesn’t matter who comes, providing you are not destroying ... You have that unity, you know. If you are craving just for yourself, then I feel once you get in charge, you’ll just hold onto it. But you find other families, whatsoever they have – if it’s a banana, it is shared for everybody. It does not matter whether it’s John’s child or Sarah’s child ..."

Mrs. AQ. herself is not interested in the land, and only goes there "occasionally" to visit her sister who lives there. She has two maternal half-sisters abroad, one doing domestic work in the United States where she has been for four years; the other living in Birmingham, England, where she has been for about ten years.

When I asked if it were possible that the transmission of the land could have gone beyond her maternal grandparents, she replied:

"When I came up [was growing up] I saw them with it and I didn’t bother inquire how it went ... I didn’t bother trace anything, because none of us is interested ..."

Regarding the question of whether the land might have been individually inherited at one time she seemed doubtful and said "maybe earlier", but that "coming down" it was now family land. And regarding the question of whether such land could be sold she remarked:

"Seeing you are not the direct owner – they didn’t hand it over to you [specifically, that is not individual inheritance] it wouldn’t be reasonable for you to sell that piece of land."

A house was originally left on the land, but it was not left for anyone in particular, and "that got broken down." Mrs. AQ’s mother had another house built but again it does not belong to any one person. There is no cultivation on the land.

Although Mrs. AQ’s mother had lived on the land, her father had not; her parents were not married and the fact that most of her siblings are either her maternal or paternal half-siblings indicates that she was probably born to an early unstable union.
Although she knows that her father has land in another village in the parish she knows very little about it; and she says that knowing that she is not going to claim any of it she has not found out any of the details concerning it.

Mrs. A.Q. and her husband are both migrants to River Village living there neolocally on their own bought land which is about one acre.
Otterbein claims that the system of inalienable inheritance by all the family described by Clarke is only the actors' ideal model, and that their actual model - as well as the observer's model - is one of Restricted nonunilineal descent groups with exclusive residence (utrolateral affiliation). 1) Solien had previously come to a similar conclusion (although her analysis is synchronic rather than diachronic). The following quotation gives her arguments on this point:

"In spite of her observation that residence on the land is not an important factor in determining rights of inheritance, Clarke says, "... the fear of the sisters that, if they do not occupy and use the home, their brother may attempt and even succeed in establishing individual ownership, has its results in their separation from the several fathers of their children! (1953:105)."

She also notes that a child may inherit rights to land in two areas - that of the mother and that of the father. In this case the inheritor will generally exert his rights in only one area. Finally, since much of the land in Jamaica is not very productive, and since many of the plots are useless for anything other than house sites and small gardens, many young people migrate permanently to Kingston or even to areas outside Jamaica. Though theoretically these children may in the future return and claim their share of land, they may find great opposition to such a claim from their siblings who have remained at home." 2)

(1) However, if we look at the case from which Solien's quotation above is taken, several points of interest can be noted:

(1) First it must be remembered that Clark states that conflict over land results from the nature of familial relationships. 3)

1) Otterbein 1966 op cit.
In other words, it is a symptom of discord which already exists in the family, as well as being the source of dispute. In the case under discussion, there were two households living on land purchased jointly by two maternal half-brothers, James and George. Household 1 consisted of James' descendants; Household 2 mainly of George's descendants. Here we see that the matter between the sisters and their brother was only one aspect of such conflict. For in addition, relations between Household 1 (the sisters - Nesta and Princess, and their brother Winston, and their children) and Household 2 (Winston's patrilateral parallel cousin Cyril and his children, and Celeste - Cyril's paternal aunt) were somewhat strained. Cyril had fenced off his portion of the land and "would never discuss his cousins in Household 1". 1) Winston claimed that after the death of his own father, James, his father's maternal half-brother, George, (Cyril's father) - in whose care he was left at the age of eight - ill-treated him and 'made away' with James' apiary and honey-making machines as well as his stock. In addition, although the land in question was reputed by the rest of the members of this family - and by Winston at one point - to have been jointly purchased by James and George, yet Winston later stated that George had not been a party to the purchase, and therefore "In regard to his cousin's share, Winston considers that all Cyril has a right to is the house site which James gave to George during his life-time". 2) Nor could the family in Household 2 agree as to whether Jane - George and James' mother - had been a co-purchaser with her sons and therefore whether or not Celeste had a rightful share. 

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1) Ibid: 104
2) Ibid.
(ii) Clarke states that this case is an example of the function of conflict in keeping the consanguineal family together, and of the influence on the type of household formed "though admittedly an extreme one ..." 1) (My emphasis).

(iii) That Clarke states elsewhere that conflict over land is often due to the desire for individual land ownership, due to strong positive sanctions associated with the ownership of land. We see that this is in fact the situation here. Winston was trying to establish individual ownership of the land as against Princess and Nesta regarding the portion which Nesta says "is divided between herself, her sister and their brother." 2) and of the entire piece as against Cyril (see above). Regarding the portion where the three siblings (Household 1) live, Winston states it "is really his 'as the only son of his father' ... and that his sisters live there 'rent free' ... the implication being that this is by his good will." 3) Thus Winston is not attempting to establish his claim to the exclusion of his sisters on the basis of their non-residence or non-exercise of claim; rather, he is saying that they have no claim at all to the land - resorting to the criterion of the legal code outside of the customary system to sanction his claim to individual ownership 4) (also saying the same about Cyril, as seen above). Thus the question was not concerned with whether or not the sisters exercised their rights; and it was certainly not concerned with the question of

1) Ibid: 103.
2) Ibid: 104.
3) Ibid.
4) As stated in Chapter 7 primogeniture was abolished in 1937. This resort of Winston to the legal code therefore representing a cultural lag.
utrolateral (either/or, not both) affiliation. The situation being as it was, then, it is not surprising that the sisters feared that Winston might "attempt and even succeed in establishing individual ownership ..." 1)

(iv) The land under discussion was bought land in the previous generation, and had only become inherited land in Winston's generation. Obvious here is the conflict between the sanctions of the traditional system (represented by Nesta, Princess, Celeste and Cyril) and the legal system (Winston). The latter are most closely associated with bought land, and it is here that the traditional sanctions are weakest.

(v) Lastly, regarding the sisters not living with their concubines - Princess' "gentleman" has a house which "'is small, so small that they cannot live there...' " 2)

(2) All the factors resulting in non-exercise of rights referred to by Solien in her argument can be classified as voluntary non-exercise or force of circumstances - factors which Clarke refers to as "fortuitous limitation" (cf Fox's 'pragmatic restriction'). 3) Such factors are not based on utrolateral affiliation.

(3) With reference to Solien's argument that non-resident claimants may have difficulty in reinforcing claims after a long absence, Clarke makes it clear that although such claimants seldom do attempt to reinforce their claim (and n.b. they may be loath to do so if they have neglected their contribution to the taxes) unless under duress.

1) Ibid: 105.
2) Ibid.
3) Fox op cit.
that it was recognised by all concerned that they could always do so if they had the need.

Otterbein's interpretation of the system is as follows:

"Ideally, all members of the family retain their rights to live on the land, but in actuality because of the great demand for land, a descendant who moves away may have difficulty enforcing his right when he returns. (Clarke 1953: 90, 96). If he never returns, it is unlikely that his children would ever have any chance of receiving a portion of family land. This is a process whereby one or more descent lines are excluded." 1)

- which leads him to the conclusion that:

"unless a person's parents are living on the family land, one will not be able to exercise his rights to the land ... It seems to be quite clear that the preventing of nonresident relatives from exercising their rights means that they have no rights as far as the actual patterns are concerned. Once the system begins to exclude kinsmen as a regular process the system possesses ramiages with ambilineal descent." 2)

Now let us look closely at the evidence he cites for his argument: Clarke 1953: 90; 96. Otterbein does not mention specifically which points he is referring to on these pages, so I will consider all the possibilities.

(i) The strongest case for his argument seems to be an example cited on p.96, where "a woman's children by a second union inherited to the exclusion of the children of the first union." However, we are given no reason why the latter did not come "in for the mother's land" (but it is noted that of these, one son was living on his own land) and of the former, one of the two children was non-resident on the land, having emigrated to Panama. However this meant that the land


2) Ibid: 37.
apparently went to the informant "since her brother is abroad."
It is not stated whether or not the latter has the right to return,
simply that these two inherited to the exclusion of the others; -
and we are left to speculate on the reason for that.
(ii) On p. 90 Clarke cites a case where half an acre of family land
had been inherited by four sisters and one brother: "Two of the
daughters married and live elsewhere. The two unmarried sisters
live in separate houses on the land. The brother is a shoemaker and
lives in an adjoining parish." The brother wrote to the two
resident sisters for permission to sell his share in order to pay off
some debts; this he was allowed to do, but: "By that he had
forfeited a right to any more of the land and they could keep him
away if they wanted ... She said he was a bad brother." (My emphasis).

This case was used by Clarke to illustrate the point that:

"In spite of the general theory against alienation,
family land may be sold by agreement between the joint
heirs. Even so, it is regarded as a bad thing to do." (My emphasis).

It can be seen that the non-resident brother obviously had a claim as
a joint heir which he still retained, otherwise he would not have
been able to sell a share. The reason that he could now be excluded,
being because he had sold this share.

(iii) Clarke says that:

"The restrictions on family land, and the personal
problems of joint use, often lead to disagreement among
the members of the family herded together on it, and
to their renunciation of their shares. Sometimes there
were expressions of discontent at these restrictions." 2)

1) Cf. Davenport 1961 op cit: 452. I would suggest that this passage
answers his problem regarding what happens when the number of
claimants crowded together threatens the working of the system;
without invalidating Clarke's point that the system relies on
"fortuitous limitation" or mine that affiliation is ambilateral
not utrolateral.

2) Clarke 1953 op cit: 90.
Such renunciation can clearly be seen to be voluntary, due to the discontent at the hampering claims of several other claimants.

(iv) There is an example of a widow who was allowed a life interest in her deceased husband's land, providing she did not remarry; - the land was to be inherited by her husband's siblings. These conditions prevent her from marrying her present concubine as then she would be excluded from the land and they would have to move to his land; - and she doubts he has any, though he claims to. This case is quite consistent with the rule of exclusion of spouses mentioned previously, and does not invalidate the argument that the Jamaican system of family land is based on unrestricted cognatic descent groups.

(v) Despite the theory of joint inheritance, Clarke states that "there is evidence to show that in practice a selection may be made of one member to the exclusion of another. This is generally done in a will ..." 1) In such cases exclusion occurs through resort to the legal code (often in the interests of establishing individual ownership) which Clarke states overrides the traditional system wherever the two conflict. Thus this emphasises the point that there is no sanctioned basis in the traditional system for the exclusion of legitimate 2) heirs. The fact that a will has to be made to have this effected underlines the point that this would not occur in the customary system without a will.

On the basis of the evidence, then, there appears to be little ground for the substantiation of Otterbein's hypothesis that the

1) Ibid: 96.
2) i.e. as defined above: heirs through the name or blood.
system excludes "kinsmen as a regular process ..." 1)

Nevertheless, the various qualifying factors cited by Clarke in the actual working of the system are important, for they do make a difference to the viability of the system - as with the Carib case. 2) This is why Clarke refers to them as "fortuitous" limitation. However in view of Solien and Otterbein's hypotheses, it cannot be emphasised too strongly that such renunciation or non-exercise of claims is voluntary. There is no evidence of a prescription resembling utrolateral affiliation (exclusive residence; immutable choice) in Clarke's data; and this is illustrated in section (c) of this Appendix.

2) Solien 1959 op cit: 580.
APPENDIX IIC: EXAMINATION OF CLARKE'S DATA ON JAMAICAN KINSHIP

As mentioned above with regard to Solien's argument, Clarke does may that absent claimants seldom bother to press their claims; but then many of them seldom need to, as their non-exercise was voluntary in the first place. However, she emphasises that these latent claims are recognised by resident as well as non-resident kin, and that they can always be taken up by the absentee if he has the need:

"Moreover, temporary non-exercise of a claim on family land does not, in the traditional system, preclude a subsequent exercise of that right. For example, a brother may return to the family land, occupied by his other brothers and sisters, after years of residence elsewhere and it would still be recognized by his family that he had the right 'if he had the need', to erect his house on the land and share in the crops of any fruit trees planted by his forbears on the property." (My emphasis).

In addition, the following passages illustrate both this point and the fact that non-exercise of claim is voluntary:

(i) "Another source of confusion and conflict arises where there is non-use by one or more of the heirs of family land. This may occur where the heirs in question have settled in other parts of the Island or gone abroad or have other and more profitable means of support. Theoretically, the non-exercise of their rights by any member of the family does not prejudice the right to return to the family home at any time if he or she 'has the need'. In fact, with family land shrunken in size by the process of 'sharing' and with its fertility exhausted by generations of misuse, such action appears to be rare and would only be made in duress. What cannot, however, be overstated,

1) Clarke 1953 op cit: 87.

2) This is not a distinction between an ideal/actual norm as Otterbein would have it; rather it is part of the ideological structure of the system, which forms the basis of the important distinction between ambilaterial and utrolateral affiliation. (See Needham op cit and Freeman 1956 op cit). This ideological difference being basic in the distinction between Pragmatically Restricted and Restricted nonLJDs.
is the sense of security ¹) which an interest in family land gives to a man (or woman) who has a precarious livelihood and no permanent home of his own." ²) (My emphasis.)

And Clarke goes on to cite an example of this, of:

"a woman then living in a rented room and working in the canefields, whose longing is for the time when she can go back with her sons to her parent's land and make her home there. 'When she goes back her sons will go with her ... At present she goes and comes and when she is coming she brings with her bags of food. When coconuts are reaped she gets her share after taxes have been paid. Her brother and sister look after the land. When she and her sons go back they will cultivate the land and build houses in which to live. ..." ³)

(ii) "There is also, in practice, non-exercise by kin of their 'rights' for one reason or another - the fact that they have got on in the world and have better land or prospects elsewhere or that they live too far away to use the land. Even in such cases, we were told that they would have the right to return at any time and build on the site and there were many instances of gifts of produce from family holdings being sent to kindred in Kingston or other parts of the island." ⁴) (My emphasis).

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¹) This sense of security would be absent in a system which had utrolateral affiliation, or where residence were a necessary prerequisite for maintaining rights in land.

²) Clarke 1966 op cit: 54.

³) Ibid; also Clarke 1953 op cit: 115.

⁴) Clarke 1953 ibid: 83.
"We have seen, however, that even where the principle of joint inheritance is applicable, in practice only one or some of the heirs might in fact inherit. This was generally the result of conditions which make effective occupation or use by some members impossible or unattractive, and does not invalidate the principle. It was unequivocally asserted that members who did not exercise their right to live on land did not thereby lose their right to do so at a later period. Non-residential heirs might draw on the land by reaping the fruit of permanent crops on the holdings (such as breadfruit or coconut) or by renting rooms or house sites upon it. And always their right to return and live on it was acknowledged. These privileges also extend to their recognized heirs." (My emphasis).

The previous three passages referred to, and the following one, also illustrate the continuing rights of non-resident kin to "pick" from the land (that is rights to produce from the land):

"Contact is also maintained with absent members of the family, involved in joint ownership of the land, living in other parts of the island. When the crops are reaped baskets of foodstuffs are sent from the home cultivation to these relatives working in Kingston or other parts of the island, and in return those who can reciprocate with small sums of money or gifts of clothing." 3)

1) See Footnote (2 ) on p. 362 above. Furthermore, if there were any grounds for the relinquishment of such claims as a result of either non-residence or non-exercise of rights, these would most likely have been voiced clearly by Clarke's informants - judging from my own experience where - if for some reason a particular relative or individual had no rights to a piece of land this was generally emphasised by informants.

2) Clarke 1953 op cit: 112.

And the right of absent claimees to exercise their rights by renting out a house or house site on the family land is illustrated by the following case given by Clarke:

"The right to build houses on family land and rent them out may be exercised by members of the family who live elsewhere. The following is a description of one of the Family Compounds in our sugar centre, where each of the families has a separate house on the 'land' ....... At the time of our visit there were on it five two-roomed houses, and one three-roomed one; one double kitchen and two single ones.

The mother had seven children by her husband, six of whom are alive ... Only the two younger sisters live on the land, ..... The other siblings, three sisters and a brother, live in other parishes and rent out their rooms; the brother rents out the second room in cottage (D); the two eldest sisters get the rent from yet another two-roomed cottage (C) and the third from the remaining two rooms in (F). These siblings send their own 'agent to collect the rent for them.' "

And she cites another case to illustrate the point that:

"Where there is a large family house on family land and this is also left to all the family, the children who do not live in the home may rent the rooms which fall to their share."

Finally, I will quote two other passages to re-emphasize the point that non-residence does not result in exclusion from claims; - in outlining the principles of inclusion in the "family" for purposes of descent and inheritance Clarke states that: "any member of the family 'through the name or through the blood' has rights of use which are not lost through non-exercise for any period." 3) (My emphasis.)

Also, Clarke cites a case of five siblings who inherited family land; of these the eldest brother died; only the eldest of those alive, a sister, lived on the land.

2) Ibid: 95.
3) Clarke 1966 op cit: 44. Cf Davenport on Clarke's data: "It is also clear that neither prolonged absence, non-use, nor failure to exert one's legitimate claim on family land nullifies a person's or his descendants' claim on it." (1961 op cit: 449).
"The rest of the family consists of two younger sisters, both married; one living in Kingston, the other in America. They have no children. Her younger brother lives in the same parish and visited her only that week. She said 'he keeps in touch with me all the time'. He and she are trustees for the family in the matter of the land ... Both she and her brother recognise that any of these siblings or their descendants who desire to settle on the land will have the right to do so." (My emphasis.)

Comitas' study of fishing cooperatives in five Jamaican communities reinforces Clarke's point concerning the retention of claims in family land by non-residents:

"any member of the family 2) has several different inalienable claims upon his family land; among these rights is the privilege of setting up living quarters on the joint holding without payment of rent 3) as well as that of sharing in the fruits of any harvest from these grounds. With families scattered throughout Jamaica and abroad, the claims of individual members are difficult to anticipate by the remaining guardians of the land. This has meant a reluctance on the part of those who have remained on the land to put it into really productive agricultural use ..." 2) (My emphasis).

1) Clarke 1953 op cit: 91.

2) Comitas adopts Clarke's definition of the "family" in this context; but he also does not take account of cognatic descent group models.

3) See above where I discussed the case of Winston, Princess, Nesta etc. Winston emphasised the fact that the sisters lived there 'rent free' due to his generosity, claiming that he had individual ownership of the land.

4) Comitas op cit: 8.
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