NATURE OF THE LAND-HOLDING GROUP

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The proposition is herewith submitted that more often than not in native North America the land-owning and sovereign political society was not what we usually call "the tribe," but smaller units.

I

What are generally denominated tribes really are small nationalities, possessing essentially uniform speech and customs and therefore an accompanying sense of likeness and likemindedness, which in turn tended to prevent serious dissensions or internal conflicts. The genuinely political units were smaller units — corresponding rather to what it is customary to loosely call "bands" or "villages." These were de facto self-governing, and it was they that each owned a particular territory, rather than that the nationality owned the over-all territory. Ordinarily, the nationality, miscalled tribe, was only an aggregate of miniature sovereign states normally friendly to one another.

Comparing small things to great ones, an Indian so-called "tribe" was therefore likely to be much in the condition of the pre-1871 Germans who undoubtedly constituted a nationality in view of their common speech, culture, and ideology, but remained divided into 26 sovereign states. The events of history in 1871 converted this German nationality also into a German nation and state — as corresponding events produced about the same time an Italian national state.

The term "nations," which in the seventeenth and eighteenth centuries was the more usual for what we now call tribes, was therefore really much more appropriate. The word tribe came to be used increasingly after we had a Federal government through which our relations with Indians were channeled. We recognized a French nation but a Shawnee or Cheyenne tribe. Indians were distinguished according as they lived in "tribal condition" or in settled or "civilized condition."

It was White contact, pressure, edicts, or administration that converted most American Indian nations or nationalities into "tribes," that is to say, "tribal status." It was we Caucasians who again and again rolled a number of related obscure bands or minute villages into the larger package of a "tribe," which we then putatively endowed with sovereign power and territorial ownership which the native nationality had mostly never even claimed. It was infinitely more convenient and practicable for us to deal with representatives of one large group than with those of ten, twenty, or thirty tiny and shifting ones whose very names and precise habitat often were not known. This was equally so whether treaties were being negotiated for trade, traverse, settlement or resettlement, land cession, peace, subsidy or rationing, administration on a reservation, or abrogating and opening up a reservation. Generally we treated the nationality-"tribes" as if they were sovereign state-tribes, and by sheer pressure of greater strength forced the Indians to submit to our classification of them.

There were two exceptions. There were some tribes which probably constituted true unitary political bodies in their own estimation and practice. Such were the Kiowa, the Comanche, the Crow, the Sarcee, all of which lived isolated in speech and culture among their neighbors and therefore had probably solidified into a political coherence well above the usual.

Most such seeming true tribes, that is political or state-tribes, appear to have consisted of not above about 3,000 members. This figure holds also for the famous five-tribe league — the "Five Nations" — that constituted the Iroquois. If the population increased

to the neighborhood of 5,000, most tribes — even nationality tribes — seem to have broken apart from sheer weight of numbers: the Dakota for instance; or the Blackfeet, who became Blood, Piegan, and Blackfeet proper; though even these were each constituted of a series of bands.

How small a nationality-tribe might be was an incident of its historic fortunes and misfortunes. But once it fell much below a population of 1,000, especially if it shrank to around half that, its prospects became increasingly precarious and sooner or later there would likely be advantages in attaching itself to a larger group. In this it might or might not ultimately be absorbed.

This lower-limit of the nationality-tribe appears to have been the upper limit of the band or village, whose size would not often much exceed 500, and which before it reached 1,000 souls would mostly have split or budded off. These figures of course are empirically derived. They reflect the usage of history, not any abstract principle.

The term "band" carries some connotation of roaming, and is generally applied where subsistence was through hunting or wild food gathering. "Village" tends to imply more permanent or repeated residence of a group, due either to farmed fields or a superior location for fishing. Of course "village" has also been much without reference to social units, as a mere synonym of "settlement." In the Southeast, the bands or villages came to be spoken of as "towns" — not inappropriately, since they normally were permanent for years, but often stretched strung along a trail or stream for several miles with their farm fields interspersed or adjacent. These Southeastern towns were politically independent; each owned a territory; they sometimes fought, but more often competed in ceremonialized games.

II

I should like to exemplify the foregoing affirmations from both East and West. For the Atlantic slope, the Delaware will

serve as illustration, on whom we have Anthony Wallace's recent book on Teedyuscung.

When first encountered, the Delaware held the whole State of New Jersey and about an equal amount of territory in the three adjoining states, enough to bring their entire land ownership up to something around 16,000 square miles. In this area lived, according to Mooney's estimate, which Wallace seems to accept, around eight thousand Indians of the Algonquian language family who spoke a nearly uniform language and who all recognized themselves as one people, the Lenapé, and were so recognized by all their neighbors. In other words, their existence as an identifiable unit, an ethnic nation or nationality, was indubitable. However, Wallace says that the autonomous and land-holding units of the Delaware were 30 to 40 small groups, some of which he names, although he does not attempt to cite them all. The Handbook of North American Indians cites forty-odd names. But these are from various sources and times, and some of them may be synonyms of others. So we are left with about the number that Wallace mentions as the most likely figure. This would give an average population, for each of the autonomous units that owned a specific territory, of around 200 to 300, and an average territory of more or less 500 square miles. This in turn means a tract measuring around 20 by 25 miles, or perhaps 15 by 30 to 35. It was these tiny groups, and not the Delaware nationality as a whole, that ceded or sold lands to the Whites; and there can be little doubt that the ownership which underlay cession was sole and exclusive in these groups. If several groups ceded their land at the same time, it was, from the native point of view, an accident of several groups acting simultaneously — unless indeed it was due primarily to simultaneous White pressure on them all. In the early days these small land-owning groups were called somewhat indiscriminately "tribes" or "villages."

III

In California, the usual designations for Indian groups refer to speech and are therefore really names of nationalities. These nationalities ran from 1,000 or less to 15,000 or 20,000 in population size, averaging perhaps 7,000 to 8,000. The political units, those that possessed autonomy and territory, averaged much smaller; around 250-300 for the "tribelet," normally under 100 for the "lineage." There were other forms of political organization, including a very few true political tribes; but tribelet and lineage were dominant, and will now be discussed.

The tribelet was first called the "village community" in the ethnological literature, to distinguish it from the village as a mere physical settlement; and its size was underestimated at only around 100 members. Later, I deliberately coined the name tribelet to designate it as a sovereign though miniature political unit, which was land-owning and maintained its frontiers against unauthorized trespass. The population size might run as low as 100, or as high as 500-600. At the average of 250-300, there would have been a full 500 tribelets in the later American state of California; which there were not, because the tribelet type of organization obtained in only part of the State's area. It is however evident why government agents and administrators, whether Spanish, Mexican, or American, did not ordinarily try to deal with this multitude of tiny independent and random-purposed units, but swept them together into convenient geographical or ethnic assemblages.

There was regularly in each tribelet a main and more or less permanent village. This might contain a tribelet's whole population, or there might be additional transient or seasonal settlements, or continuously inhabited ones of hamlet or suburb type. The area owned tended to vary inversely to its fertility in wild food. A few sample cases follow, where data or memory of aboriginal conditions happen to have been best preserved.

Pomo nationality, population 8,000 in about 3,400 square miles. There were seven principal languages or gross dialects. The number of tribelets was 34 according to Omer Stewart, 37 by the wholly independent inquiries of C. Hart Merriam; average population, nearly 240 people on 100 square miles, density 2.4.

Yokuts nationality, population estimated at 18,000 in about 12,500 square miles. Six dialect groups, not heavily differentiated in the open San Joaquin valley. About 45-48 tribelets, average population 375-400, average area 260-280 square miles, density 1.4. The tribelets were named, which allows their enumeration by different reporters to be checked cumulatively.

Achomawi-Atsugewi nationality, population 3,000 in 7,000 square miles. Two marked languages, tribelet dialect differences negligible. Eleven tribelets, according to both Merriam and Kniffen, average population 275, range from 125 to 400, density for total area about 0.4 per square mile.

The tribelet type of organization is determined also for River and Hill Patwin, Wintun, Valley Maidu, Lake, Coast, and Plains Miwok. It is probable for the Yukian divisions, Shasta, Yana, Western Mono, Tübatulabal, and, in the South, for Cupeño, Gabrielino, and Chumash. Among the Hill Miwok it seems to have coexisted with a lineage organization known as nena.

The California lineage group was what the name implies, a line of male kinsmen who were autonomous in a territory sufficient to support them. They took their wives from and married their daughters into other lineages. The bonds of kinship might be transcended if one lineage became reduced and took refuge with another. A desert or infertile habitat, necessitating a spread of population, tended to preserve political organization on the lineage basis. Contrarily, in habitats rich in food, it is presumed that several lineages tended to coalesce into permanent villages — that is tribelets. This is what appears to have happened along the Santa Barbara-Los Angeles coast. Where lineage coalescence into larger units has occurred, it is usually revealed only by a census

and genealogical approach, which is time-consuming and has mostly not been attempted. When Gifford applied it among the Pomo, he found two or more lineages represented within the main village of the tribelet. Among the Hill Miwok, the lineages have separate home centers, after which they are known (the "nena"); but inquiry after head-chief or "royal" settlements (C. H. Merriam) reveals a considerably smaller number of these, which were evidently the nuclei of co-existing tribelets.

The two types of organization are therefore not exclusive but complementary and potentially coexistent among the same population. Predominance of either type is obviously correlated with ecology. In general, lineage autonomy and land ownership prevail in desert, arid, and mountain areas; tribelet organization in the major valleys and along large rivers and clement stretches of coast.

The California independent lineage is evidently similar, in its autonomy and relation to land, to what in Australia has been called the "horde." In southern California the lineages were at first called localized clans or gentes. It gradually became clear that they are not social segments of tribes as clans are usually now construed to be, but miniature equivalents of tribes in their autonomy and land-holding. Their small size brought it about that all male members were normally blood-kin also; but this was incidental.

Successful lineages, especially those with absorptions of residues, may not infrequently have numbered somewhat over 100, but populations below 100 seem to have been more frequent, and the mode may have been around 50-75. With this figure halved, perpetuation of group holdings and distinctness probably tended to become insecure and difficult. Of course normally about as many wives would be acquired from outside by each lineage as it gave away daughters.

Three or four autonomous lineages may have averaged about the same population as one tribelet. With 133,000 to150,000

Indians in California in native times, we have seen that there would have been around 500 tribelets if that had been the only type of organization in the area. With only lineage organization prevalent, there would have been 1,500 to 2,000 independent units. It is obvious that separate American dealings with these about reduction, removal, land cession, compensation and the like would have been interminable. The result is that sweeping condensations of native units were made, whether by Spaniards founding missions or Americans settling the land. These simplifying condensations were perhaps inevitable from the point of view of the incoming population of higher culture. Nevertheless, the simplifications were imposed on the Indians, and no doubt against their will. They lived by custom in extreme fractionation, and contentedly so. And that the holdings of most groups were tiny, did not make them the less their owners, by their standards of internal and international justice.

IV

Along the lower Colorado River, whose history has been partly known since 1540, there once lived a series of six or eight nationalities of Yuman stock who were organized into true tribes, in the usual sense, of 2,000 to 3,000 souls each. These fought and drove one another out — the last expulsion occurred about 1828 — until when the United States took over California only two were left along the Colorado, the Mohave and Yuma, plus the Cocopa in Mexico. This organization, so anomalous in the area, was accompanied and probably conditioned by the facts that alone in California these tribes farmed and that they waged war gratuitously, for glory. However, it is possible that even these tribes were conglomerations of earlier tribelets. In the 1850's the Mohave numbered around 2,500 to 3,000 and recognized six chiefs, each with authority in an areal tract. In extent and population, as well as in recognizing a leader, these "sub-units" remained near-equivalents of tribelets.

In the Northwest corner of the State in the region of the lower Klamath River, there were five or six small ethnic nationalities whose organization departed from standard California usage in a direction more or less opposite to the last. There was no tribal sense or political authority, but a great interest in individual or family wealth. The majority of the territory remained communal or "public;" but many of the choicest or most productive spots had come to be recognized as private property. The emphasis on wealth was so intense that the representatives of rich houses had great prestige and much influence; but in the almost complete absence of political institutions or sanctions, no one possessed admitted authority. This type of organization is wholly different from that of all the rest of California; neither tribelet nor lineage nor tribe functioned or existed in historic times.

Nevertheless, there are indications that this Northwestern society may have developed out of something like the tribelet type organization. At any rate, there were practiced a series of "world-renewal" rituals, each made separately and with a fair measure of differentiation, at designated spots, and supported by the inhabitants of a recognized tract surrounding the sacred spots. Both in extent and in population these tracts resemble tribelets; and they may be religiously weighted survivals or transformations of former political tribelets — counties grown into dioceses, as it were. The map in Gifford's and my World Renewal monograph neatly illustrates this influence.

Both these last two types of organization were definitely marginal in California and restricted in extent. Over the great bulk of the State, either the tribelet or the lineage organization prevailed. There are some areas for which we are unable to say which one, or can only infer with uncertainty: some Indians were missionized too early; others were thoroughly overwhelmed and disorganized by contact, sometimes even exterminated; or ethnologists waited too long before they contacted them. On these grounds uncertainty prevails for the Salinan and Costano nationalities, for

the Athabascans from Wailaki to Whilkut, for most of the Wintu, Hill Maidu and Nisenan. But such broken indications as we have, all point to either lineage or tribelet organization and land ownership in these obscure areas.

V

I believe that from Oregon north to Alaska native society was organized on bases similar to the Californian tribelet and lineage. Family pride, wealth ostentation, an art devoted to a sort of heraldry of descent, and exogamic formalizations give this northern coastal organization an aspect that superficially often seems very distinctive. Yet I believe that except for variations of the sort indicated, and perhaps minor ones of populational size dependent on ecology, the delimitation of political and land-owning units was similar to that of native California. Many years ago, in 1923, I doubted aloud in print whether there had existed a genuine "tribe" on the Pacific coast of North America.

It is impossible fully to examine continental conditions in the present compass. There were tribes that fitted our conventional image of the tribe: in the Plains, perhaps also in the East; there were more groups that did not fit it. The ethnic nationality is sure, as having been usual in most of the United States and Canada. So is the band-village-community-tribelet group. "The tribe" is a minority phenomenon. It might yet prove to be wholly a phenomenon of Caucasian contact, construal, pressure, or administrative convenience. This is at least a problem to be kept in mind.

The Southwestern pueblo is on the one hand a tiny city, on the other a sort of theocratic tribe. Yet how many pueblos had a population of under 500, how many of more — anciently and now? In the first event they were of tribelet size, in the latter like tribes. Six to eight Hopi towns, before their fissions, with 2,200 souls in them, were surely in the tribelet range. Zuni, with 1,600 when I knew it and perhaps 2,500 now, is the full equivalent of a tribe; but Zuni is the Spanish consolidation of the seven "cities"

of Cibola, and has been further held together by an indivisible Spanish land grant to the community and a fairly generous American reservation.

High cultural Mexico was a region of nationalities, some numbering in the hundreds of thousands of population; and, within these, it was also a region of city-states, in the strictest sense of that term. Except beyond the peripheries, and possibly here and there in minute mountainous enclaves, it can be doubted whether central and southern Mexico held anything that was genuinely a "tribe."

VI

The total drift is this. The more we review aboriginal America, the less certain does any consistently recurring phenomenon become that matches with our usual conventional concept of tribe; and the more largely does this concept appear to be a White man's creation of convenience for talking about Indians, negotiating with them, administering them — and finally impressed upon their own thinking by our sheer weight. It cannot yet be fairly affirmed that the current concept of tribe is wholly that. But it certainly is that in great part; and the time may have come to examine whether it is not overwhelmingly such a construct. The larger nationalities, ethnic but non-political, are sure. So are smaller units, whether they be called villages, bands, towns, tribelets, lineages, or something else — and they no doubt varied regionally in kind and in function. On the whole, it was these smaller communities that were independent, sovereign, and held and used a territory. The tribe is the least defined and the least certain in the chain of native socio-political units.

How does this interpretation affect the pending Indian land claim cases?

On a narrow technical construal, it might affect them adversely, because the claims have largely been presented in the frame of a "tribal" presupposition.

Substantially and in equity, it seems that the interpretation should be without prejudice against the claims, because the same descendants of the same aboriginal owners are involved, whether these owners were organized into a single putative tribal community or into a number of smaller but actual communities of tribelet, village, town, lineage, or band type. So far as the "tribe" is often an administrative fiction of the Caucasian, it does not alter the ascertainable realities of aboriginal land use and possession.

Least of all does it seem equitable, where tribes appear to have been non-existent, to penalize the Indian at this late date for having had a construct of our convenience and imagination imposed and impressed on him until he perforce accepted it in his dealings with us.