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From Maroons to dons: Sovereignty, violence and law in Jamaica

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Abstract

At different historical junctures and under different conditions, the Jamaican state has allowed armed “insurgents” to rule over specific spaces within its territorial control, condoning or actively facilitating the development of multiple legal orders as a mode of “outsourcing” sovereignty. Analyzing two contrasting cases, this article provides new insights into the role of violence and law in the context of multiple sovereignties. In the eighteenth century, after several unsuccessful military missions against Maroons, the colonial state signed a treaty granting them a significant portion of the Jamaican interior and partial political autonomy. In return, the Maroons provided military assistance to the British, capturing and returning the enslaved who escaped the plantations, and, decades after Emancipation, helping the British suppress the 1865 Morant Bay Rebellion. In contemporary Jamaica, many inner-city neighborhoods are controlled by criminal leaders known as “dons”. While various elements in the Jamaican state combat the power of the dons, many politicians and bureaucrats are entangled in a relationship of collusion and divestment with these extra-state leaders. In exchange for access to electoral blocs and suppressing urban unrest, dons receive lucrative government contracts and a measure of protection from judicial scrutiny. The article contrasts these colonial and postcolonial cases of collaborative or collusive relations between states and “outlaws”, emphasizing the role of violent pluralism and legal pluralism in multiple sovereignties, but also complicating the distinction between formal/legal and informal/de facto sovereignty.

Keywords

Anthropology of the state, crime, security, Jamaica, sovereignty, law

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Introduction

Focusing on Jamaica, this article traces different instances in which states cede specific spaces within their territorial control to actors they categorize as illegal or insurgent, and the associated reconciliation of seemingly incompatible normative systems. I show how both the colonial and postcolonial Jamaican state, faced with threats to security, have struck deals that involved a differential zoning of the island's territory and a partial outsourcing of state responsibilities to former adversaries. I contrast how in these different instances, state actors sought to contain illegal activities and govern potentially unruly populations by co-opting extra-state actors and promulgating multiple legal systems. Tracing these similar governmental strategies across time, I suggest that juxtaposing colonial negotiations with contemporary, postcolonial state practices can provide new insights into the role of violence and law in multiple, graduated configurations of sovereignty.

My historical focus is on the relationships the British colonial state developed with Jamaican Maroons, enslaved Africans who managed to escape the cruelties of the sugar plantations. After several unsuccessful military missions against the Maroons, the colonial state signed a treaty granting them a significant portion of the Jamaican interior and partial political autonomy. In return, the Maroons agreed to provide military assistance to the British. In several cases, they held up their end of the treaty, capturing and returning the enslaved who fled the plantations, and, even decades after the abolition of slavery, helping the British suppress the 1865 Morant Bay Rebellion. I draw on the history of the Maroons to add a comparative, diachronic dimension to the ethnographic research I have been doing on crime and citizenship in urban Jamaica. This broader research studied how so-called dons – neighborhood leaders who are often involved in criminal activities – and their organizations have become state-like entities, taking on the functions and symbols of the state.

In this context, I spent 12 months of fieldwork in the Jamaican capital of Kingston. I held interviews with a broad range of actors throughout Kingston, including politicians, bureaucrats and a number of smaller dons. While a handful of these interviewees (and businessmen in particular) were somewhat reticent in discussing their dealings with dons, the majority of formal actors were surprisingly frank in explaining, in recorded interviews, how they negotiated these relations. In addition, I conducted neighborhood-based fieldwork, which concentrated on an inner-city area I will call Brick Town, which until recently was governed by a prominent don referred to here as the General. I was introduced into Brick Town by “Roger” (like all the names used in this article, this is a pseudonym), one of the General's relatives whom I had met several years earlier during a different research project. Roger was my gatekeeper in Brick Town, introducing me to a number of influential individuals both inside and outside the neighborhood. While I gained access to other politicians, bureaucrats, NGO workers and minor dons through my own professional and personal network, doing research in Brick Town in relatively free and safe circumstances would have been much less feasible

if Roger had not vouched for me.¹ My position as a White-identified foreign researcher had ambiguous effects on the ways that residents apprehended me. On the whole, my apparent distance from Jamaican party politics and class relations seemed to make it easier or more interesting for residents to talk to me. However one interviewee, on seeing my recorder, asked me “Aren’t those the same as the FBI uses?” hinting at a broader suspicion of foreigners asking questions.

This ethnographic research studied the extent to which the relationships between dons and inner-city residents resemble citizenship relations, and how donmanship functions as a political community in which members can claim certain rights and assume certain duties. While the dons’ power relies to a large extent on their capacity to employ extra-legal violence, many residents consider their rule legitimate. This legitimacy is related to their social provisioning role (in terms of economic support, employment, security, and conflict resolution) and to their cultivation of neighborhood-level forms of participation that offer residents a sense of belonging and social inclusion (Jaffe, 2013). The dons’ assumption of a governmental role, in conjunction with the violent clashes that occur regularly between their organizations and the Jamaican security forces, has led to dons being characterized as insurgents who compete with the state over citizen loyalty. When gunmen mobilized – unsuccessfully – in 2010 to prevent the extradition of the prominent don Christopher “Dudus” Coke, Jamaica’s then Prime Minister Bruce Golding described this as “a calculated assault on the authority of the state” (Sives, 2012). However, dons and state actors are not always antagonistically opposed. In fact, in various ways, state actors have been complicit in bolstering the authority of dons.

By focusing both on this complicity and on the semi-autonomous political community that donmanship involves, I seek to point out both parallels and differences between the case of the dons and that of the Jamaican Maroons. I am not so much interested in implying that Maroons and dons are similar types of actors, especially as they hold very different positions in the nation narrative (simply put, as heroes and anti-heroes), which I do not intend to conflate. Rather, my analytical goal in making this comparison is to think through the relation between violence and law in the context of multiple sovereignties, and to complicate distinctions between formal/legal and informal/de facto sovereignty. Below, I start with a discussion of the ways in which multiple sovereignties have been debated in anthropological theory, focusing on the role of law, legality and the coexistence of multiple normative systems. Following a brief overview of the historical relation between the colonial state and the Maroons, I go on to analyze the current relations between state actors and dons in Jamaica’s inner-city neighborhoods, ending with a consideration of the insights such a comparison enables.

Multiple sovereignties, violence and law

In recent years, increasing attention has gone out to “non-state”, “informal” or “social” forms of sovereignty, which challenge the idea of sovereignty as located

primarily in the nation-state (e.g. Latham, 2000; Rodgers, 2006). A number of authors have developed the idea of fragmented sovereignty, to describe how territorial control is differentiated within a nation-state. Diane Davis, for instance, focusing on developing countries and specifically on Latin America, sees irregular armed forces – “non-state armed actors who wield coercive capacity that either parallels or challenges that held by the state” – as central to the erosion of the sovereignty of the nation-state (2010: 398). Similarly, Nazih Richani (2007) uses the concept of fragmented sovereignty to describe the historical and contemporary situation in Colombia, where the policies of the nation-state have always been subject to ongoing negotiations between the formal executive powers and regional *caudillo* strongmen. Over the last few decades, new armed groups – specifically left-wing guerillas and right-wing paramilitaries – have also come to play a role in this pattern of spatially delineated power-sharing within the boundaries of the nation-state.

Anthropologists such as Thomas Blom Hansen and Finn Stepputat (2006) emphasize that sovereignty is always tentative and emergent, and that the idea of a sovereign nation-state wielding comprehensive, totalizing power over its territory has always been an illusion, especially in colonial and postcolonial contexts. As they point out,

A key feature of the colonial world was that different kinds and registers of sovereignty coexisted and overlapped. Most modern states claim effective legal sovereignty over a territory and its population in the name of the nation and the popular will. Although this is always an unattainable ideal, it is particularly tenuous in many postcolonial societies in which sovereign power was historically fragmented and distributed among many, mostly informal but effective, forms of local authority. (Hansen and Stepputat, 2006: 297)

The coexistence of multiple, layered sovereignties has been evident from the many instances of colonial indirect government, to contemporary configurations involving “variegated”, “graduated” or “nested” sovereignty (Humphrey, 2004; Ong, 2006). These different configurations of multiple sovereignties do demonstrate distinctive differences across time and space. I explore the cases of the Maroons and the dons as two such configurations, focusing on the role of violence and the law in the negotiations over power-sharing between different sovereigns. In so doing, I seek to complicate the common distinctions between informal or de facto sovereignty – that is, “the right over life” or “the ability to kill, punish and discipline with impunity” – and formal or legal sovereignty, the “legitimate right to govern” that is “grounded in formal ideologies of rule and legality” (Hansen and Stepputat, 2006: 296). In the concrete practices and performances of sovereignty, violence and the law often overlap and intersect, as my cases show.

While modern states claim the formal language of law as the basis for rule, they continue to rely on the use of violence in their claims to the right over life.

Walter Benjamin (1978; see also Rodgers, 2006) points to the key role of violence in all forms of law, distinguishing between law-making violence – the exercise of power of life and death that is the origin of law – and law-preserving violence that is intended to reproduce a visible form of legitimate order. Thomas Blom Hansen (2006) suggests that we see law-making violence as the purest form of sovereign violence (cf. Agamben, 1998), whereas law-preserving violence involves the invocation of the law and legality in attempts to imbue violent measures with legitimacy. It is this dialectic of the violent production of a legal order and the legal production of a violent order, on which I focus in my discussion of Maroons and dons.

Sovereignty both in and beyond the state is intimately bound up with the law, with the production of normative and ethical categories and justifications. Sovereignty is commonly defined as “the capacity to determine conduct within the territory of a polity without external legal constraint” (Humphrey, 2004: 418). Indeed, rather than seeing sovereignty as an attribute of agents, such as kings or states, Latham (2000: 2) argues for an understanding of sovereignty as an attribute of structures, such as bodies of law or webs of codes; sovereignty emanates from such structures rather than from agents per se. Veena Das and Deborah Poole (2004: 8) also emphasize the importance of legal systems in their discussion of non-state governmental actors at what they call the margins of the state, those “sites of practice on which law and other state practices are colonized by other forms of regulation”. In their development of alternative jurisprudential and regulatory systems, both Maroon territories and the inner-city neighborhoods ruled by dons can be interpreted as the margins of the Jamaican state.

Systems of legality, then, are by no means the exclusive domain of state sovereigns. In addition to the coexistence of multiple armed groups that operate with impunity – what Enrique Desmond Arias and Daniel Goldstein (2010) call “violent pluralism” – multiple sovereignties also involve the coexistence of multiple legal or normative systems. I suggest that drawing on insights from legal pluralism might help elucidate the relationship between multiple sovereignties, violence and the law: how did the Maroons develop their own systems of law and justice in the context of a larger system of brutal colonial rule? How do, in the present moment, don-led systems of law and justice coexist with the formal Jamaican state justice system? Anthropological studies of legal pluralism have rarely been applied to the Caribbean; on the whole, these analyses have focused on the coexistence of pre-colonial, customary and/or non-codified legal systems (such as *adat* law in Indonesia or customary law in Africa) and codified, modern legal systems that were generally introduced under European colonialism.² However, less attention has been paid to the role of non-state governmental actors such as guerilla, paramilitary, or criminal organizations in developing codified normative systems within what could be termed legal pluralism. A focus on these plural normative systems allows us to understand the delicate balance between multiple sovereignties, the deliberately developed forms of power-sharing between the Jamaican state and Maroons or dons.

Marronage

Starting under the Spanish, who introduced plantation slavery to Jamaica after they colonized the island in the early sixteenth century, and continuing after the English captured the colony in 1655, enslaved Africans fled the plantations. They established autonomous communities in Jamaica's mountainous interior, with two main groups: the Leeward Maroons in the west of the island, led by Captain Cudjoe, and the Windward Maroons to the east. Their livelihoods depended on hunting and the cultivation of garden plots, and on regular raids on the plantations along the coast. They defended themselves against attacks from the colonial troops and, in addition to the raids on plantations, made occasional ambushes on the soldiers; their "physical and military prowess...made the Maroons the dread of the British colonial state" (Wilson, 2009: 46).

After several unsuccessful military missions against the Maroons, in 1738 the colonial state signed a treaty that delineated a section of the Jamaican interior as Maroon territory. This treaty, negotiated with Cudjoe of the Leeward Maroons, provided Maroons with a measure of sovereignty and legal autonomy from the colonial authorities. It included several articles outlining the relationship between the colonial state and the Maroons. Importantly, the treaty's second article specified that Maroons were free and could no longer be enslaved: "the said Captain Cudjoe, the rest of his captains, adherents, and men, shall be forever hereafter in a perfect state of freedom and liberty".³ In addition, the treaty specified that the Maroons were entitled to "enjoy and possess, for themselves and posterity forever, all the lands situated and lying between Trelawny Town and the Cockpits, to the amount of fifteen hundred acres", thus legalizing their possession of, and control over, a specified area of the Jamaican island territory. The treaty also specified the jurisdictional autonomy of Maroons within this territory, as stipulated in an article stating that "Captain Cudjoe, during his life, and the Captains succeeding him, shall have full power to inflict any punishment they think proper for crimes committed by their men among themselves".

However, while the treaty granted Maroons full power to inflict punishment amongst themselves, it outlined a different system of justice in relation to Whites, specifying that any conflicts between Maroons and White men were to be judged by the local British Magistrate or Commanding Officer. In addition, the Treaty bound the Maroons to helping the British suppress rebellions and return runaways. They were to "use their best endeavours to take, kill, suppress, or destroy...all rebels wheresoever they be, throughout this island" and "if any negroes shall hereafter run away from their masters or owners...they shall immediately be sent back." As compensation for sending back escaped slaves, "these that bring them are to be satisfied for their trouble"; Maroons received 30 shillings plus expenses per runaway slave.

So in return for freedom and political autonomy if perhaps not full sovereignty, the Maroons agreed to provide military assistance to the British. In several cases,

they held up their end of the treaty, capturing and returning the enslaved who escaped the plantations. As Wilson (2009: 46–47) notes, both the Leeward and the Windward Maroons proved to be “adept if not wholly reliable allies in official efforts to capture runaway slaves”, while their “superior deployments of violence and peacemaking...made the Maroons formidable adversaries as well as loyal subjects”. Indeed, decades after the full emancipation of the enslaved in 1838, the Maroons chose the side of the British colonial forces. They played a significant and controversial role in suppressing the Morant Bay Rebellion of 1865, a popular rebellion aimed at ending the post-emancipation oppression effected by the colonial state (see Bilby, 2012; Heuman, 1994; Sheller, 2011).⁴

While collaborating strategically with the pre-emancipation and post-emancipation colonial authorities, the Maroons were able to achieve a large measure of internal autonomy. Politically, the Leeward and Windward groups developed distinct formalized structures of authority, with the Leeward Maroons favoring a more centralized form compared to the Windwards’ more egalitarian structure. Economically reliant on small-scale agriculture, both groups developed communitarian structures of social provisioning, providing social security through the regulation of land use and labor, and maintaining internal order through a well-developed justice system. At the same time, as the Maroons were able to increase their autonomy, within this historical relationship, the colonial state negotiated the treaty in such a way that set up Blacks against Blacks. Colonial state actors sought to ensure that Maroons would choose the side of the British in suppressing slave rebellions (and returning runaway slaves), so that up until the late nineteenth century they would play a part in the suppression of free Blacks.

In their relations with the Maroons, Jamaica’s colonial powers accepted that they could not conquer the Maroons, that they had no way of permanently suppressing their guerilla tactics. The colonial state acknowledged the Maroons’ sovereignty within a demarcated area, and specified a differentiated, plural system of law and justice within the boundaries of the island. However, as Mackie (2005: 42) notes, “the Maroons were never completely trusted by the colonials; the Maroons formulated and followed their own policies in the interests of their own nations. In doing so, they straddled the divide between law and outlaw, at least as it was defined from a colonialist perspective”. Given this status as legal outlaws, it is difficult to categorize the Maroons as either *de facto* or legal sovereigns. Their territorial hegemony and the freedom to develop their own system of jurisprudence became enshrined legally in the treaty only because of their success at violently challenging colonial rule, after which they redirected their military efforts towards thwarting runaways and rebels in attempts to preserve their jurisprudential autonomy. This colonial form of nested sovereignty, then, relied on a legally circumscribed mix of internally and externally oriented violence: the Maroons’ freedom to use violence with impunity internally, within their community, was more or less conditional on their willingness to deploy this violence externally in support of colonial sovereignty.

Dons

How does the case of the Maroons and their political communities that developed over centuries in the island's mountainous interior relate to the case of urban Jamaica's present-day dons and "ghetto" communities? In many ways, the latter case is, of course, completely different. First of all, dons and other Jamaicans are citizens rather than colonial subjects or chattel slaves. In addition, in contrast to the Maroons' relative isolation and self-sufficiency, the dons' autonomy is tied to their control over central city districts and transnational networks. And where the Maroons had no access to democratic means in asserting their freedom, the dons' power developed out of their key role within electoral politics. However, I argue that to the extent that the most powerful dons have been able to develop inner-city territories as quasi-sovereign political spaces through their ambiguous relation with Jamaica's postcolonial state, important parallels can be drawn.

Dons emerged as leaders in the ghettos of Downtown Kingston against the background of deep divisions along lines of class and skin color, as well as political antagonism and violence between the two main political parties. The Jamaica Labour Party (JLP) and the People's National Party (PNP) had, and to some extent still have, clientelist relationships with their constituencies in a system known as "garrison politics" (see Figueroa and Sives, 2002; Lewis, 2012). This is a form of political clientelism in which politicians use state resources to secure votes, and supply loyal communities with material benefits such as housing and employment. From the 1960s, both the PNP and the JLP created party-loyal "garrisons" by concentrating supporters in new housing developments. Politicians surreptitiously distributed weapons and money to the dons, who used violence to ensure that the residents of these inner-city strongholds voted for the "right" political party.

However, the power balance between dons and politicians began to shift from the late 1970s onwards. Increasingly, dons found access to new, independent sources of income in the transnational narcotics trade as well as in local extortion rackets, the construction business and the entertainment industry. Even as dons became much less dependent on politicians for money and weapons, they still relied on them for lucrative government contracts and a measure of political protection from prosecution. Various people, both in inner-city and Uptown circles, told me stories of politicians coming to "rescue" arrested suspects from police stations, and of the police getting orders "from above" not to patrol certain areas.

In return, state actors still rely on dons to get out the vote but also to suppress unrest. In a somewhat comparable relationship to that between the colonial state and the Maroons, the postcolonial state relies on dons' assistance in maintaining order amongst unruly populations. During the 1999 gas riots that shook Jamaica, Brick Town, the West Kingston community where I did most of my research, was one of the few neighborhoods that remained quiet. According to Keith, a Brick Town resident, after the riots their don, the General, received a Mitsubishi Pajero

and “a big bag of cash” from the Prime Minister. Similarly, in 2001, the government’s unpopular and generally unsuccessful attempts to relocate informal vendors from the streets of Downtown Kingston suddenly began to progress “with eerie smoothness”, while vendors’ stalls were smashed “with no resistance or protest by their owners as in times past”. Journalists discovered that two of the most influential dons operating in the market area had endorsed the government’s decision to relocate the vendors and were enforcing this clearance policy, concluding that “don enforcement of clearing the streets of vendors represents a craven withdrawal by the state from its most basic function of maintaining law and order”.⁵ Indeed, such government dealings with dons evidence the outsourcing of responsibility for urban order, and the *de facto* practice of co-rulership.

On the whole, many Jamaicans and even academics see these so-called ghetto neighborhoods as harboring pathologically deviant residents. One political scientist recently described the communities of the urban poor as “the most likely sources of crime and violence, generalized lawlessness, indiscipline and urban revolt” (Johnson, 2005: 589). This characterization of the inner city as “lawless” is remarkable as this is quite evidently not the case. Rather than being “lawless” or “outside the law”, residents of these neighborhoods collectively share and generally adhere to relatively strict jurisprudential and regulatory systems. However, these locally dominant (or at least, legitimate) systems of norms and values are in many cases different from the national legal system.

During fieldwork, I taught a homework club at a community center in Central Kingston, with children from nearby low-income neighborhoods. It was surprising to me how often the children, all between 13 and 16, would begin to talk about the dons and their system of law enforcement without any form of prompting. For instance, the very first day I was giving a homework class, there was a discussion of what to do if you found someone else’s phone. In discussion, a boy I’ll call Lee raised the example that people might become angry at you if you tried to return their phone, because they would think you had stolen it. When he was asked why anyone would think he had stolen it if he was giving it back, it came out that he would ask them for a little reward, such as a drink or some money, which would make them angry (it was unclear whether this was a real or hypothetical example). I suggested that such a request would be unfair: “How would you feel if you lost your phone and you would have to pay someone to get it back?” Another volunteer suggested that if you were afraid, you could still give it to someone else to give back. A second boy, Winston, agreed that the best thing might be to take the found phone to the “bigger heads” in the community, to which a third student, Junior, suggested you could take it to the don. This prompted Lee to tell the story of how a group of boys from his neighborhood were playing football and had put their phones to the side with only two boys there to watch them. At the end of the match, one of the phones had disappeared and no one could find out which one of the two had done it, so they took it to the don. Still, neither of the boys would say who had stolen the phone. The don then took a big piece of cane and took them out to the road, telling them he would beat them both. After he hit the first boy,

this boy confessed, telling the don that it was he who had the phone. This course of action was presented by Lee as a good solution.

In another homework class, children from two adjacent communities spontaneously began citing and comparing their respective dons' rules. In one neighborhood for instance, smoking was not allowed by the don if you were under 15, whereas in the other you were not allowed to smoke in front of adults. Other rules included curfews for children: those under the age of 12 had to be off the street by 8 pm, whereas those under 15 could stay out until 10 pm and so on. Such norms and rules are known and largely obeyed by children and may not sound as serious as "real" laws. However, the dons' remit goes further: thieves, rapists, and others involved in more serious crimes are punished through banishment from the neighborhood, physical violence or in extreme cases, death. These court systems are known as "community justice" or more disparagingly, in uptown circles, as "jungle justice" (see also Duncan-Waite and Woolcock, 2008: 27–29).⁶

While media representations often depict dons as ruthless autocrats – as *de facto* sovereigns who wield random violence with impunity – many residents consider the dons' use of violence legitimate and see it as necessary in maintaining local order. During my research, residents clearly saw the dons' role in providing physical security and an alternative justice system as more important than their provision of social security or employment. While dons are the source of much violence, they also function as an important form of extra-legal private security in inner-city neighborhoods. Confronted with high rates of theft, rape, and murder, and a police force they see as ineffective and corrupt, residents often rely on the dons' community justice system to protect their physical integrity and their material belongings. The most established dons are respected for their ability to maintain local order, finding, punishing, and deterring perpetrators more effectively than the formal legal system. The coexistence of these two systems of justice does involve an obvious differentiation between rich and poor Jamaicans, with the poor consigned to community justice, while the rich receive favorable treatment under state law or manage to avoid prosecution altogether.

It is unsurprising that dons are happy to depict themselves as benevolent protectors. In explaining to me what it takes to be a leader, "Second", a former West Kingston don, stressed the importance of "splitting justice", punishing local perpetrators: "You have to split justice. You have to deal with justice because everybody comes to you for justice. Because in the area you have people who will dis[respect] other people. But you can't take sides, even if it's your friend. Where the right is you have to lay it out, it's a serious position." Second emphasized that business people also relied on the dons' role in deterring and punishing crime: "When you're a leader, you know, the business people look up to you, any problem they have they come to you. You have to go find [the thieves] and warn them, or make them bring back the people's things that they steal." I asked him what the consequences would be for those caught stealing and he explained that the thieves would get a beating, or if they were first offenders, would get away with a warning. Similarly, in cases of domestic violence, the aggressor would have to explain

himself to the don or face the consequences. "Their rules are stricter than the police: the man is the man, his words stand out. You might not like it, but the system is – whether you like or don't like – what he says is how it goes."

To a perhaps surprising extent, inner-city residents confirmed and supported this depiction of dons' roles. Both in Brick Town and in other inner-city neighborhoods, residents confirmed that dons – relying on the actual administering or credible threat of severe punishment – were able to maintain a level of security and order that was often difficult or impossible for the police to achieve. The dons who enjoy the highest level of legitimacy amongst inner-city residents are those whose neighborhoods have low levels of violence, contradicting the political scientist's characterization of these areas, cited above, as zones of lawlessness, indiscipline and revolt.

Until recently, Brick Town was ruled by the General. Many residents complained that the level of security had decreased since the General's imprisonment a few years ago. Mikey, a man in his early thirties who ran a small business in the community, told me that when the General was around, people would be afraid to steal but now thieves felt that "nobody can't do nothing because the man who's supposed to deal with it like that isn't there...the police can't resolve everything because the police are always late on the scene, so community policing is more effective." Andy, a young man in his late teens who had grown up in Brick Town, also asserted that the neighborhood had been much safer when the General was still in power, speaking highly of the General's role as a moral leader: "Normally thieves could not come and break into a store or anything when the General was here...I don't know why they want a man like that put in prison. But it's always like that you know, it's always the honest man and the good people who ever do go down." Other residents also spoke of the General's fairness and asserted that the level of safety in the neighborhood had decreased since General had been deposed.

The deviant morals attributed to the urban poor by wealthier Jamaicans and some academics are often presented as explanations for the level of authority and legitimacy dons enjoy locally. Less attention is paid to the measure of state complicity in facilitating the dons' localized monopoly of the means of coercion, going beyond the system's roots in garrison politics. The provision of law and order in Jamaica's inner-city communities is no longer primarily a state responsibility. There are strong indications that the police encourage the alternative provision of security and justice, for instance by referring both victims and perpetrators to this system. Working across a number of low-income neighborhoods, Imani Duncan-Waite and Michael Woolcock (2008: 29) found that "police request the Don to intervene to prevent small gang feuds, petty theft, and shop breaking. Police will also refer criminals...so that immediate action can be taken and the community tensions arising from the incident can be calmed to prevent further trouble." This coexistence of legal systems displays parallels to the colonial state's endorsement of a separate Maroon legal system, although where the Maroons were required to refer White perpetrators to the colonial magistrate, in the twenty-first century police voluntarily refer suspects to the alternative court system.

I interviewed a senior officer in the Jamaica Constabulary Force (JCF), who had extensive experience in West Kingston, asking him how police officers who worked in these areas dealt with dons as inner-city leaders whose power they could not ignore. He explained that indeed the police could not avoid or overthrow the dons, given their willingness to use their firepower to engage in combat with the police, and also in certain cases given the political protection that dons enjoyed. What police officers would try to do when possible, he told me, was “to actually use them, we task them so they actually end up doing some of our work . . . So rather than we policing to protect, they’re actually policing themselves . . . So we task them to reduce certain acts that you cannot on your own reduce.” This cooperation in terms of security reflects the incapacity of the JCF to effectively police the inner city and an acknowledgment that dons are “in charge”. The security forces have effectively withdrawn from these areas and ceded their policing to dons.

The collusion between politicians and dons continues, with mutual benefits. State responsibilities, from policing to welfare provision and conflict mediation are outsourced. This outsourcing is spatially circumscribed and involves the relinquishing of territorial control to dons within inner-city neighborhoods, resulting in a form of nested sovereignty. Formally, dons are criminals and their authority relies on their reputation of wielding violence with impunity, a form of violence that tends to be law-preserving in character. Their authority is entwined with their active enforcement of local normative systems even as they evade the reach of the formal Jamaican legal system. Their enforcement activities and their protection from legal prosecution are not ratified by any treaties, but seem to be condoned and even actively supported by influential state actors. The dons’ jurisprudential autonomy and their internal quasi-sovereignty – their right over life within the borders of inner-city communities – does, however, appear to be conditional. This use of violence must remain internal, oriented towards containing unrest amongst inner-city residents. While dons occasionally clash with the security forces, there are very few instances of them using violence against wealthy Jamaicans or in ways that actually challenge the status quo. It could be argued that, while dons are granted sovereignty over their own Downtown communities, they are also expected to protect Uptown Kingstonians by preventing their own people from attacking the state or those citizens state actors deem more worthy of protection.

Comparative insights

Maroons and dons are very different groups operating in very different historical and spatial contexts. I have been interested here in analyzing these two cases as contrasting instances of multiple, nested sovereignties that are characterized by both similarities and differences in terms of deployments of violence and invocations of the law. Historically oriented anthropologists have done much to enrich our understanding of the ways in which colonial practices and discourses continue

to inform the present. In her diachronic approach to violence in Jamaica, Deborah Thomas (2011) develops a “reparations framework for thinking” that takes as its starting point the interlocking of temporalities, in order to understand more fully the role of the past in the present. Such a “complexly cyclical engagement with history”, she argues, involves developing “a sustained conversation about history – and about the place of the past in the present – in terms other than those of righteous blame or liberal guilt” (Thomas, 2011: 238). By attending to the persistence of specific politico-economic and ideological structures over time, this approach helps refute essentialist explanations of violence that rely on raced, classed, and gendered notions of Jamaican cultural deviance.

We can, in this sense, use the cases of the Maroons and the dons to think through a longer historical trajectory of multiple sovereignties and entangled legal systems in the Caribbean, pointing to the endurance of the political-economic and ideological structures in which insurgents were granted territorial control as part of a larger strategy to maintain the highly unequal status quo. Both Maroons and dons can be understood as illegally operating armed actors who could not be “pacified” and who successfully undermined the state’s monopoly of violence. In both cases, negotiations between those acting “within” and “outside” the law resulted in specific, spatially delineated forms of governance, law and order as well as perceived decreases in insecurity. Here we see parallels in the attempts by the colonial and postcolonial state to co-opt these armed outlaws into collaborative or collusive relations, granting them a nested form of sovereignty in exchange for the strategic deployment of their violence. This collusion has entailed ceding the territorial control of certain, less valued spaces – agriculturally less productive rural space, economically less profitable “ghetto” spaces – to non-state actors. Both the historical and contemporary deals have entailed a partial outsourcing of state responsibilities to former adversaries, organized through a differential zoning of the island’s territory and a differential classification of citizens or subjects, with certain populations and spatial zones seen as more valuable by state actors.

However, these different sovereigns and their relationships differ in a number of important ways. First of all, as mentioned previously, most Jamaicans currently see Maroons as national heroes, whereas dons are more likely to be vilified as violent criminals. Second, contemporary African–Jamaicans have considerably more political, economic, and cultural freedom than their ancestors did in the eighteenth and nineteenth century, and if the postcolonial state tends to favor the interests of wealthier Jamaicans, it does operate with a democratic mandate. In addition, the relations that Maroons and dons have had with the state have been quite different. While the Maroons were explicitly granted an isolated territory of limited economic value in exchange for their military assistance, the dons are engaged in more constant and often nebulous negotiations over centrally located, politically essential urban areas. Whereas the Maroons had limited contact with the colonial authorities and assisted them only on strategic occasions, the dons’ power emerged from, and continues to be rooted in, a more complex entanglement with various state actors (politicians, bureaucrats, police). The hybrid state that emerges from this

entanglement of multiple governmental actors (Jaffe, 2013) makes it difficult to draw any clear binary distinctions between formal and informal legal systems, or the legal and illegal deployment of violence. It necessitates an appreciation of the dynamic co-constitution of legal and de facto forms of sovereignty.

Conclusion

At different historical junctures and under different conditions, the Jamaican state has allowed armed “insurgents” to rule over specific spaces within its territorial control. This autonomy has included the power over life and death that is often argued to be the core element of sovereignty. However, understandings of sovereignty as the ability to suspend the law sometimes present a one-dimensional relation of sovereign violence to law. Achille Mbembe’s (2003: 24) characterization of the colony as “ruled over in absolute lawlessness” risks obscuring the ways that colonial powers not only suspended law, but also actively promoted and pluralized systems of legality. With different objectives, postcolonial states may also condone or actively facilitate the development of multiple legal orders as a mode of “outsourcing” sovereignty.

The two very different Jamaican cases presented in this article enable an understanding of the diverse ways that multiple sovereignties are grounded in both violent pluralism and legal pluralism. In the historical case, a fairly straightforward system of legal pluralism was able to evolve, given the treaty’s clear legal and territorial delineation of Maroon and colonial sovereignty, of distinct spaces of law and order. The dons have a much less clear relationship to multiple legal systems. Their rule, unlike that of the Maroons, has not been ratified by any form of legal instrument; it remains illegal. As the introduction by Cristiana Panella and Kedron Thomas and the other contributions to this special issue underline, we cannot understand illegal practices without paying attention to the politics, ethics, and economics that surround them, and specifically to the contested production of value. The blurriness and contingency of formal/informal and legal/illegal distinctions become evident when we consider that the dons’ formally illegal system of rule is based in part on the dons’ informal but institutionalized enforcement of a shared local value system, and in part through formal state actors’ informal ratification of these enforcement activities.

Contemporary postcolonial state practices revolving around law and violence both echo and diverge from colonial negotiations of sovereignty, space, and security. These colonial/postcolonial formulations of nested or graduated sovereignty are not unique to Jamaica. Indeed, these cases point to the importance of tracing and contrasting the dynamics of systems of multiple sovereignties across space and time, from feudal fiefdoms to export-processing zones. Such diachronic and geographical comparisons of the concrete practices and performances of sovereignty suggest that the deployment of violence and the law often overlap and intersect, complicating distinctions between de facto and legal sovereignty. In addition, while nested sovereignties are always the outcome of complex negotiations, the use of

violence and law in such contexts always involves the differential and unequal production of value, in which human lives, political spaces, and economic potential are accorded a different worth.

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Notes

1. His connectedness to the leadership may have influenced the ways in which certain residents portrayed the General, but it became clear to me during my stay that many people did not know that Roger had introduced me to the neighborhood. More generally, while some residents were quite critical of the General, others may have been scared to criticize him, even in private and to an outsider.
2. In the Caribbean, European colonialism involved the almost complete annihilation of the indigenous population through violence, disease, and deportation. Contemporary Caribbean populations exist mostly of the descendants of enslaved Africans, European colonists, and to a lesser extent Asian indentured laborers: there was basically no possibility for ‘pre-colonial’ indigenous Caribbean legal systems to survive and that is probably the reason there has been so little interest in the region in terms of legal pluralism. For an exception, see Besson (1999).
3. For all quotes from the treaty and a more detailed discussion, see Harvard University’s Cyberjam Maroon Sovereignty Project at <http://cyber.law.harvard.edu/eon/maroon/treaty.html>.
4. Ken Bilby (2012: 67) describes the complicated role of the Maroons in the Morant Bay Rebellion as follows: “Neither unidimensional heroes nor villains, these Maroons are complicated but rational actors whose historically derived self-image as proud and courageous defenders of hard-won liberty remains fully intact, yet who also, when threatened with extinction once again, see no contradiction in putting their own individual and collective survival first.”
5. ‘Dons as Gov’t enforcers’, *Jamaica Gleaner*, 6 November 2001. Available at <http://jamaica-gleaner.com/gleaner/20011106/cleisure/cleisure1.html> (accessed 29 March 2013).
6. Much of the discussion on community justice that follows is a condensed version of text included in Jaffe (2012).

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