

PART I

LAND TENURE IN THE MARSHALL ISLANDS

By J. A. Tobin

Formerly District Anthropologist
Marshall's District

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- J. T., Majuro, 1956

INTRODUCTION: LAND TENURE

The total land area of the Marshall Islands District is quite small, consisting of only about 74 square miles of dry land area which is distributed over 29 low lying coral atolls and five low coral islands which are widely scattered throughout 375,000 square miles of ocean.

This limited land area is inhabited by over 12,000 people.

Land is of paramount importance to the Marshallese people whose agricultural economy is based on copra production and much of whose food comes directly from their land.

The Marshallese system of land tenure provides for all eventualities and takes care of the needs of all of the members of the Marshallese society. It is, in effect, its social security. Under normal conditions no one need go hungry for lack of land from which to draw food. There are no poor houses or old people's homes in the Marshall Islands. The system provides for all members of the Marshallese society, each of whom is born into land rights.

The Marshallese have a general attitude of security which is undoubtedly due to a great degree to their system of land tenure. Despite the fact that they have seen three foreign powers take over their lands--German, Japanese, and American, they still retain possession of most of their land, unlike the unfortunate indigenes in many other areas of the world. The present policy of the Administration forbids sale of land to non-indigenes.

It is anticipated that former Japanese Government lands and

land seized by the Japanese for military installations will be made available for the use of the Marshallese people on a homestead basis.

Land in the Marshall Islands is placed in many categories, each with its own descriptive name and rules of inheritance. The Marshallese system of land tenure has developed to meet the needs of this particular group of people and is the dominant factor in the cultural configuration.

INDIGENOUS ATTITUDES TOWARD THE LAND

Because land, which is the source of their day-to-day existence, is considered by the Marshallese to be their most valuable asset, land disputes have been and still are the cause of almost all family and lineage schisms. People are always plotting to obtain more land. Today this takes the form of marriage negotiations. In the past not only marriage was used but also the means of warfare and black magic.

Black Magic, or ekabel, was sometimes used to kill off the older members of the lineage, particularly in the case of the chiefly lineages. This was referred to as "Rubrub non ro nejin" which means literally "destroy the obstacle to her children," i.e., removing the obstacle (person) to her children's succession to land rights. A non-relative was always asked to make the magic. It was believed that the illness or death sought for the enemy would "boomerang" and also afflict the person who performs the magical rites if he or she were related to the proposed victim of black magic. According to informants, black magic is sometimes performed

today. The writer is personally cognizant of several recent cases of black magic being practiced.

Imitative magic is often the mechanism used to destroy a rival. Allegedly one of the most potent and frequently used methods is to wrap a live lizard in a leaf from the Ninn tree (Morinda citrifolia), bury it alive to the accompaniment of a magical chant and wait for the reptile to rot away. It is believed that unless counter magic is employed, this will cause the person against whom the magic is directed to sicken and eventually die.

Land is regarded as sacred, "something to fight and die for" and as far as may be ascertained, has never been sold or given away to outsiders except through fear of physical or moral sanction being applied or for special reasons which will be explained later in the section on alienation of land.

The older Marshallese are fully aware of the particular categories into which their lineage lands fall and what rights they possess in them. Genealogies, both royal and commoner, are traced back in some cases ten or more generations and many of them have been written down, are carefully preserved by their owners, and are used as evidence to support claims in land disputes. The younger generation of Marshallese, those who are under thirty or so years of age, are usually not fully cognizant of the more esoteric concepts and customs of land tenure however.

CONCEPTS OF LAND OWNERSHIP

In the pre-contact period, the paramount chief, (iroij)

lablab or iroij elap) that is the senior ranking member of the senior lineage of the ruling clan (jowi-Relik, jou-Radak) was the acknowledged owner of all the land and all movable and fixed property in his realm, in a socio-economic system roughly analogous to the feudal system of medieval Western Europe or, closer at hand, to the social system of pre-contact Polynesian cultures, with the reciprocal rights and obligations of all classes within the framework of the society. However, the subjects of the chief could not be evicted from the land without "good reason," such as offenses against the chief himself; and their rights were, as a rule, respected by the chief. The more commoners (kajur) a chief had in his realm, the more power he possessed, for in them he possessed a large reservoir of human beings to draw upon for labor and warfare. (The word kajur itself also means power or strength.) It was therefore manifestly incumbent upon the chief to treat his subjects with consideration and equity in order to retain their loyalties.

A regular channeled tribute system, ekkan, was adhered to by the subjects of the chief. Fine mats and fresh and preserved food-stuffs were presented in a ceremonial pattern throughout the year if the chief was in residence on the island or upon the occasion of his visit to the atoll. In the latter part of the nineteenth century, with the development of copra as the cash crop, the share of the chiefs and of the people who produced the copra was established. (See LAND USE.)

The concept of royal ownership of the land apparently

continued and was unquestioned until prior to World War II when the Japanese introduced the concept that the chiefs owned the land and the commoners owned the trees growing upon the land. This was probably done to facilitate acquisition of the land needed for military bases and installations.

Some informants believe that the new concept was a result of the Japanese misunderstanding and jumping to conclusions. It is alleged that when the Japanese officials queried as to who planted the trees, the Marshallese replied: "The commoners did." The Japanese then supposedly assumed that the trees were the property of the commoners who had planted them. As a corollary, we may logically assume that the chiefs upon being questioned, informed the Japanese that the land belonged to the chiefs as per custom. (As they still maintain.)

This foreign concept of separate ownership title to the land and of all of the trees growing upon the land was implemented by the Japanese officials who paid some of the chiefs and alab(s) involved for land and trees respectively. The foreign concept of division of ownership plus the fact that the foreigners, beginning with the Germans, had supplanted the chiefs as the supreme authorities, were undoubtedly contributing factors to the gradual shift of orientation which has continued to the present time, and which was accelerated by the social disruption attendant upon World War II and the American invasion and occupation of the Marshalls. The concepts of "liberty," "freedom," and "democracy" were freely

disseminated by the new rulers without, it is believed, adequate definition or explanation. This further contributed to change in attitude in regard to socio-economic concepts on the part of a segment of the population especially, as might have been expected, the younger element who were in closest contact with the Americans.

The general attitude today in regard to land rights (as far as the writer has been able to determine) is one of joint ownership of land rights with the chiefs possessing certain rights and the commoners possessing other rights in the land and holding these rights as a member of a lineage in common with the other lineage members.

The general concensus seems to be that the Japanese concept was an artificial one and that the property rights in trees cannot be separated from the land rights.

The concept of joint ownership of land rights is stronger in the Relik (Western) than in the Radak (Eastern) Chain, probably because the royal matri-lineal lineages have become extinct in Relik while they still flourish throughout the Radak Chain.

The prevailing opinion was exemplified by the actions of the 1951 Marshallese Congress, where elected representatives of the mass of the population, the House of Assembly, met with the hereditary chiefs, who sat in the House of Iroij. At that time, this matter was heatedly debated at length. The chiefs declared unequivocally that they owned all of the land and they were upheld by a small percentage of the older commoners. However, the majority of the

commoners, young and old, disagreed, stating that the land is owned by everyone. This problem has been brought up in the succeeding annual sessions of the Congress to date.

A small anti-chief sentiment exists today, largely composed of younger men, most of whom have been closely associated with Japanese and Americans. These individuals (none of whom are organized as a group) are anti-chief only in the sense that they are opposed to deferring to certain individual chiefs. They are not against the institution of chieftainship per se. In fact, the desire to retain the economic prerogatives of the chiefs for themselves is the principal motivation of their deviation from the norm.

At the other end of the pole, of course, are the chiefs and their adherents, most of whom are the older and more conservative element. It is anticipated that the chiefs' position, where disputed, will become correspondingly weaker as this older and more conservative element dies out, as it has been doing. The several current disputes as to succession to the title and prerogatives of recently deceased chiefs will probably hasten this process.

PHYSICAL DESCRIPTION OF THE LAND HOLDING

The typical Marshallese land-holding, or weto (wāto) consists of a strip of land stretching from lagoon to ocean and varying in size from about one to five acres in extent. Each land-holding has its own name and history.

Sometimes the land parcel may be broken up into two or three portions with transverse boundary lines. The boundaries, kōtan

weto, are marked off by lilies, red-leafed shrubs, or frequently by slashes of coconut trees. These markers are called kakōlle.

The lineage (bwij) members may live on and exploit the resources of the land parcel or, if they possess rights in more than one land parcel, as is usually the case, merely make copra on it and use its food resources such as coconuts, breadfruit, arrow-root, pandanus, bananas and taro. Pigs and chickens are kept and fish and shellfish are obtained from the adjacent marine areas. On most of the islands the people live on their own land holding. The structures found are usually a cook shed, one or more sleeping houses, dependent on the composition of the group, and a copra drying shed.

The houses are constructed mainly of native materials, with sheet metal and salvage lumber used in varying degrees throughout the islands. The living area, ionle in Relik, irole in Radak, is covered with small coral stones from the beach. These serve as drainage and prevent the area around the house from becoming a morass during the rains. This permeable covering is renewed regularly by the women of the household. This was the standard household arrangement prior to the coming of the foreign regimes.

Large communal structures such as the "men's houses" found in parts of Melanesia and the Western Carolines, were absent in the Marshalls.

When the Germans and later the Japanese set up their capital at Jabwor in the Jaluit Atoll, people from all over the Marshalls

were attracted to the "Big City" for various reasons. Those who did not have land or relatives in Jaluit were forced to live in large "guest houses" each of which accommodated as many as sixty people. These houses bore the names of the atoll of origin of their dwellers, i.e., Arno house, Wotje house, Namu, Ailiŋlaplap, etc.; almost all of the atolls were represented. These were of wooden construction and about 40' x 60' in dimension.

The traditional pattern of living was changed by this congregation of people from different atolls in large population centers.

Although the beehive metropolis of Jabwor was destroyed by American bombers, the "guest house," or communal quarters type of dwelling, was perpetuated on Majuro Atoll when it became the new seat of government under the American regime. Here, two former Japanese army barracks are used by the Arno Atoll people and the northern Radak people respectively. Another large house known as the Mille house is used by the people from that Atoll. Still another group composed of individuals of mixed Gilbertese-Caucasoid-Marshallese ancestry in varying combinations, occupies a cluster of houses known as the "Gilbertese Village."

The labor camps on Majuro and Ebeye Island, Kwajalein Atoll, however, constructed by the civil and naval administrations for their employees who come from all over the Marshalls, represent another change in the traditional pattern of life. Living is done in closer proximity than before. Cook houses, bath houses, and outdoor toilets of the "Chic Sale" type are shared by all who live in

the communal houses and the labor camps.

The administrative center at Majuro is atypical also in that a "squatters" town has arisen on Jarej (Rita, U.S. Navy code name), one of the islands adjacent to the administrative center. Many Marshallese attracted to the administrative center by much the same motives that attracted people to Jabwor in the Japanese period, have occupied abandoned quonsets or have built houses of their own of salvage material. A small quasi-"shanty town" has arisen on the island, perpetuating the Japanese acculturative influence of Jabwor. Spoehr gives an excellent account of an acculturated Marshallese community in his "Majuro, A Village in the Marshall Islands."

Aside from the few atypical communities, the pattern of land usage remains as it was before the advent of foreigners except, of course, that the large villages have added stores, council houses, dispensaries and school and church buildings. The system of land tenure and usufruct has not changed drastically despite the acculturative forces of three different regimes and the orientation toward a cash economy.

LAND UTILIZATION

Members and associated members of the lineage (bwij) work the land, clearing it of underbrush and performing other tasks necessary for the simple type of agriculture practiced in these low-lying coral atolls with their limited resources. In some instances people are allowed to work land not belonging to their lineage when members of another lineage have more than enough land for their own

needs, or want to help some less fortunate person.

The head of the lineage, the alab, or his representative is in charge of the land and the workers (dri jerbal) on the land. He collects a share of the food produced on the land as well as a share of the money received from copra sales. The lineage head represents his or her lineage in its relations with other members of the society, with the sub-chief (iroij erik) if any, with the paramount chief and, today, as a member of the atoll council, with the representatives of the American administration.

The paramount chief who is the head of the ruling lineage also receives a percentage of the money received for each pound of copra produced on land in which his suzerainty is recognized. This share ranges from $1\frac{1}{2}$ mills in parts of Relik to 1 cent in most of the Radak Chain, depending upon the copra potential of the atoll or island and the attitude of the people toward their paramount chief. "First fruits" and a share of the food taken from the land and sea are also presented to him, formally and informally. This presentation is known as "ekkan." In Radak where the position of iroij erik (sub-chief) exists, the paramount chief gives that subordinate intermediary a regular percentage of the money he has received from the head of each lineage in return for services rendered as his representative over a certain area.

Hospital expenses are also the responsibility of the chiefs in the Radak Chain. The majority of the people in the Relik Chain, however, have preferred to pay their own expenses since the

beginning of the American regime and to pay less money to their chiefs.

MECHANICS OF DIVISION OF THE COPRA PROCEEDS

The sole cash crop, copra, is sold by the individual producers to the copra buyer on the atoll or island or more often to the local general store which is usually a cooperative enterprise owned by all or a large segment of the atoll population. After the chief's share (which varies) has been withheld by the alab, his share, usually 25% of the total cash, is retained and the remainder turned over to the workers. The senior worker under the alab may keep all of the cash and give the other workers spending money, clothes, food, etc., whenever they need it. He may, on the other hand, distribute the cash on a per capita basis to those who have actually made the copra. This is the general method of division of the proceeds from copra sales.

Sometimes the alab may keep all of the proceeds of one sale, less the chief's share, and allow the workers to do the same thing with the next copra sale. The workers may also follow the same procedure rather than attempting to divide the money up regularly with the alab. This is especially advantageous when there are a large number of workers on a small piece of land.

Although there are some deviations from this pattern, the recognition of the interests of chief and lineage head are manifested by the general adherence to the payment of the shares.

DEVIATIONS FROM THE GENERAL PATTERN

The most notable exception to the general pattern of land tenure is the atoll of Likiep which is owned in fee simple by the descendants of two European traders who purchased the entire atoll in 1899 from Jortake, the paramount chief of most of the Northern Radak Islands.

The land is worked both by the descendants of DeBrum and Capelle and their Marshallese spouses and a larger group composed of descendants of the original inhabitants of the atoll and others brought in from neighboring atolls. This latter group produces copra on a share-crop basis.

Relationships between the two groups have been strained for years. The "owners" as the part-European group are known complain of absenteeism and non-production and the workers complain of peonage and oppression. Investigations were made of this situation, and a working agreement was negotiated early in 1951. Conditions seem to have been ameliorated; however, as was anticipated, complete mutual satisfaction and accord do not prevail on Likiep today. This is a salient example of the problems created by the intrusion and implementation of foreign concepts of land tenure into an indigenous system.

Before the turn of this century, after a reputed rum and trinkets "sale" of their atoll, the twenty or more inhabitants of Ujilañ Atoll were forced to leave the atoll to make room for a German copra plantation. They went to Jaluit and to Enewetak and

their descendants are dispersed throughout the Marshall Islands today.

Large scale alienation of land occurred again during the post-World War II period when the inhabitants of the atolls of Enewetak and Bikini were required to leave their atolls which became testing grounds for atomic warfare. The Enewetak people, transplanted to the uninhabited but much smaller atoll of Ujilañ, have been able to make a fairly successful adjustment to a less-favorable environment and have modified their traditional land tenure system in their new home. When the former inhabitants of Enewetak were re-located on Ujilañ, the naval authorities allocated one-half of the atoll to each of the chiefs, Joanes and Ebream, following the traditional socio-political pattern of division that had prevailed on Enewetak.

In 1949 each chief, after selecting an island as his personal property, divided the rest of the land allocated to him, among his people on a nuclear family basis. The alab(s) of the various lineages do not receive a share of the copra proceeds from land holdings other than their own and those of their immediate family.

Neo-local residence is the norm on Ujilañ.

Each of the two paramount chiefs has an island and other holdings of his own which he exploits with the help of the members of his family, and the rest of his people. He does not receive income from any other land.

Chieftainship on Enewetak was inherited patrilineally unlike

the rest of the Marshall Islands and will continue in this atypical pattern on Ujilañ.

The Bikini people, on the other hand, have had more difficulty in making a successful adjustment, due principally to different ecological conditions than those they formerly knew. Kili, their new home, is a small island without a lagoon and lacks the marine resources afforded by a lagoon environment. Kili is isolated from the rest of the Marshalls many months of the year because of heavy surf, another factor for discontent. The land tenure pattern on Kili differs markedly from that which prevailed on Bikini. A semi-communal type of land tenure prevails in which the former absentee paramount chief of Bikini is not recognized.¹

INHERITANCE PATTERN

The Marshallese system of inheritance of land rights is principally matrilineal. Lineage (bwij) members trace descent from a common ancestress (alab) for the purpose of claiming land rights. The original lineage normally has been split into associate lineages descended from sisters. These associated lineages are known as the older lineages (bwij errito) or (jiōb), middle lineage (bwij iolab), (all intermediate bwij are known as bwij iolab no matter how many there are) and younger lineage (bwij eriklok), according to the relative ages of the common ancestresses who belonged to the same clan or "jowi".

Initially the senior sibling in the senior lineage is lineage head followed by all of the surviving brothers and sisters in

chronological order. After all of these siblings have been alab, the next generation, personified in the oldest child of the oldest female, becomes alab and is in turn succeeded by his or her siblings in chronological order. This pattern of succession continues in one maternal line of descent until the line becomes extinct; in this case, the next associate lineage in order of seniority will inherit the "alabship" and rights in a particular piece of land or lands. Every Marshallese is, as may be seen a potential alab.

Although theoretically, relative age is the determining factor in succession to the position of leadership, in practice, a younger brother assumes all of the duties and responsibilities of the position from an older sister who by virtue of seniority is alab. He will become alab "de facto" but she will remain alab "de jure" and will be respected and deferred to as alab. Her brother will bring her the alab'(s) share of the produce of the land but will relieve her of all of the burdensome duties connected with the position, for example; Kabua Kabua, a paramount chief of Relik, has three older sisters, but he assumed the alab position because he is a male. After he dies, his older sister remaining will assume the position of alab, followed by her eldest child, in the pattern previously described.

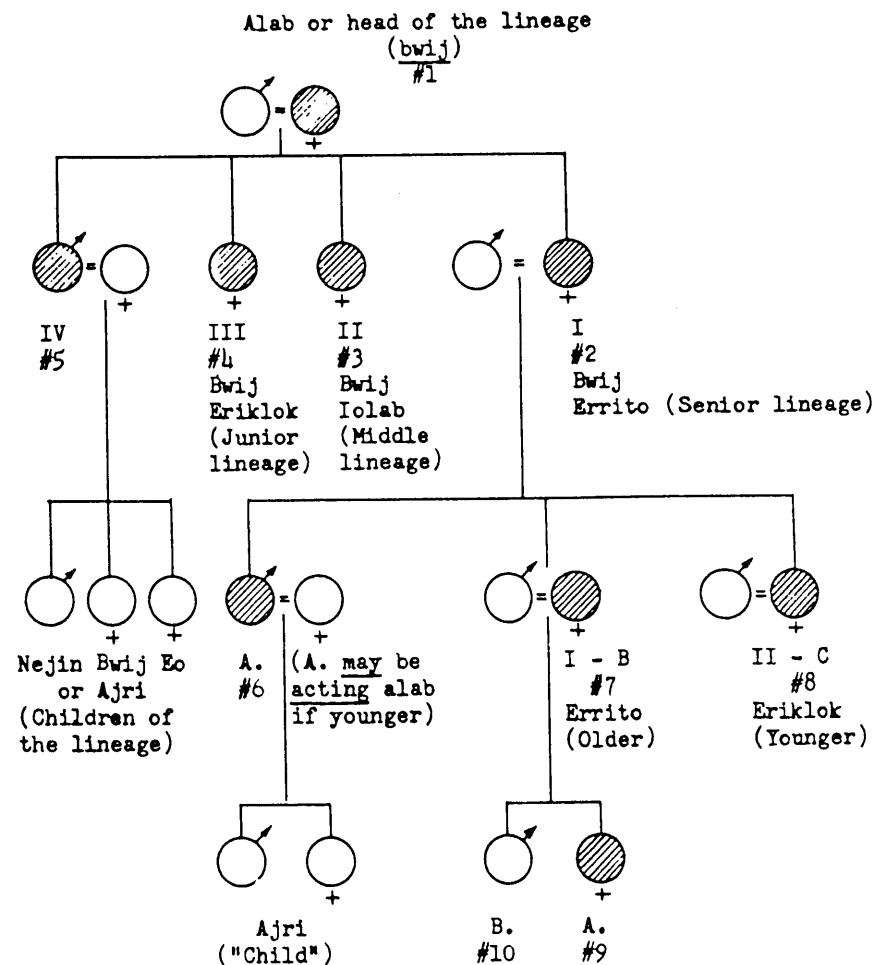
Males assume this trusteeship position unless the women are very strong or have no male relatives to take over for them. If the male who inherits the alab position is too old, feeble or otherwise incompetent, the next in line of succession will assume the

responsibilities of the alab; he will in effect, be the representative or regent for the alab. The alab will be recognized and honored as such by his own people. However, if the females in the lineage become extinct, (bwij elot), which has happened in the case of the royal lineages of Relik; the alab or the chiefly positions may be inherited patrilineally for the one generation, from fathers to sons and daughters in chronological order as described previously, after which they pass in matrilineal line of succession which is the ideal pattern of inheritance and the one followed in the main. However, as in other cultures, the custom is sometimes honored in the breach. Deviation from the accepted custom has been and still is the basis of disputes.

PATRILINEAL USUFRUCT RIGHTS

Although land rights, with very few exceptions, are inherited through the maternal lineage, individuals are not excluded from usufruct rights in their paternal lineage land. Even though an individual may never become the alab on his father's lineage land, unless the entire paternal lineage and all associated lineages become extinct, he does have the right to live and work on his father's land. These use rights are inherited patrilineally by succeeding generations, each of which has a descriptive name. (The same terminology is used for titles of individuals of chiefly descent to indicate the amount of royal "blood" possessed by the individual title holder and their position in the hierarchy.)

THE IDEAL INHERITANCE PATTERN OF MATRILINEAL LAND AND TITLE RIGHTS



II, III - Lineages will inherit land rights in succession if the lineage senior to them becomes extinct - "bwij eo elot"

Figure 2

1st generation

of ajri (children) of the paternal lineage: bwirak

2nd generation

of ajri (children) of the paternal lineage: lajibjib

3rd generation

of ajri (children) of the paternal lineage: jibtok

4th generation

of ajri (children) of the paternal lineage: jiblok

5th generation

of ajri (children) of the paternal lineage: jibbötto

6th generation

of ajri (children) of the paternal lineage: jibbinaretto

7th generation

of ajri (children) of the paternal lineage: tibjer

The ajri are allowed to live on and use their paternal land if they are cooperative and do their share of the work. Shirkers and trouble makers and those who do not give the alab his copra share or refuse to give him a share of the food from the land, (ekkan), may be removed by the alab of the particular land involved. The rights may be extended to include the seventh generation, tibjer, but are usually taken advantage of only as far as the fifth generation. The ajri rights become weaker with each succeeding generation and are absolutely concluded with the seventh generation, tibjer, which means "depart from glory."

Individuals usually forego their usufruct rights on the

paternal land before many generations have passed. They are usually satisfied with the use of their maternal lineage lands and their spouse's lineage lands.

This system operates to equalize land rights, prevent overcrowding, and serves primarily to strengthen the in-group feeling among relatives.

ADOPTIVE RIGHTS

Adoption of children or kōkajiriri, freely translated "Look out for the child," has always been a common practice in the Marshalls. Adoption here, however, does not mean alienation of the child from his biological parents as it usually does in Western culture. The Marshallese child becomes a part of another extended family group but also retains his ties, emotional and otherwise, with the biological parents and other bwij relatives. The child may reside with either his foster or biological parents, or as is usually the case with both at different periods. This pattern of extended relationships obviously makes for a greater degree of emotional security for the adopted child.

Adopted children are allowed the right to work on and enjoy the benefits derived from the land belonging to the lineage of their adopted parent with the permission of the alab and the lineage.

Adopted children may remain on the land after the foster parent dies. The children of the adopted children also have rights in the land but these rights become progressively weaker

with ensuing generations. These rights must also be confirmed by the alab.

The adopted child possesses much the same rights as the biological children except that he may only become alab of land of the lineage into which he has been adopted upon the extinction of all lineage relatives. A case was recently heard on Majuro in which an adopted son of an alab now deceased, the last of her lineage, claimed to be lineage head of his foster mother's bwij lands. His claim was contested by other relatives of the deceased alab.

In addition to the rights acquired by adoption, the adopted person also retains his birthright in his own lineage land. The adopted child is under obligation to his foster parents and regards them as jeman (father) and jinein (mother), as the case may be, giving them the same respect and loving care in their old age that is owed and given his biological parents; for example, in 1899 "A" was adopted by "B" and his wife when he was a small child. The biological parents of "A" went to another island in 1904 and remained there for eight months; during this time "B" cared for his adopted son. The father of "A" built a house near his own home for "A" and his foster parents with whom the latter lived most of the time even after his father and mother returned from their trip. He was not alienated from them or from any other of his biological relatives, however, but retained a close relationship with them. In the ensuing decade, "A" and "B" maintained a close father and son relationship. "A" recently brought his now aged foster father

to live with him on Majuro and has assumed the responsibilities for his care although "B" has four grown children of his own.

Children often adopt other younger children and adoptions are also made for the purpose of having children of both sexes in the family circle.

Individuals who possess the inherited rights in the lineage land have unquestioned usufruct rights and may even become alab. Ajri, or those who possess paternal rights are considered to have less right in the land. Adopted children are considered to have fewer rights than the members of the lineage or the ajri.

USUFRUCT RIGHTS ACQUIRED BY MARRIAGE

Residence after marriage is neither strictly patrilocal nor matrilineal. A man may live and work on the lineage land of his spouse or vice versa. Matrilineal residence, however, is considered more desirable in view of the fact that the interests of the offspring are bound closer to the maternal lineage land, where someday they may become alab and where they possess primary land rights or as the Marshallese say "lukkun" (true) rights.

The Marshallese have been marrying into other atoll groups for centuries. This process has become progressively accelerated with improved transportation and communication. Opportunities for marriage outside of the home atoll have increased tremendously and today many Marshallese possess land rights in widely separated areas throughout the Marshalls. This, of course, has done a great deal to break down atoll ethnocentrism.

If a married couple should reside on the wife's lineage land and the wife should predecease her husband, the latter has the right to remain on the land providing there are children; in that case, the widower may not be evicted even if the alab should so desire. The offspring who have a vested interest in their lineage land look out for their father's welfare and help him to remain on the land. If there are no offspring, the widower does not have a real claim and the alab may evict him or allow him to remain at his discretion. The latter course is usually followed unless the widower is a trouble maker or shirks his responsibilities. Widowers or widows are not normally evicted from their deceased spouses' lineage land. In most cases, their in-laws want them to remain. Even if a widower should remarry to someone outside his deceased wife's lineage, they both may remain on the land, at the discretion of the alab, but this is not usually done.

WILLS -- KALIMUR, Lit. Trans. PROMISE OR TESTAMENT

In pre-contact times the chief would, if he felt that his demise was imminent, call his people together and name his successor, normally following the accepted custom of inheritance.

The German government started to register wills and the Japanese government insisted that everyone, chiefs and commoners alike, should make a properly registered and documented will. This edict was complied with to a certain extent during the Japanese occupation primarily but fell into abeyance after the Japanese were expelled from the Marshalls. Since that time only a few individuals,

mostly chiefs, have executed written wills.

ALIENATION OF LAND BY SALE, LEASE OR RENTAL

The concepts of alienation of lands by sale, lease or rental were unknown aboriginally, but were introduced by foreigners who acquired sites for missionization activities, commercial ventures and the like. The land parcels, were, on the whole, small in size and relatively insignificant.

A very few land parcels were sold by the chiefs to commoners in the post-contact period. These are known as "imon wia", literally, sold land parcels; for example, Kabinene Weto and Monratel Weto on Wormej Island, Wotje Atoll were sold by the late chief Toemif to Marshallese and are known as imon wia.

Several Japanese traders purchased land for their common-law Marshallese wives and their children.

Rentals involving Marshallese alone have been very rare. One such case which is operative today and which occurred very recently has political motivations rather than a mere desire for monetary gain. The land involved had been rented during the Japanese regime to a Japanese entrepreneur. Interestingly enough in the recent dispute, the alab involved, in pressing her claim for rent, made the distinction between land used for business purposes (bakery and store) and that part of her land being used for dwelling purposes. Rentals were demanded for land falling in the former category only.

An individual who has obtained the alab'(s) permission to erect a building on other than his own lineage land may from time to

time voluntarily bring food to the alab of that land. However, the concept of rent per se, is not implied.

The future trend was seen recently in the request of several alab(s) for cash rentals from various individuals whose lineage lands are in other areas and who have built retail stores and bakeries on the alab'(s) lineage lands which are adjacent to the administrative center at Majuro.

CATEGORIES OF LAND

Land is divided into three general categories:

A. Lāmorōn or Kabijukinen (translation: "old lineage land").

B. Ninnin (literally, "nurse from the breast") - land allocated by a parent to offspring.

C. Imōn aje (burij in aje) (literally, "gift land").

Lāmorōn or Kabijukinen

The majority of land holdings in the Marshall Islands belong to the category of ancestral land holdings of the maternal lineage to which the terms lāmorōn or kabijukinen are applied. There is a shade of difference of meaning in the two terms. Lāmorōn, means literally "old stone," from the lā - "beach stones," pebbles, placed around the dwelling site, and refers to the ancestral land (earth itself), while kabijukinen or berber (foundation) as it is sometimes called, has a poetic and emotional connotation of deep affection and sentiment. This category of land is normally inherited matrilineally.

Burij in aje (imōn aje) is the descriptive term for land that

was given by the iroij for outstanding services in war and peace time. Many types of land are included in this general category, each with its own descriptive name.

With the end of local warfare (during the German period) gifts of land resulting from warfare ceased. Other categories of gift land, such as rewards for magic, medicine and navigation, etc., are given very rarely today. Ninnin, land transferred by a parent to an offspring, is still given occasionally today, however.

Ninnin

These are land rights given by a father to his children; it belongs to the new lineage consisting of the man's issue. The old or ascending lineage may not take these rights away from them.

The senior lineage member is always the alab. If the alab should try to take away the land rights, the chief will intervene and prevent it. Normally the land rights are passed down through the new lineage from then on but ninnin may be given with the consent of the lineage to the children of a male member of the new lineage. This may be done for several succeeding generations. Alab(s) and chiefs may allocate this land but the worker may not. A worker may never allocate alab rights to another worker. He may, however, allocate worker rights to his children - real or adopted, only if the lineage agrees. The alab himself may not assign lineage land away unless permission is granted by the lineage and the chief.

The maternal relatives of the ascending generation of the

recipient of ninnin land do not possess rights in it nor does this land revert to them upon extinction of the decending lineage of the recipient.

When the lineage and associate lineages of the recipients of ninnin land become extinct the land is recovered by the chief for redistribution, the children of the last generation of males of the extinct lineage having a preference.

The alab has authority over division of food and work assignments and management of the land holding in general, but on land division matters he must consult with his chief and his lineage. He cannot do anything on his own accord in land division matters. This is true today and was true in the past. The alab is not the final authority or autocratic leader. He must consult with his lineage on these important matters. He does not have the exclusive rights in the land; for example, an alab on an atoll in Northern Fadak recently expressed the desire to evict the children of his mother's younger sister from the lineage land because they had been "too haughty," refused to bring him food (ekkan), and ignored his authority in general. He complained to his chief who told him that if he evicted the cousins from the land, he would be violating the custom. The dispute was then settled amicably.

If the lineage does not concur with the desire of the alab or workers to ninnin to his children, the children may remain on the land as ajri in bwij. They will work for the alab'(s) successor and have practically the same rights as the dri in bwij (people with

matrilineal worker rights). The difference lies in the inability of the ajri to become alab (unless the entire lineage and associate lineages become extinct). Everyone must obtain the alab'(s) permission to cut trees, build houses, etc.

After the recipient of ninnin dies, his children may be allowed to remain at the discretion of the lineage, i.e., the chief or alab gives ninnin to one generation only, his son or daughter.

A sub-chief, iroij erik, may give ninnin to his commoner son but he cannot leave him all his iroij erik rights and title. These must go to someone of royal status. If the sub-chief has no relatives left, the commoner offspring may take the sub-chief rights but not the title as he is not considered to be an iroij erik. Cases were cited by informants where sub-chiefs have given a commoner or noble child part of their lands as ninnin but not the sub-chief rights. The ninnin is inherited through the children and their children.

The paramount chief may make ninnin of special land parcels to his children, but the lineage members are not excluded. Ninnin as may be seen is a mechanism by which a father in this matrilineal society may provide for his children. It is said that "Everyone likes to make ninnin because they help out their children and everyone likes to receive ninnin because they get more land."

This method of land division often creates problems; on Meijij, for example, it has been the cause of disputes since German times. Some of the people who had received ajri rights refused to

give a share of the produce from the land to their alab(s) on the ground that they had ninnin rights and did not have to recognize their maternal uncles' authority; conflict ensued.

Sometimes the alab made the division before his death so each of his children had rights in a portion of land. The recipient generation of ninnin and their female children and the children of its female members, have full rights in the land. The male descendants of this generation have ajri rights only. There is much of this today; especially on Maloelap, Aur and Wotje.

Most types of gift land (imōn aje) may become ninnin.

Burij In Aje - Gift Land

Imōn aje or burij in aje is land given to a person who performs personal services for the chief, such as nursing, bringing food, running other errands, making medicine, and the like. The chief may give food, mats, coconut sennet and rope, etc., instead of land. These are known as mweien kalotlot (goods for nursing) or mweien tiriamo (goods of sorrow) and are given by the chief only, to anyone, irrespective of his position. The chief may give land to a commoner, either alab or worker; no one else may do so.

In the old days, in Radak, two men remained with the wife of the chief at all times in the capacity of watchmen or body guards. One remained outside at all times - escorted the chief's wife, brought food to her, or guarded the chief in times of danger. These functionaries were called dri jutak lomlal ("man who stands by the chief's room"). These men received imōn aje land for their

services. They were related to the chief on the paternal side; they were last in succession and hence least likely to try to kill the chief to gain his position and therefore the most trustworthy.

An aged informant described his duties as watchman for his paternal cousin, the late Paramount Chief Murjil of Northern Radak. He carried a knife with him at all times but was never forced to use it. He had to stay awake, on guard against possible attack many nights for a whole year because of trouble between two chiefs - Murjil and Tonuia, Chief of Airōk in Maloelap Atoll.

The person who acts as personal attendant for the chief is known as the dri jutak loto; this person belongs to a royal lineage, one of whose members has the honor and privilege of being the dri jutak lotc.

Land was always given for these services. For example, the informant received land for his services as bodyguard to the chief of Northern Radak. He became alab and receives the sub-chief's share now but is not a real sub-chief and is not called by that title. With the cessation of warfare in the Marshalls there are no longer positions or titles of dri jutak loto or dri jutak lomlal.

The offices were continued during the lifetime of the incumbents from youth until their health failed and they became unable to discharge the duties of their positions. At that time, the chief instructed the outgoing dri jutak loto or dri jutak lomlal to name the successor - someone he trusted in his lineage or on his paternal side as the case might have been. These offices

were institutionalized in Radak only and were the hereditary prerogatives of certain lineages.

Burij in aje is also used to describe land given by the chief to refugees from an area devastated by typhoon, drought, tidal wave, etc. The chief or chieftess might allocate land to their respective spouses as burij in aje.

Inheritance Pattern

The recipient of burij in aje (imōn aje), may either assign it to his lineage or to his children, as he so desires. In the latter case, all of the children will share in the use rights of this land. The eldest of the children will become alab as per the customary matrilineal inheritance pattern.

The decision as to future disposal of the land may then be made by the alab in the succeeding generations. The land may be retained within the lineage or divided again among the siblings. In most cases, the land is retained within the lineage; siblings usually cooperate with each other in this matter "because they all shared the same breast."

Jikin Kolotlot, Imon Kolotlot or Jemlok (The ending)

This land is given for nursing or caring for a chief or alab when ill. It is usually given on the deathbed or prior to death when a person is becoming old and infirm. The gift must be approved by the chief. The recipient may be a specialist in medical arts (dri uno) who nursed the donor of the land; for example, when Iroi J Tobo was ill on Arno Atoll in 1950, many people gathered about him,

as is the custom; some of them brought food to him, carried him to the outhouse, bathed him, and so forth. His "doctor" remained near him at all times during his long illness. This functions as a type of sick care insurance. Land of this kind is passed down through the lineage. During the German period, Kwier Island on Kwajalein Atoll was allocated to Leanmo as jikin kolotlot by Chief Jeimata and his half-sister, Libetok, upon the death of the former chief, Leit.

Men in kolotlot is personal property: clothing, fish hooks, money, and the like, not belonging to all shareholders of the land. These possessions are given to the eldest offspring of the deceased to divide among his or her siblings. Adopted children are not included. Money may not be given to an outsider "because this creates disputes." A man may leave a house, cistern, and the like, to his son providing he has built it himself. It will be very difficult to do this, however, if his brother, uncle or other lineage members helped him in the construction.

Imon Ato (Relik), Montutu (Radak) - (Come ashore to get land)

This is a land parcel, not an island, given to a person who adopts, nurses, guards, and cares for the child of a chief, gives him special massage (kokabit) with coconut oil, and performs other personal services. The guardian (kwor) may be either a man or woman and his or her lineage become guardians also. Any member of this lineage may correct the child of the chief when he misbehaves by beating him or pulling his hair, (the latter action is usually

very tabu) and may stop him from fighting; in effect, they are in the position of parents to the child of the chief, whom their lineage member has nursed. The chief provides food for the child and the guardian.

Someone other than the wife of the chief nurses the children of the chief. People vied for these respected and lucrative positions.

Enen Tutu

This term is used to describe an island given for the above services.

The person who receives this type of land may allocate a portion of it to his children who will have worker rights only and may not become alab unless their father's lineage becomes extinct. These worker rights are inherited by their children, but the land (enen tutu and montutu) as a whole belong to the lineage of the original recipient and is passed on through this lineage.

Morjinkot (Relik), Mare (Radak) - (Land taken at the point of the spear)

This was land given by the chief to a warrior for bravery in battle. After the battle was over, victorious chiefs always called the sub-chiefs and alab(s), "The ones who knew more than the others," together to discuss the matter of distribution of land to certain of the warriors. He would then call the deserving warrior to his house and tell him: "I give you (such and such a land holding) as morjinkot." Then the chief would announce the gift to the assembled

people who had come to honor him, bearing tribute (ekkan). Morjinkot was always given by the iroij alone to commoners. Whenever land was given as morjinkot, the people living on the land might be allowed to remain on the land as workers for the new alab or they might be sent away and new people placed on the land. The chief told the original dwellers on the land where to go.

The recipient could give the land to his children or to his lineage. It was not supposed to be given to anyone but a relative. The permission of the lineage had to be obtained in order to give land to a son. If the original recipient gave the land to the lineage, it was then inherited through the maternal lineage. Once the land is passed down through the lineage, it must continue that way. It is up to the first recipient to decide. If it should start through the paternal side, it must continue that way and may not be changed.

This procedure is well recognized and sanctioned by the culture but is sometimes violated and causes trouble. Sometimes a man would give the land to his wife; this was considered to be wrong, and was done very rarely. When land was given to the wife and by her to her lineage much trouble started. Usually the first man who received morjinkot from the chief gave the land to his lineage rather than to his children. A man receiving morjinkot could by-pass his brothers and sisters.

The recipient would tell the chief how he wanted to dispose of the land he had received as morjinkot. The chief then informed

the sub-chief and alab(s) of the disposition of the land. The chief could prevent the man from disposing of the land if he thought it was not right.

If the man's lineage had fought hard in the war, the chief would instruct the man to leave the land to the lineage, or if the man and his son or his brothers were good fighters, the chief might favor the paternal side. If the man had no brothers, sisters, children, or relatives on the paternal side, the land went to the lineage. Although this land may be given to an individuals, the lineage is included - paternal relatives also. The recipient conferred with his uncles, and they all divided the land.

A man usually had to confer with his alab for disposal of morjinkot (after he received it) even though the alab had no part in the war. The land was divided among the recipients and his siblings, only to clear and work, not to keep. The siblings were assigned to different land holdings if more than one land holding was given by the chief. For example, Lañar Island, on Arno Atoll, was handled this way after the intra-clan (dri Mweijor) war between Chief Tarwōj and Chief Ujelañ and their supporters.

Maternal relatives and paternal relatives both used the land. Maternal relatives have a "real right" in the land. Paternal relatives could utilize the resources of the land but did not have "real" rights in the land. After the senior lineage member died, the next senior person in the lineage became alab.

The land usually went to the whole lineage when the chief

made a morjinkot grant. All of the fighting men, dri tarinae, were accompanied into battle by their female relatives who acted as "supply and hospital corps," carrying water and food for their men folk, usually in a coconut shell container. The women involved were called dri bōkbōkā (persons who brings a water or food container). These auxiliaries did not carry weapons but remained a little behind the warriors, watching and waiting for a relative to fall wounded or dead at which time they would rush to his side to succor him or carry away his body.

The warrior's uncle would be alab on the land whether he went to war or not. The warrior was subordinate to him. After the old alab died, the alab title went to his siblings according to the customary matrilineal system, and after them, to the warrior's elder brothers and sisters, in order. In a case like this, the man who received morjinkot could never become alab until after his seniors' demise; in other words, the benefit accrued to the lineage as a whole rather than the individual warrior.

Ninnin could, however, be made in the first instance. However, the children usually exploit the land together, and it is normally inherited, like lāmorōn land through the lineage. The alab could make the division for the benefit of all of his children. This may be done generation after generation. This has been done on Mejij Island (as previously mentioned). There, one may see small land holdings with only fifteen or so trees on them. This has caused much friction. The alab in these cases had divided up the

land among all of the lineage members. This was last done during the Japanese times. The Meijij people realized how impractical this was and have stated that they believe the practice of ninnin has been the cause of many of their socio-economic problems.

As stated previously, a man could not allocate the land to his son alone; the lineage had to share. It was not possible to give land to an outsider. On Wotje Atoll, land was given (in one case) to relatives of the mother, due to extinction of the lineage. The Paramount Chief Jortake turned the land over to the oldest of the mother's relatives. Land will automatically be inherited by the next senior lineage when the oldest lineage becomes extinct, as has occurred during time of war.

Waienbwe

This term is used to describe land given by the chief as a reward for forecasting the future. A dri bubu (seer) was attached to the chief's court and advised him as to the appropriate time for going to war, building a new house, going fishing, sailing, etc. Land was only given for successful prophecies and advice concerning war; food, mats and other goods were given for prophecies not connected with warfare. A seer was given land one time only by the iroij for past, present, and future prophecies. The dri bubu was and is a highly respected person and many tabus were and are still attached to his activities.

An informant's father learned magic and forecasting from Bouleij, chief of most of Northern Radak, who taught his sons and

grandsons. Bouleij was very proficient at these arts. In the past, the chiefs knew more about magic than anyone else. However, the restrictions, especially sexual, caused the chief to maintain a practitioner of magic in his entourage. This knowledge, according to legend, was taught by two demigods, Lewij and Laniej, who came down from heaven and lived at Buoj Island in Ailiñlaplap Atoll for a while, teaching tattooing and other arts as well.

Waienbwe

This was a term describing land which was a reward for personal services and could be given as ninnin to the recipient's children or could be passed on through his lineage at his discretion. The recipient becomes alab whether he is the senior member of the lineage or not. He may have an uncle or brother who is senior to him and who is his alab, but this man will be alab on the original lineage land only. The recipient of waienbwe or kwodrailem land will be an alab himself on this land which was given him.

Kwodrailem

The term used for land given by a chief to a man who sailed with him and bailed out his outrigger canoe, an extremely arduous task and necessary to keep the canoe afloat and enable it to keep underway while engaging in warfare and also during ordinary times. This type of land could be passed on through either maternal or paternal lineages, the son or the daughter, at the discretion of the recipient, like waienbwe. The reward of kwodrailem could be deferred until a later date. This type of gift land was like waienbwe in that

it was given as a reward only once to an individual and was inherited like waienbwe.

Anburo (older word: Kitre)

This is the general term for presents of food, clothing and other things of value, given by a man to a woman before and/or after he marries her. Taro patches are sometimes given as kitre. Anburo (literally translated means "of the heart") and kitre means "out in the open" as opposed to bōnerik (something one hides to buy the heart of the girl one loves). Kōbōjibōj is the new slang expression for the latter type of gift. An analogy is drawn by informants: two sailing canoes in a race. The paddling done by the men in one of the canoes which gives the extra advantage and wins the race is like the kōbōjibōj (gift) given by one of two men who are courting the same girl. The word has a slightly ribald connotation.

Katleb

This was land allocated by the chief to commoners. The term was derived from katleb (large planting), the chief "plants" people on the land. This action is described as "Plant the whole tree," i.e., "Plant all of the island with people." Katleb means that all former inhabitants were cleared off the land with no one remaining on it at the time of the gift. Whenever land was given as morjinkot in reward for bravery after a war, the inhabitants might be sent away if any survived, or they might be allowed to remain as workers for the new owner. When the people were punished collectively by being

ejected from the land holding because one of their lineage had offended the chief, this chief would not take care of their needs for land. However, another chief, hearing of the expulsion, might invite the dispossessed persons to his domain and settle them on his land, thus gaining more manpower for warfare and exploitation of the natural resources of his holdings.

Katleb does not necessarily involve punishment, however. If the chief moved people off the land merely to provide land for others (not to punish transgressors), he would find land for the people whom he had dispossessed. He usually confiscated land from a lineage that had more land than they needed or used.

Some katleb land had no people on it when it was "planted," due to a natural disaster; for example, land holdings on Ebon where all of the people had been killed by a typhoon about 150 years ago.

Katleb is always given to an individual, not a lineage. The individual may call the lineage in if he wants to. He may give it to his children, as one informant's ancestor did 100 years ago. Katleb land may be given to outsiders, but informants have never heard of this happening: "A man naturally wanted to take care of his kinfolk or children." Only the original recipient could give it to whomever he wished, but after that it followed the regular custom through the lineage, katleb is then inherited matrilineally like lāmorōn land.

Metak in Buru (pain in the heart or very great sorrow)

This term is used for land given by a chief to his cast-off

wife as "her husband" - a sort of alimony. Nets, mats, canoes, clothing and the like, given a cast-off wife by the chief are called mweien tiriamo (these goods of pity or mercy) or jemlok (the ending). This is done at the discretion of the chief and has been done within the memory of informants on Wotje Atoll and other places.

Metak in buru land remains in the lineage. The cast-off mate was tabu sexually to other men forever after unless the chief told a man that he could use her sexually, this latter usually happened. A woman who had sexual intercourse without this permission was sometimes killed and the land was confiscated by the chief. When a commoner husband (iroij emman) was cast off by a chieftess, he did not receive metak in buru land. He also was tabu sexually at all times. Other women avoided him for fear of being killed for having sexual relations with him. His illicit sex partner was the only one killed.

Loiio Land

This is land that had never been used before because of heavy underbrush. There were many of these areas in the old days. There is no loiio land today. If a commoner wanted land, he asked the chief for permission to clear a parcel of loiio land and to gain rights to it. If the individual cleared the land by himself, he could leave it to his designated heir.

If his lineage cleared the land, the lineage inherited the land. The chief might do the clearing with his own workers and in

this case he would keep the land as his personal land. For example, this last happened during early Japanese times on Majuro Atoll with the result that Monbot weto on Ajeltak Island has a chief and only temporary workers today. Mönwörwör weto, Dalap island, now occupied by an air strip, is in the same status, as is Enlen weto, on Roñroñ Island, where the late Chief Lañlan cleared the land himself in 1912 and changed the name from Tur (a geographic term) to its present name. Workers were put on this particular land permanently and are working it today.

A gift of loiio by a chief may mean that the land may have been allocated to a commoner but not kept clear of underbrush or tended by him. The chief cleared the land and the commoner "lost" his rights in it in punishment for not carrying out duties and obligations.

Enen Kojjāu (land of uprooting)

The chief never took land away as punishment for adultery if only commoners were involved. However, if a chief or chieftess were involved, he or she would seize land from the erring husband or wife in reprisal.

If a commoner male was married to a chieftess who had sexual relations with another man, the commoner might have complained to the paramount chief who would only reply: "The chiefs may do anything they wish." However, if a chieftess had a commoner husband who committed adultery, she confiscated the land of her husband's sex partner. She did not have to consult the

paramount chief about it as she possessed enough power herself. The chieftess could tear her rival's vulva open as additional punishment if she wished to do so; this was allegedly done many times in the past.

A commoner male who had sexual intercourse with the chief's wife was described by a special term, lañ ebuñti (the heavens fell upon him). The offending male was always speared to death by a sub-chief or bwiraktak (lesser member of the royalty). The offending wife could be cast off without metak in buro or killed, at the discretion of the chief, but her land was not confiscated. The chief confiscated the land of his wife's lover. This action was referred to as kojjōu (uproot). The offender's entire lineage was expelled from the land and told: "Jou mij" ("Uprooting is the substitute punishment for death"). The land was then called enen kojjōu (land of uprooting or expulsion), and was given to an outsider, usually the person who had executed the offending commoner.

The chief could dispose of the confiscated land as he pleased. Presumably this idea of collective punishment for individual transgressions of one member of the lineage was designed to prevent commoners from violating the royal sexual prerogatives and to accentuate the exalted position of the royal class and everything pertaining to it.

In the case of a commoner female who committed adultery with the husband of a chieftess, the offending woman was often taken to the ocean and drowned by all of the chieftesses. Informants have

heard of this happening in pre-European times and later. In one case, during Japanese times, according to informants, a commoner had sexual intercourse with a commoner wife of a bwirak lablab (son of an iroij lablab father and a libwirak, lesser royalty, or noble, mother). When his crime was discovered, the offended husband and all of the sub-chiefs and nobles (bwirak) beat him into unconsciousness. The husband then forgave his wife and continued living with her.

All of the chiefs and chieftesses were tabu sexually to commoners except upon invitation by the former. The land of the offending mate of the chieftess could be confiscated by the chief. In this case, if he was a commoner, all of his lineage was evicted and another lineage was put on the land. The evictees could then move to the domain of another chief. This confiscated land was passed on through the lineage of the new occupants and was then classified as katleb.

The offenders, the chieftess' husband and the woman involved, were either killed, beaten, or had their land confiscated, any of the three; however, they had no choice of punishment.

The chieftess sometimes ordered her husband's execution and sometimes that of her rival as well but they were usually only beaten instead. The more usual punishment was confiscation of land. If the chief's wife was of royal "blood," she could enjoy extra-marital sexual relations and not be subject to punishment by her royal husband. He could only "get revenge" by having sexual inter-

course with another woman or he might merely scold his wife. It is said that: "Both chiefs and chieftesses have the same power so they cannot punish each other."

Conversely, if a chief offends his royal wife, by indulging in extra-marital sexual relations, she may obtain revenge by doing likewise. This method of retaliation or "paying back," as it was called, is still practiced by Marshallese of all classes. According to custom the chieftess' commoner lover could not be punished, nor could the commoner sex partner of the chief. A chief who had sexual relations with the wife of another chief from the same area could not be punished.

The wife, if a commoner, could be thrown out after being beaten but her land was not confiscated. If a chieftess was offended against by another chieftess, the same thing applied as in the case of the two chiefs. Informants laughingly told of a chief who slept with the *lejla* (commoner wife) of another chief who was senior to him in the hierarchy. When the cuckold found out about it, he became angry but did not do anything about it. Informants alleged that a commoner would have been killed. This incident occurred shortly before World War II. However, for example, if a chief from the Relik Chain came to Radak and indulged in sexual intercourse with a Radak chief's wife, a war would probably ensue. This circumstance almost precipitated a war on Majuro more than one hundred years ago.

A *bwirak*, or noble, who slept with the commoner wife of a

chief, would have his land confiscated but would not be killed; presumably because he was a member of the royal class. The land confiscated by a chieftess from her rival could be given to the husband of the adultress. This was only done occasionally; this land was passed down through the cuckold's lineage. Land of this type was also called *mweien tiriamo* (goods of pity or mercy). The confiscated land of a commoner who had enjoyed the favors of the commoner wife of a chief was never given to his own spouse but was retained by the chief.

SPECIAL CATEGORIES OF LAND

Aboriginal Game Reserves - Enen Bau, "Bird Islands"

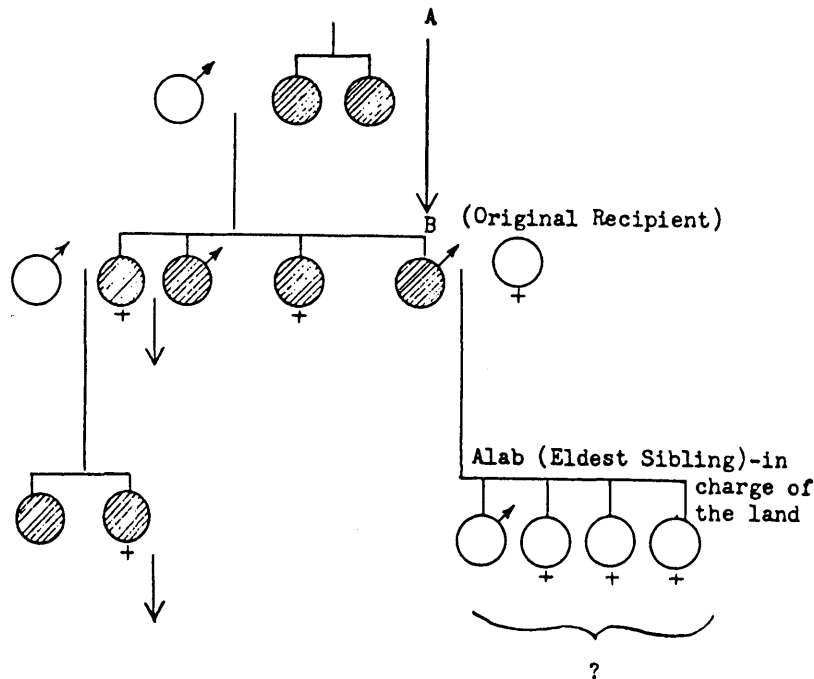
The Northern Radak atolls of Bikar, Bokak (*Taoñi*), Tōke, the island of Jemo, and the islands of Erik and Luij in Erikub Atoll have been used from time immemorial as game reserves. All of these places are the habitat of myriads of sea turtles and nesting fowl. Periodically, turtles and turtle eggs, birds and their eggs are taken, as will be described later.

Because of the scarcity of water, these islands have never been regularly inhabited. The German administration used this fact to justify the seizure of the atolls of Bikar and Bokak as government property. The Japanese took them over with all of the other German government properties and they were in turn taken by the American administration. They were not exploited by any of the foreign regimes, however, and the Marshallese from Northern Radak have continued to utilize their resources.

"IMŌN AJE", "BURIJ IN AJE"

(Gift Land)

"IROIJ LABLAB"
(Paramount Chief)



I

Bwij of B

II

Children of B

"IMŌN AJE", "BURIJ IN AJE" (gift land) may be allocated to either the lineage (I) or the recipient's children (II).

Figure 3

Lañmoj, the recently deceased paramount chief of Northern Radak, whose ancestors owned the two atolls, claimed personal title to Bikar and Bokak as mo land and stated that the German claims were invalid. The Marshallese position is that land used as a source of food supply should not be alienated from its owners merely because it is not regularly inhabited and cultivated.

Mo or kotra (as it is called in Relik and Radak), and also called julobiren ne in Radak, is the personal land of the paramount chief. Each paramount chief had land called mo. He might say, pointing to an island or a parcel of land, "That is my mo." After this announcement had been made and the tabu signs (itkiju, jəbne) had been erected, that particular land was forbidden to anyone but the chief or people to whom he had given special permission. The word mo itself means forbidden or tabu.

This term may be derived from Jemo, an island in Northern Radak, which, according to tradition, is the residence of Lawi Jemo, the indwelling spirit or ekjab of a chief of long ago. It was believed that Lawi Jemo, the "High Chief of Jemo," dwelt in a huge kañal tree (Pisonia grandis) from which he sometimes emerged to walk around the island. On these occasions he is said to have appeared as a tall, strong handsome chief.

Jemo Island is the home of myriads of turtles and birds whose flesh and eggs have been a valuable source of protein for the people of the neighboring atolls. Stylized and elaborate rituals were connected with the first food gathering expedition of the year which

occurred in the summer time (rak). A fleet of canoes would sail from one of the neighboring atolls under the command of the chief. The kōkōlāl (or navigation aid) used to fix the position of Jemo is said to be a large flock of birds that fly out to meet the canoes about ten or fifteen miles from the island. When the birds are sighted, the helmsmen would exclaim: "Droror timmej" or "Droror mej" (eyes down). This was done to express honor and respect to Lawi Jemo.

When the canoe of the expedition came in sight of Jemo Island, the women in the party had to hide under mats in the canoe; otherwise, bad luck in gathering flesh and eggs was certain to follow, so it was believed. As soon as Jemo was sighted, it was tabu to use ordinary Marshallese, the laroiĵ (esoteric) language was mandatory.

When the canoes were being hauled up on the beach, special roro (chants) were used:

"Rubrub kane in madren e wulik	"Break up firewood, firewood,
Karoñroñ ie jitoñ,	So that we will be able to rest
	by the fire,
Jitoñ rik jitoñ."	Charred wood, a little charred
	wood."

This was followed by:

"Rubrub jitoñ in ib jen kok karoñreñ ie jitoñ.
Jitoñ rik jitoñ."

"Break up charred firewood so that we shall gather strength at the

charred firewood."

These canoe chants were used on all of the "bird islands" and were, for example, used as late as July 1949 on Jemo. It was, and to a certain extent still is, believed that Lawi Jemo gives strength to haul the canoes up on the beach when these chants are used.

The chief and all of the members of the expedition went ashore. The chief had to lead the first trip of the year, and he was the first person to step ashore.

Before the party commenced their search for the eggs, supernatural sanction and other desiderata were requested. Everyone assembled on the beach before proceeding inland and cut a leaf of coconut frond. With the chief leading the way toward Lawi Jemo (the kañal tree), they walked in single file, each individual carefully stepping in the footprints of the person in front of him so that only one set of footprints would appear, as if only one person had been there.

The women were required to hold mats over their heads while on the island so that they could only see the ground well enough to gather the eggs and other items; they were forbidden to see the kañal tree. Strict silence was observed on the way to worship Lawi Jemo.

When the group reached the tree, each man placed his coconut leaf over a branch of the tree and then sat down in front of the tree and waited for a breeze to come and blow the leaf off. When

this occurred, the kebbwi in bwil (ritual name for the chief on this occasion) would announce: "Wurin" (we are lucky). If some branches also fell down the same word would be repeated. This kind of ritual or kabuñ is called katobar.

It was then believed that Lawi Jemo had signified his approval. Everyone then proceeded, not in single file now, to a special place where marutto, a small, rare plant, grew. The chief made medicine by pounding the marutto plant. Three yellow leaves and three green leaves were pounded together, and the extracted juice was drunk by all. This was done to prevent anal bleeding and diarrhea which might result from the unaccustomed meal of turtle and 'birds' eggs. Leaves from the kiren tree (Messerschmidia argentea) were made into a medicine using the same recipe if the marutto extract proved ineffective. (This treatment for diarrhea is still used today throughout the Marshalls although sometimes the leaves are merely sucked.) After taking the preventive medicine, turtle eggs were gathered independently by the group members.

Before eating, everyone reassembled before the sacred tree to resume the ritual. The chief or a senior alab whom the chief had appointed stood before Lawi Jemo and commenced chanting:

"Jej jar um" - "We start to pray."

"Jelbo I jelbo, jelbo I lip ke kijen Lawi Jemo" - "we worship, we worship, we worship - these eggs fed to Lawi Jemo."

"Ikri, ikbi eañ eo, Lajibwinemōn" - "Move it, take it, to the

north for Lajibwinemōn is the Chief of the North."

"Nōn rak Lorok" - "To south for Lorok is the Chief of the South."

"Nōn rak Lokbea" - To east for Lokbea is the Chief of the East."

"Nōn kabiloōn Lokabilōn" - "To the west for Lokabilōn is the Chief of the West."

As each cardinal direction was named, four eggs were thrown out in that direction as an offering to the ekjab in charge of that area. The eggs were then recovered and the principal in the ritual consumed all of them. The remaining eggs were divided up and eaten by the others in the party after the leader had eaten the sacrificial eggs.

Another special chant was used to obtain supernatural aid in pulling turtles ashore:

"Bwili erōkki" - "Push, rolling on to shore."

"Erōkki, erōkki" - "Rolling on to shore, rolling on to shore."

"Eraror wan tapeo" - "Roll the food-bringing turtle."

This chant is still used by some of the older northern Radak people who believe in its efficacy.

While on the "bird island" all types of sexual activities were forbidden even to the extent of wearing magical charms around the wrist or neck to prevent nocturnal emissions. As previously mentioned, the use of everyday Marshallese was forbidden. It was believed that supernatural punishment, mij in lāroi (sickness of

the lāroi) would strike the transgressor in the form of dysentery accompanied by severe anal bleeding.

The lāroi language (from Lā, stone or foundation of the iroi) was mandatory at all times while on the "bird islands." This ritual language (which is still known today by some of the older people) may have been the ancestral tongue of the Marshallese, modified by centuries away from the homeland; it may have been an exclusive royal language or an archaic courtesy language. At any rate, it may provide a clue in comparative linguistic studies today, for example:

<u>A. English</u>	<u>B. Colloquial Marshallese</u> (Forbidden during the ritual)	<u>C. Lāroi language</u> (Mandatory for ritual use)
man	emran	dri kabbil
woman	kōrā	maar
boy	ladrik	Laberik, naberik
pandanus	bōp	karkar
breadfruit	mā	waerar
coconut	ni	kebor
preserved pandanus	mōkwon	wairik
bird	bao	bebelber
octopus	kwet	werak
shark	bāko	niñniñ
come	itok	jekabuñ
go	ilok	jekabuñlok

child	ajri	nabdri
ship	wa	jitoñ
eggs	lip	unnin
rat	kijrik	kilukor
sand	bok	jejakiki
fire	kijeek	mejwar
turtle	wōn	wa

When the expedition was ready to depart from the island, the dri meto (navigator in charge of sailing) would order: "Jen ribrub (let's sail!), ekwe, rube jitoñ kōne (put the boat in the water)." After all was ready he announced: "Wuj jitoñ kane (anchors aweigh!)." All these orders were given in the lāroi tongue which was used until the canoes were half way home. A special oro was continuously chanted by the helmsman to remind people not to use ordinary Marshallese: "Ainānā - nānā - ini - nene ene" repeated over and over again. The meaning of the chant is unknown.

This ritual and special language was used on all of the "bird islands" each of which had its particular spirit, all of whom dwell in trees, with the exception of the spirit (ekjab) of Bokak, Jo Bokak, a red throated bird (mum) who allegedly has been seen recently.

After the initial trip made by the chief or senior person in the hierarchy, anyone else could make ensuing trips during the rest of the year. This ritual was apparently a method of conservation. Rather than allow people to swarm all over the island, arriving

prematurely or possibly frightening away nesting fowl and egg laying turtles, the chief and senior people led the way and the food gathering proceeded in an organized methodical fashion with a minimum of confusion and waste.

The early missionaries successfully used their prestige and persuasive powers to discourage the worship of Lawi Jemo and the other ekjab. This ritual was allegedly last performed at Jemo during German times, shortly after which the tree, Lawi Jemo, was cut down for boat timber. Today people gather turtle and birds' eggs and the like at any time of year and walk wherever they wish on Jemo. None of the tabus are observed as far as may be determined. This is true for the other bird islands as well. The traditional religio-economic pattern clearly illustrates the close affinity of the aboriginal Marshallese religion to the ecology.

Mo or kotra land, as it is called in Radak and Relik, and also known as julobiren ne in Radak, is land belonging to the chief alone as mentioned previously. When the chief saw an island he liked, he had three tabu signs made and placed on the island which was usually very good land. One sign was placed on each end and one in the middle. These "signs" were called itkiju or jabne (no foot), i.e., no foot but the chief's may step here. The itkiju were made of plaited coconut fronds tied to the end of a stick. Some older people still know how to make them. The word kotra itself means the leaf (coconut frond) that makes land tabu. The itkiju were placed in position only once and were not renewed. The

people knew that they had been erected even though they had long since disappeared.

Magic, anijnij, was made on the itkiju. It is believed that if any unauthorized person takes food from the island or ever sets foot on it, he will get sick and/or die. Permission to go on the land had to be obtained from the chief. If people were living on the land, they were forced to leave. An uninhabited island was usually chosen, however. When the chief died, the people could return to the land unless the new chief continued the kotra. The chief appointed special temporary workers who had no real worker's rights and who shared the proceeds from copra sales or the produce of the land with the chief.

This land may be passed from father to son or it may remain within the maternal lineage. The chief may do what he wishes with the land; it is his personal property. If the chief should leave no close kin, the workers on the land may have it. The next chief may not recover any of the mo land that his predecessor may have given away.

For example, an informant's father received two pieces of land on Wotje Atoll this way. His father was a sub-chief in Northern Radak, and paternal uncle to Murjil, the Paramount Chief of Northern Radak. The informant's father had the tabu signs placed on the two parcels of land, and the land was inherited by the informant who is in possession of it today.

There are other parcels of kotra or mo land in Ebon,

Ailiġlaplap, Majuro and other atolls, for example, Chief Kabua Kabua claims the following mo lands:

Ailiġlaplap Atoll

Island	Parcel of land
--------	----------------

Toleōn	Batō
--------	------

Edridr	Barōnekmuuij
--------	--------------

Enekanloto	Lolinmak
------------	----------

Tōbo	Unbar
------	-------

Matton	Kōkomōnmōn, Kaiuikan, Otojome, Kimemekan
--------	--

There are no alab(s) or people with real dri jerbal rights on these lands.

Other mo lands in Jaluit and Ebon Atolls are:

Atoll	Island
-------	--------

Jaluit	Arbwe
--------	-------

Ebon	Eneor
------	-------

Ebon	Mōneak
------	--------

There were alab(s) and people with real dri jerbal rights on these lands before chief Nelu took them over as mo in German times. An agreement was made whereby the proceeds from the copra produced on these lands was divided on a 50-50 share basis. This division is still in force.

In Japanese times, about 1921, Lobareo, the Paramount Chief of Northern Radak, possessed a julobiren ne (translation: sole of foot [of the chief only] may touch this land) land in Maloelap Atoll. This was Drinjen weto on Taroa Island, which he had inherited from

his uncle, Murjil, who was the previous paramount chief. Lobareo used to take all of the money from the copra proceeds - sub-chief and paramount chief's shares, and alab and worker's share. This weto was the richest land on Maloelap Atoll

The chief may give julobiren ne land to his children or to his bwij (lineage). Royal "blood" is a prerequisite for holding this type of land. If there are no royal descendants left, the chief recovers the land.

Lobareo later turned Drinjenweto over to his son (Laibwij) who inherited all the rights except the chief's rights which were inherited by Jajua, the next chief of Northern Radak. There are no permanent workers on Drinjen today and no alab. Informants have never heard of iroij julobiren ne which has an alab in charge. However, a type of julobiren ne is passed down from alab to alab. Only the chief and the alab possess permanent rights in this type of land.

Jikin In Kōkabit

This is land used as a special place in which to give magical medical treatment. It is forbidden land (mo) and is a restricted area. The bwirak (noble) children of the chief use the area, but the chiefs do not. This is one of the devices used to enhance the prestige of the bwirak, as an informant explained:

"Everyone knows who the chief is; he does not need as much mo as his bwirak offspring."

The jikin in kōkabit is usually a small island, but it may be

a small piece of land. In either case, the land area is not large enough to exploit economically to any worthwhile extent. This land may belong to any individual but may not be used or even walked on by the "owner." The purpose of these tabus is to prevent people from seeing the magical treatment.

The bwirak were annointed or massaged with preparations involving magical practices to make them strong and attractive and brave in war. Sexual intercourse was forbidden, both for the person being annointed and the practitioner, for sometimes as long as six months following the treatment. If the treatment did not prove fruitful, people would say, "He spoiled his kabten" (head annointment), meaning that he had indulged in the forbidden sexual intercourse. These sites are still tabu although it is not certain whether or not the magical medical rites are still practiced. It is said they were up to the end of the Japanese regime.

Incorporeal property such as knowledge of magic, medicine, weather forecasting, navigation, and the like, is traditionally guarded jealously and transmitted within the royal group or to certain individuals whom the chiefs may designated. Possession of this secret knowledge has served to enhance the royal position, adding to their prestige and bolstering their position as leaders of the society. This was especially true in the pre-contact period and immediately following, before any education (reading, writing, etc.) became available to all, with the concomittant opportunities for achieved status.

Wuliej Lap (Big Grave)

This is the plot of land in which the royalty are buried. This area is forbidden to anyone not of the royal ancestry, with the exception of the guardian lineage. It is believed that supernatural sanctions will automatically operate against those who violate the tabu.

In 1951 the writer visited the wuliej lap on Mejurirōk Island in Jaluit Atoll, in which lie the remains of Litokwa, Lajutok and other Relik chiefs. Two Marshallese youths, one a member of the field party and native of another atoll (Kwajalein) and the other a local resident, refused to get within 150 feet of the small plot of ground in which the chiefs are buried. However, another member of the field party who was the paternal grandson of Litokwa, visited the graves with complete unconcern, explaining that he had the right to do so.

Kaamnak

This is a general term meaning to put someone on the land. It is similar to katleb land, but may be used for any type of land. The term is often used to refer to land given by one chief to another; for example, Jebrik Lōkōtwerak, chief of one-half of Majuro Atoll during Japanese times, gave an island on Majuro Atoll to Litokwa, a chief from Ebon Atoll in the Relik Chain. Litokwa had promised land to Jebrik in return. He did not keep his promise, however, so Jebrik recovered the land. This type of land is exploited by the royal recipient, and after his death, it reverts to the

royal donor.

Kotra land, the chief's (iroij's) personal land, has been given as kaamnak. Kaamnak land provided the chiefs with a place to live and with local products when they visited outside their own atolls or islands. For example, Toemein, iroij of Northern Radak, had land of this type in Jaluit Atoll in the Relik Chain during the Japanese times and lived on it when he visited this atoll.

While the chief is away from his kaamnak land, the chief's share of the cash received for copra produced on the land is given to the original chief. Food is given to any of the recipient chief's workers who may be on the land; for example, to the workers of the Chief Toemein on his kaamnak land on Jabor Island in Jaluit Atoll.

The usufruct rights in kaamnak may be transferred to a third party. For example, during the Japanese period, Chief Jebrik Lōkōtwerak of Majuro Atoll gave Jable, a piece of land on Majuro, to sub-chief Lañlan of Majuro as kaamnak. The latter had a boat made by a half-caste, Joachim de Brum, and then he turned this land over to him for his use in payment for the boat. He predeceased his half-caste friend, and the land reverted to the original donor.

Workers of this type of land will remain on the land, give tribute (ekkan), other foods and the copra share to the new chief when he is there. This individual will then inform the original chief who will reply "keep it" (the money and food); in other words, temporary tenure is recognized by everyone involved.

ENCLAVES

Trees

Individual food producing trees may be given to a person or group outside of the lineage of the alab. For example, nearly every land holding on Majuro Island has trees, coconut mostly, with some breadfruit trees, which have been set aside for Protestant church use. There are also many gifts of this kind on Arno and Ebon and other, but not all, of the atolls. Many of the government schools have also received trees.

Only the recipient may use the produce of trees involved. However, he may give the alab or others permission to use the tree in his absence. A gift of this sort may revert to the donor upon the demise of the recipient, as it is considered to be a transaction between two individuals.

Taro Patches (Sing. Bwōl; Pl. Bwōl ko)

A taro patch (bwōl) or a plot within a patch, on a land holding may be given to individuals outside of the lineage or it may be retained within the lineage at the discretion of the alab. An example of the different categories of taro patches which may be found on one land parcel may be seen on Eram weto on Ebon Atoll, one of the lush southern Marshalls atolls where the largest amount of taro is found.

1. One taro patch is assigned as a royal taro patch (bwōl an iroi). It is tended and cleared by the workers but is not

harvested except when the lineage makes a special tribute of food to the chief. The taro patch produce is not used for any other purpose, and the royal taro patches are inherited by the heir of the chief.

2. One patch is assigned to "A" who is an adopted child; she tends the taro patch and harvests the taro for the use of herself and family. The alab will not touch this taro patch; if he should do so (cultivate it, harvest it, etc.), it would imply that he wished to evict the person to whom it has been assigned. This is also true of land in general. A new alab will subtly signify his approval of previous assignments to taro patches and will ratify same by saying to the incumbent: "I would like a basket of taro from your taro patch."

3. Another patch was assigned to "B" and his brothers. Before the turn of the century, "B" had been born into a lineage holding Eram weto. At that time, male and female twins were considered as being incestuous, having spent the prenatal period in juxtaposition, within their mother's womb. "B" was, unfortunately, one of these. According to custom, his twin sister was allowed to live ("to become alab") and "B" was buried alive. He was exhumed immediately, however, by a pitying neighbor who reared him as her adopted child. When "B" had grown to young manhood, "C" his female cousin, invited him back to the lineage lands. She had attended the Protestant Mission School on Kusaie and disapproved of the rejection of "B" by their lineage. "C" was senior female in her

lineage, and next in line to be alab and was consequently very powerful and highly respected. "C" allocated a taro patch and the worker rights in two of the lineage land holdings to "B". Although "B" could never become alab because of the "incestuous" circumstances of his birth, he was tacitly accepted within his lineage by the other lineage members. When "B" died, his taro patch was inherited by his sons who hold the use rights to it today.

4. There are six other taro patches on Eram weto, the taro of which is used by the dri jermal of the weto. An alab may reserve all of the taro patch for himself to be used for tribute food for the chief. In this case the workers will not normally use the produce from the taro patch unless the alab gives them explicit permission. This is not the case on Eram weto, however; the alab allows the workers free access to the taro patch which was not true of some of his predecessors.

5. Another type of taro patch is that which is exchanged for another taro patch or a good breadfruit tree. This is usually done to cement ties of friendship and marriage. For example, about thirty years ago a taro patch on Eram weto was given to "C", a man who had married into the bwij (lineage), in exchange for a very productive breadfruit tree located on "C's" lineage land. The taro from this particular patch was considered to be the property of this individual and respected as such. Conversely, the fruit from the particular breadfruit tree was considered to be the exclusive property of the alab and people of Eram weto.

About 1942, "C" commenced "stealing" the breadfruit from the tree and later signified his desire to regain his former property by climbing the tree and openly stripping it of its fruit. This angered the people of Eram, who felt that "C" had broken tradition and affronted them by taking breadfruit from the tree while continuing to use the taro patch and then seeking the return of the tree.

6. Temporary usufruct rights. A section of a taro patch may be allocated as a source of food for people who are visiting an island for a short while (this is not an outright gift); for example, Namrik Atoll people visiting their children who were attending the Japanese Government School at Ebon were afforded this privilege.

7. Gift, as kitre to one's wife (as previously discussed). A section of a taro patch may be given by a man to his wife as kitre. There are some instances of this on Ebon, Likiep, and Mejij, etc. Permission of the alab and lineage must be obtained before a taro patch may be given as kitre. Failure to do this may cause serious disputes. For example, on Mejij, a chief who had worked a taro patch without any assistance from his relatives gave the taro patch to his wife as kitre three years before he died. This was done without consulting his lineage. After he died, the lineage contested this gift. The dispute was finally settled amicably. The lineage agreed to allow the childless widow to use the taro patch until her demise, at which time it will revert to the lineage. A lineage may, however, allow the descendants of a woman who

received kitre to retain possession of the taro patch involved.

The general consensus is that in a case of this nature, the woman's lineage is entitled to possession of the bwōl (taro patch) according to custom.

MARINE PROPERTY RIGHTS

Reef Rights

Throughout the Marshalls the reefs were claimed by the chief as mo or personal property, if the fishing was good around them. The chief would declare: "Wōr in buruō (My own reef) or else "Wōr in iroiij" (reef of the chief). After this tabu had been instituted, no one else was permitted to fish that particular reef without permission on penalty of death or expulsion from his land. In 1934, the Japanese authorities voided the tabu on the reefs by declaring them open to everyone. From then on everyone who so desired has utilized these once forbidden fishing grounds.

These reef areas were usually near the entrance of the lagoon where fish are especially plentiful. For example, within Arno Atoll about one half a mile from the shore of Malel Island lies a reef called Moen. This reef is the habitat of many tuna and other fish which feed around it. The tabu described previously applied here also.

The reef fishing on Ebon is very good; several isolated reefs are the habitat of schools of fish, the ellōk (Relik) or mole (Radak) (Siganus rostratus) whose flesh is considered particularly good and which run in large schools. There are five in

iroij on Ebon: Tokāinbarao, Wodrenlap, Tokimkil, Buruan Lewoj, and Naminaujedr.

These choice fishing spots were reserved for the chief alone as previously described. Other people were afraid to disobey the prohibition until it was lifted by government edict.

Small islands were also occasionally tabued. For example, Kaben, a small island with a few trees on it on Wotto Atoll, was taken by the chief for his personal use because of the abundance of coconut crabs (Birgus latro) on it. Mo (forbidden) fishing sites were in existence on every atoll.

These controls by the chiefs operated as conservation measures, preventing the areas frequented by schools of fish from becoming depleted.

Extent of Marine Property Rights

According to custom, the property rights extended out to the area where people stood, usually waist deep, in order to fish with a pole. These rights belonged exclusively to the lineage, whose land holding bordered the marine area.

This custom continued until 1934 when the Japanese authorities declared that all marine areas, up to the high water mark, belonged to the Japanese government. Marshallese informants believe that this change was made in order to allow the Japanese to claim logs, barrels, lumber and other items of flotsam and jetsam. These objects are highly prized in this area where heavy timber is scarce and especially so in pre-contact days when metal

was only obtainable from the above mentioned sources.

The paramount chief of the particular area into which these materials drifted claimed exclusive rights to them. The loss of royal prerogatives and attendant revenue was, of course, resented by the chiefs who were powerless to prevent it, however. This break with tradition has continued under the American trusteeship and is apparently accepted by everyone today.

Lagoon Rights

Traditionally everything of value in the lagoon such as shellfish, langusta, etc., was considered to be the property of the chiefs. The inhabitants of the particular atoll did not have to ask permission to take these items unless they were tabu property of the chiefs.

Outsiders were not allowed to exploit the resources of an atoll without permission of the chief, or in his absence, his representative.

The power of the chiefs has become weakened since the arrival of the foreigners but the concept that the right to exploit the marine resources of an atoll is the prerogative of the inhabitants of that atoll only still persists. This was demonstrated by the action of the Marshallese Congress (a bi-cameral advisory body which meets annually). This group passed a resolution in 1953 as follows: "Resolution XII: Resolved that all of the things within the lagoon and on the reef in each of the atolls in the Marshall Islands belong to the people of that particular

atoll. That is, before anyone takes anything within the atoll, or establishes anything within the atoll, he should ask these people on the atoll for permission: the iroij and alab, or the council."

This resolution was motivated by the acts of Marshallese poachers who had removed giant clams (Tridacnidae) and other shells from the lagoons of atolls in which they had no property rights. These shells were then sold to American service personnel at the naval base on Kwajalein Atoll.

Rights in Fish Weirs (me)

The construction of stone weirs or fish traps (me) required the sanction of the chief who owned all of the reefs as well as all of the island area aboriginally. Sometimes he would order the construction of the weirs himself, otherwise the commoners would decide to augment their food supply and ask permission through their alab who in turn would seek permission of the sub-chief and through him, the paramount chief.

The fish traps were and are located on certain of the reefs which are uncovered at low tide; they are generally collectively owned, either by the people of a "bukwon" (section of an atoll) or by the people of a land holding, or by the inhabitants of an island. They are repaired by the people who possess rights in them and the catch is taken by these people and distributed among them after being first taken to the chief who directs the distribution which follows a traditional pattern.

This method of obtaining fish was once important in the

economy but has fallen into disuse. Only a few fish weirs are used today.

CONCLUSION

The Marshallese system of land tenure has been modified in certain respects due to the acculturative influence of the bearers of Western Culture and the concomittant orientation toward a cash economy. Warfare has been eliminated from the pattern of culture and consequently land ownership does not fluctuate as radically as in the days of inter-clan and familial strife.

With the introduction of foreign administrative authorities and foreign concepts, the authority of the royal class has progressively become weaker. However, as was stated initially, the system of inheritance and usufruct has been retained, albeit modified in regard usufruct, and is operating today with no overt indications of overall disintegration and with all indications of continuance. Whether further acculturation and exposure to the concepts of the American socio-economic system will bring further changes to the present Marshallese system of land tenure remains to be seen.

Administrative planning in the field of land problems is important in view of the steady increase in population due to the superior facilities offered by the American medical program which has almost entirely eradicated venereal and other diseases that have prevented large population increases in the past. While

there is no serious population pressure at the present time, the time will come when it will become necessary to utilize every piece of land to the maximum extent.

Footnotes

¹For a detailed report on the removal of the Bikini people see Mason, Leonard, "The Bikinians, a Transplanted Population."

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GLOSSARY

- Ajri. Literally "child"; as used in references to a person living and working on his father's land.
- Alab. The senior member of the lineage; the head man or woman of a land holding or number of land holdings.
- Anijnij. Black magic of a special type.
- Bolā. Divination by means of beach pebbles (counted out in series).
- Bubu. Divination or forecasting by mechanical means. (Gen. Term.)
- Burij. The land.
- Bwīj. Literally "navel"; the extended family group or lineage; used to refer to the maternal lineage primarily but is also used to refer to the paternal lineage. Bwīj is sometimes used as a synonym for jowi (clan).
- Bwīj eo elot. Means that the bwīj has become extinct; all of the lineal descendants of the founder of the lineage have died.
- Bwōl. Taro patch.
- Bwirak. A title of lesser royalty; libwirak - feminine.
- Dri bubu. Specialist in magic, forecasts the future by mechanical means.
- Dri jermal. Literally "work people"; everyone who works on the land with the exception of the alab. This is a comparatively new term that came into usage with the introduction of a cash economy with copra as its base. The people who have the indisputable rights in a particular piece of land are those who might possibly become alab through their matrilineal lineage. The ajri or children of the male alab form another category and yet another consists of those individuals who are real outsiders, being neither paternal nor maternal relatives but who have been allowed to work on the land.
- Dri kanan. Seer, specialist in forecasting through dreams and visions, sometimes of a shamanistic nature.
- Dri meto. Expert in the indigenous system of navigation.
- Ekabel. Magic. (Gen. term.)

Ekkan. The tribute paid to the iroij; food, mats, etc.

Emo. Forbidden, tabu.

Ene. Island.

Eonene. The main island.

Iroi emman. Commoner husband of a leroi.

Iroi elap or iroi lablab. Paramount chief or king; the alab of the senior royal lineage; (the term iroi is used synonymously).

Iroi erik. Literally "little chief"; secondary or sub-chief; used in the Radak chain only.

Itkiju. Tabu sign (jabne).

Jikin kwellok. Place of assembly; village.

Jiken jemeir. Land of paternal relatives; third person plural.

Jowi (Relik), Jou (Radak). Clan, matrilineal, and strictly exogamous with only one exception; jirikrik, "because there are so many jirikrik."

Kajur. Commoner.

Kōkajiriri. Adopted child; literally: "to rock and fondle in one's arms", i.e., to take care of a child.

Leroi. Chiefess or queen.

Lijela. Commoner wife of a chief.

Mañōren. Maternal nephews or nieces.

Mañoren lobōren. Eldest female mañoren (the most important because her children will eventually become alab).

Mare. Spear.

Me. Stone fish weir.

Mole (Radak), Ellōk (Relik). Siganus rostratus (a choice type of fish).

Nukin. Relatives, paternal and maternal.

Radak. The eastern chain of atolls and islands: Bokak, Bikar, Wutrōk, Ailuk, Wotje, Erikub, Maloelap, Aur, Majuro (Mejro), Arno, Mille, Tōke, Likiep, Narikrik, Jemo Island, and Mejij Island.

Relik. The western chain of atolls and islands: Roñlap, Wotto, Lae, Ujae, Kuajlen (Kwajalein), Ellip Island, Namu, Ailiñlaplap, Jaluit, Namrik, Ebon, Kili Island, Ujilañ, Ailiñinae, Roñrik, Enwetak, Bikini, and Jabwot Island.

Rārōk. Islands or land parcels, used for making copra but not regularly inhabited; also used to describe the waste land, full of coral boulders and sand left by a typhoon; area of poor soil.

Roro. Chant.

Rukorea (Relik), Wuleba (Radak). Maternal uncle.

Wāto or Weto. Land parcel.

Wō. Reef.

Dialectical differences in terminology between the Relik and Radak chains are noted where existent in this paper.

Diacritical marks:

ā - as in back, sack
ō - approximately as "u" in murder
ñ - "ng" as in sing or king.

