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Children of Mixed Marriages on Virgin Soil: Citizenship, Descent and Place in the British Virgin Islands

In this essay, I describe a three-stranded argument over who has rightful claim to citizenship in the British Virgin Islands (BVI). Specifically, this essay demonstrates how the law conjures up a domain of “nature” that informs positions in this argument. There are three parties to this debate: citizens of the BVI who never went abroad for education and employment, citizens of the BVI who left the territory in the 1960s and are now returning, and immigrants to the BVI and their children. For citizens who never emigrated, the law helps construct the nature of identity in terms of descent, blood, and “race.” For immigrants and their children, who make up fifty percent of the present population, the law lends emphasis to region and jurisdiction to construct identity in terms of predetermined places. For return emigré British Virgin Islanders, the law enables notions of individual ability that appear to make place- and race-based identities superfluous. I will demonstrate how conceptions of belonging and identity based on place and conceptions based on descent work in concert with notions of individual ability to naturalize inequalities between British Virgin Islanders and immigrants. Specifically, I will focus on the inequalities between those who emigrated and those who stayed behind, and between those who emigrated and those BVIIs and immigrants who now work for them. I argue that the law, especially citizenship but also the laws of jurisdictional division, is critical to the creation and maintenance of these competing identities and the inequalities they cover over or remove from discussion.

I will explore the three strands of this debate in turn, beginning with British Virgin Islanders who never left the territory, turning next to immigrants, and finally to those who emigrated and are now returning.

British Virgin Islands’ “Island Identity”: The State, The People and The Law of the Blood

After we had spent a long afternoon in the Government Archives, my friend Paulie gave me a ride up the hill to my apartment. We passed the Legislative Council Chambers, situated immediately next door to the British Virgin Islands High School. Sporting the flag of the British Virgin Islands as well as the Union Jack, the Legislative Council Chambers stands as a

symbol of both local legislative autonomy and continued colonial rule (see Maurer 1995a). My friend had to drive slowly and carefully, through the crowds of students crossing the street to the playing field for after-school athletics. We were at a dead stop a couple of times, and during one of these moments Paulie commented on the bodies swirling around us. She asked me if I could tell which students were immigrants and which were locals. I told her I couldn't unless I knew the student personally, and she said that she could always tell "just by looking" if a student was a non-BVIslander. One young woman we passed was wearing tight, ripped jeans. Paulie pointed to her and said to me, "No BVIslander would wear jeans like that." She continued, you can tell a non-BVIslander by their "see me here!" attitude; they are "bold and brassy, with wide eyes and silly smiles." She also said that non-BVIslanders look "lower-class," but then qualified her statement: "I used to think it was class, but they have that look in their faces besides. Even their children born here have that look." She refers to the children of BVIslanders and non-BVIslander unions as "half-breed BVIslanders" or "children of mixed marriages." They "don't know where they belong to" and become hostile because of their "confused" identity.

At mid-life, Paulie is among the majority British Virgin Islander citizens who did not go abroad during the 1960s for education and employment. She and others like her have witnessed first-hand the influxes of immigrants that began in the sixties and continue into the nineties. Unlike her peers who left the BVI in the 1960s, and who returned to find the BVI changed by large numbers of immigrants. Paulie witnessed the change as it was happening. She also watched the response of an upwardly-mobile, foreign-educated emerging class of elites coming back "home" to the new British Virgin Islands.

Like most of the other former and present colonies in the Caribbean, the British Virgin Islands owes its existence as a territorial entity to late 19th- and early 20th-century legal jurisdiction. The British Virgin Islands of Tortola, Anegada, Jost Van Dyke, and Virgin Gorda, together with the islands of Anguilla, St. Kitts, Nevis, Montserrat, Antigua and Barbuda, made up the Leeward Islands Colony from the official inception of British colonial rule in 1773 until the dissolution of the colony into separate constituent units in 1956. Until that date, colonial administration was centralized in Antigua, where a federal legislature was located, with local legislatures in each of the sub-units of the colony.¹

In 1956 when the Leeward Islands colony was completely defederated, the British Virgin Islands became a "colony in [its] own right" (Dookhan 1975:222) with direct representation to the Crown. The day of defederation, July 1st, is now a holiday.

With the new administrative structure came such symbolic niceties as a new Council chamber (next to the high school) complete with mahogany tables and chairs for legislators to sit on, a

new flagpole to fly the Union Jack, and, more practically but equally symbolic, the transfer of funds for aid directly from the United Kingdom instead of through Antigua. British Virgin Islanders also acquired their own public holidays, such as their July 1st "Colony Day" (later re-named "Territory Day"), and abolished holidays associated with the federal colonial legislature such as Labor Day, to replace it with the more "locally relevant" St. Ursula's Day (St. Ursula is the patron saint of the BVI).

Elsewhere (Maurer 1994:181ff), I have shown how the understanding of state and people that emerged at mid-century depended upon invented traditions -- such as St. Ursula's Day -- that constitute even as they invoke British Virgin Islands "heritage" and "culture." My point here, however, is that as the BVI separated from the legal structures of the broader Leeward Islands colony, new trappings of autonomy like holidays, mahogany tables and so forth took on symbolic significance and themselves became productive of a new subjectivity for the now-distinctive "people" (see, e.g. Thomas 1994; Foucault 1977). Defederation of the amalgamated Caribbean colonies in the 1950s and decolonization of most of the Caribbean from the 1960s to the 1980s challenged regional West Indian identity forged in colonial rule and the regional labor movements at the beginning of this century. This was not just a case of distinct "island identities" coming into being out of a regional "West Indian" identity, for the 1950s witnessed the start of a period of intense emigration from the Caribbean to London, Miami, New York and Toronto. For those who emigrated, West Indian identity retained its salience. For those who did not, jurisdictional division, its symbolic trappings like mahogany chairs and its practical manifestations like passports, suggested new categories of persons based on new administrative units (and, later, independent republics). Island identities became significant to those living at home. Those abroad bound together their sense of West Indianness in the face of white New York, London, Miami or Toronto.

Meanwhile, during the 1950s and 1960s, the BVI legislature drafted laws facilitating luxury tourism. A Hotels Aid Ordinance (1953) and several land ordinances enabled wealthy businessmen (among them Lawrence Rockefeller) to construct tourist facilities. This required much more labor-power than the BVI could provide, so within a decade of gaining local legislative autonomy, the BVI became an important destination point for immigrant laborers from St. Kitts, Nevis, and other islands, who were now aliens in a sense they had not been before, when Virgin Islander and Kittitian alike were not only fellow British subjects but also fellow citizens of the Leeward Islands colony. The Legislative Council passed a number of employment and land holding laws disfavoring immigrants from other Caribbean islands, and justified these laws by referring in legislative debates to the new immigrants as "outsiders," "foreigners," and "people who do not belong to this territory." Immigrants to the BVI,

former members like BVI Islanders of the now-defunct Leeward Islands colony, became “nonbelongers”. Defederation had created new categories of persons.²

In 1981, British Virgin Islander identity took on a new character. The British Parliament enacted wide-ranging changes to citizenship policy for the UK and colonies, including the British Virgin Islands. Previously, people with citizenship rights in the UK and any of its colonies were “Citizens of the United Kingdom and Colonies” (CUKCS) or simply “British subjects.” Citizenship rights were transmitted either by birth to a citizen father (the law of the blood, *jus sanguinis*) or by birth within a British territory with some restrictions (the law of the soil, *jus soli*). The 1981 British Nationality Act, first, abolished the all-encompassing citizenship category, and second, replaced the restricted *jus soli* with the *jus sanguinis*. According to the 1981 Nationality Act, a person’s citizenship depends upon that of her mother and/or her legal father.

In the BVI, unlike in West Indian immigrant communities in London (see Gilroy 1987), the 1981 British Nationality Act was welcomed, for it provided a legal means of restricting citizenship to “proper” British Virgin Islanders (as that group had consolidated itself during the 1950s). Children of immigrants born within the territory of the BVI would henceforth not be guaranteed citizenship. The *jus sanguinis* also lent its emphasis on “blood” to newly-reconfigured understandings of exactly what “British Virgin Islanders” were: under the Nationality Act, they became a group defined by *descent*. Thus, the children of unions between immigrants and citizens became “half-breeds,” as British Virgin Islander identity became quasi-racialized.³ These laws thus fostered conceptions of immigrants as “outsiders” and “aliens” inherently different from BVI Islanders because born of different “bloods.” They delineate groups construed as given in nature and thus incontestable by law.

Immigrants’ Responses to the Law of the Blood: Place

Of course, the fact that one’s identity as an “alien” immigrant is difficult to contest under the law does not mean that immigrants to the BVI do not contest it. Immigrants, like BVI Islanders, possess island identities forged in the rise of statecraft and legislative autonomy, but many also come with a West Indian identity, as many are on a migration circuit that encompasses the eastern Caribbean, Miami and New York. These people make claims to “belong” in the BVI by virtue of their being West Indians.

Immigrants deploy place-based identities to contest the new BVI Islander “race-based” identity. In doing so, they often explicitly invoke the unrestricted *jus soli*, or law of the soil, of the US, where many of them have borne children who are thus US citizens. Immigrants routinely make contrasts between the “unfair” citizenship law of the BVI and the “common sense” citizenship laws of the US.

Others, born within the British Virgin Islands but legally “immigrants” because their parents are not citizens, have taken to using the expression “born here” to assert their sense of belonging to the territory in which they were born. Where the discourse inspired by the Nationality Act emphasizes the supposedly natural flow of identity through blood lines, the immigrant counter-discourse emphasizes the supposedly natural connection between place of birth and identity.

The “born here” idea resonates for immigrants with regional West Indian notions of identity. Like the phrase “born here,” expressions of “West Indian-ness” figure identity in terms of meaningful places. The idea that place confers national identity begs the question of how spaces become imbued with meaning and are taken to engender congruencies of feeling and interest (Gupta and Ferguson 1992; Keith and Pile 1993). Like the idea of descent, place returns notions of difference into a domain of nature. Just as a child cannot choose who its parents are, and thus cannot choose its “race” or descent-based identity, so it cannot choose its place of birth, and thus cannot choose its place-based identity.

Furthermore, the immigrant discourse also naturalizes inequalities. If one’s belonging comes by virtue of one’s being “born here,” then what of those who are *not* “born here”? Are they not entitled to rights and to a sense of “belonging?” In naturalizing spatial difference, the immigrant discourse and the *jus soli* it draws from lend their concern with the natural facts of birthplace to new inequalities among immigrants.

Returning Emigrants: Individual Ability

Like immigrants, BVI Islanders returning home from abroad also emphasize identities derived from place. Having lived in West Indian communities in Miami or New York, return émigrés come back to the BVI with a strong sense of being “West Indian.” This profoundly affects the ways they go about making a life for themselves in their “homeland.”

Return émigrés complain that their fellow citizens do not want to work hard and have little commitment to their jobs because they expect family ties to protect them from redundancy. A civil service department head I knew complained that she had a difficult time motivating her workers. Her friend sucked her teeth and mumbled something about immigrants, but the department head protested emphatically, “the ones who give me trouble is our people [meaning BVI Islanders] ... They don’t want to work!” Like others in her position, this woman has taken to hiring immigrants over British Virgin Islanders.

When return émigrés hire immigrants, they are seen by their British Virgin Islander compatriots as greedy, as traitorous, as not fulfilling family obligation or “national” commitments. But these return émigrés explain themselves by referring to “good business

sense"--they claim they are not expressing national or racial preferences by hiring immigrants, but are merely looking for the best individual workers.

The discourse here casts difference in terms of individual abilities. Employers simply look for the best person for the job. If a BVIlander is not the best person, lacks the necessary skills, is not a "good worker," then the employers will look for someone else. Some employers invoke West Indian regional identity to justify this. We are all West Indians, after all; what's the difference between hiring a Kittitian or a BVIlander? Of course, this discourse removes from view the production of the qualities the employer is looking for in a worker. These qualities are seen as existing before the prospective employee applies for a job. They are also seen as existing before the law, but I would argue (Collier, Maurer and Suarez-Navaz 1995) that law works to constitute these individual abilities at the same time that it constitutes them as prior to the law. In this case, for example, laws of citizenship, immigration and labor determine in part who applies for jobs and how their abilities look "on paper" to prospective employers, so that inequalities that emerge between those who gain employment and those who do not seem to be the result of natural differences in ability even as labor and citizenship laws structure the groups of people who apply for jobs in the first place.

Summary and Conclusion

At mid-century, British Virgin Islanders founded an identity through the symbols of statecraft. This identity took on racial qualities after the passage of the British Nationality Act, which encoded the *jus sanguinis* into citizenship law. Descent became meaningful, in and of itself, for the ascription of identity. Immigrants to the BVI challenge the focus on descent with place-based notions of identity by invoking the *jus soli* of the nearby US Virgin Islands. We are "born here," therefore we "belong." They also invoke regional West Indian identity. Return émigré BVIlanders, meanwhile, disclaim the importance of family and territory and instead focus on individual ability, and occasionally refer to West Indian identity to justify their employment practices.

In each case, law helps to cast inequality as the result of "natural" attributes. A race-based British Virgin Islander identity seems to exist prior to the law of citizenship, for blood lines stretch back into the dim past. Yet a race-based identity is called forth through the *jus sanguinis* of citizenship. Place-based identities are called forth by territorial jurisdiction, at the same time that meaningful places are seen to exist without any prior legal mediation. Similarly, individual ability comes to be seen as a given quality outside of any legal production. These renderings of blood, territory and ability naturalize the inequalities that obtain among persons. They compel us to question how the rule of law conjures up a domain

of nature that supposedly pre-exists law, and how that nature maintains inequalities the law would appear helpless to redress.

Notes

1. Administration of this colony was centralized in Antigua, and the islands were divided into several sub-units whose borders shifted over the decades. Each administrative sub-unit possessed its own legislature, which gained its authority from a federal legislature in Antigua. But in 1902, the Legislative Council of the BVI deferred all of its powers to the federal legislature, thereby ending, for a time, the BVI's semi-autonomous jurisdiction. In 1950, however, as a result of the agitation of local elites, the Legislative Council was reinstated, and the BVI again had separate jurisdictional status within the wider jurisdiction of the Leeward Islands colony. (See Maurer 1995a, Dookhan 1975 and O'Neal 1983).
2. The terms "belonger" and "nonbelonger" entered the law in the 1960s, specifically in landholding restrictions. They rapidly entered into common discourse. See Maurer 1993, 1995b.
3. As I've discussed elsewhere (Maurer 1995b), British Virgin Islanders before the 1981 Nationality Act had already placed an emphasis on paternity and descent for figuring social status and identity among themselves. But since the Act, discussions of paternity and descent have more to do with identifying immigrants as "outsiders" and as "aliens."

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