WERGILD AMONG NORTHWEST COAST INDIANS

by

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ABSTRACT

The problem that this thesis begins with is: Why did the Kwakiutl and Nootka not have feud-indemnities, whereas the other nations of the Northwest Coast had them? The method chosen is that of proposing a hypothesis and then seeing if the data bear it out.

The first chapter of this thesis puts forward the hypothesis in question: that the Kwakiutl and Nootka did not have feud-indemnities because they had instead a high degree of individual geographic, inter-group mobility; such that if a person were not getting along in the group he lived with, he would simply depart to another group before disagreements and resultant tension burst out into open violence and so began a feud. Feud-indemnities, so the hypothesis suggests, act as an honourable way of ending or avoiding a feud, and so render it, by reducing its chances of disrupting the society, a more efficient method of legal enforcement. But unless feuding is relatively frequent there will be no need for the social group to adopt feud-indemnities in order to survive. High individual geographic mobility among the Kwakiutl and Nootka, so runs the hypothesis, reduced feuding and removed the necessity for feud-indemnities; therefore feud-indemnities did not arise among these
tribes. And we should expect to find that the other groups which had feud-indemnities, were without high individual geographic mobility.

The next six chapters describe the sociopolitical systems of the Nootka, the Kwakiutl, the Tlingit, Haida and Tsimshian, the Bella Coola and Coast Salish, the Chinook, and the northwestern Californians—confirming the hypothesis and so answering the question that began the enquiry. The Kwakiutl, Nootka, Bella Coola, and Upper Stalo (a Coast Salish group) had high individual geographic mobility and no feud-indemnities, while the rest of the Northwest Coast nations had feud-indemnities and low individual geographic mobility.
TABLE OF CONTENTS

INTRODUCTION ................................................. 1

1. Problem, method, and value of enquiry.... 1
2. Common features of Northwest Coast soci-
   ety .................................................. 5

I THE FEUD AND PRIMITIVE LAW ......................... 13

1. Definition of law .................................... 13
2. Definition of the feud and typology of
   feud-systems ................................... 17
3. Comparison of warfare and feuding .............. 21
4. Effect of feud-indemnities on feuding ............ 26
5. The pressures of conflicting allegiances. ....... 30
6. Individual geographic mobility and the
   absence of feud-indemnities .................... 37
7. Summary of hypotheses ............................ 40

II THE NOOTKA ................................................. 45

1. The social context .................................... 45
2. Chieftainship ....................................... 49
3. The legal system ................................... 53
4. Conclusions concerning the feud and war-
   fare ................................................. 56
5. Legal system of the Makah of Cape Flat-
   tery ................................................ 58

III THE KWAKIUTL ............................................. 60

1. The social order of the Southern Kwak-
   iutl ................................................ 60
2. Chieftainship ....................................... 68
3. The legal system ................................... 70
4. Conclusions ......................................... 76
5. Note on the Northern Kwakiutl .................... 77

IV THE NORTHERN TRIBES ................................... 83

1. Tlingit society ..................................... 83
2. Tlingit chieftainship ............................... 91
3. Tlingit law ......................................... 91
4. Motivations underlying Tlingit law-ways ....... 94
5. Haida society ....................................... 98
6. Haida polity and law ................................ 100
7. Tsimshian society .................................. 104
8. The Tsimshian political system ................. 111
9. Tsimshian law ....................................... 113
10. Conclusions ........................................ 116
V THE SALISH-SPEAKING PEOPLES

1. Bella Coola society ........................................ 121
2. Political authority and law among the Bella Coola ........................................ 129
3. The Salish of Georgia Strait ........................................ 134
4. The Upper Stalo ........................................ 141
5. The Salish of Puget Sound ........................................ 148
6. The Klallam ........................................ 157
7. The Quinault ........................................ 160

VI THE CHINOOK ........................................ 167

1. Society ........................................ 167
2. Chieftainship ........................................ 170
3. Feud-system ........................................ 174
4. Conclusions ........................................ 178

VII NORTHEASTERN CALIFORNIA ........................................ 181

1. Yurok society ........................................ 181
2. Yurok law ........................................ 183
3. Conclusions ........................................ 188

CONCLUSIONS ........................................ 190

1. Review of hypotheses ........................................ 190
2. Results ........................................ 193

NOTES ........................................ 196

BIBLIOGRAPHY ........................................ 210

FIGURES

follows page

One: The Nations of the Northwest Coast ........................................ 12
Two: Preferred Cross-Cousin Marriage among the Tlingit 86
INTRODUCTION:

... whether or not revenge was taken, the customary method of settling the feud among almost all the groups, except the Kwakiutl and Nootka, was by payment of indemnities, or "wergild."

--Philip Drucker, Indians of the Northwest Coast, p. 137.

WHY did the Kwakiutl and Nootka not have feud-indemnities? This is the question which this study sets out to answer.

At first glance, it might seem that the way to answer this question is simply to examine the societies of the Northwest Coast to find out which characteristics are found only among the Kwakiutl and Nootka but common to both; and which characteristics are found only among the other, indemnity-paying groups but common to all these latter: such characteristics, their presence or absence correlated with the presence or absence of feud-indemnities, would solve our problem. But on taking a second look at this method of simple enumeration and correlation, we find it to be simple in theory but bulky and uneconomical in practice—a method of desperation to be followed only as a last resort.

First, such a method would necessitate an exhaustive, detailed, and time-consuming survey of all the available historical and ethnographic accounts of the Northwest Coast, and a careful tabulation of the presence or absence of cultural characteristics. And the records might be by no means
complete—serious gaps in the data might forever prevent successful conclusion to such an enquiry. Such a method of simple enumeration and correlation has, indeed, been followed in the culture element distribution studies made by the University of California; but, as Drucker, one of the participants, has remarked,¹ the method was found ill-suited to the study of social and political organization.

Second, co-variation is no guarantee of causation: just because two sets of phenomena vary together does not mean that one set is the effect, or perhaps the cause, of the other; they might both be effects of a third set of phenomena, and have nothing more in common than this. Thus, supposing that we did find the common characteristic that correlated with the presence or absence of feud-indemnities—the onus would still be on us to show that it caused feud-indemnities either to appear or not to appear.

Instead, the method I shall follow will be that of anticipation and experiment. In an examination of the structural implications of feud-indemnities for social organization, I shall propose some hypotheses concerning the linkage of certain features of society with the presence or absence of feud-indemnities, and from these hypotheses I shall attempt to make some predictions concerning the sorts of things we would or would not find in a study of Northwest Coast societies. These predictions will boil down to predictions concerning the sorts of things that ethnographers and historians have reported about the Northwest Coast.
The main hypothesis that I wish to suggest is really very simple. It is that the presence of a high degree of individual geographic mobility in a primitive society will prevent the development of feud-indemnities; and that this is the reason why the Kwakiutl and Nootka did not have feud-indemnities.

But why should such a connection exist? To answer this question, it is necessary to examine the nature of the feud and of primitive law. To this the first chapter of the enquiry is devoted.

The remaining six chapters describe in turn the social and political orders and the feud-systems of the following Northwest Coast peoples: the Nootka; the Kwakiutl; the Tlingit, Haida, and Tsimshian; the Salish-speaking peoples of the Coast, including the Bella Coola; the Chinook; and the northwestern Californians.

In this way, the first, theoretical chapter constitutes the anticipation, and the following six, descriptive chapters constitute the experiment, presenting the data which will either verify or refute the anticipation. I have sought in these descriptive chapters to present enough evidence that the reader can judge for himself whether or not the data sustain my hypotheses.

The arrangement of these chapters is a little deceptive. They are arranged as if I first propounded the theory and then checked it against the data. This is only half true. The hypothesis was actually not conceived until I had already
examined the Kwakiutl, Nootka, and Tlingit in detail, and
the Haida, Tsimshian, and Chinook in brief. As far as these
groups are concerned, therefore, the hypothesis was not ac­
tually predictive, but instead rather post hoc. However,
I had yet to examine the Salish-speaking groups and the
northwestern Californians: it was an unexpected and pleas­
ant surprise to find that the Salish-speaking Bella Coola
and Upper Stalo lacked feud-indemnities and had high indi­
vidual geographic mobility, whereas the remaining groups
had feud-indemnities and lacked high individual geographic
mobility. The hypothesis was actually and successfully
predictive as far as the Salish-speaking peoples and the
northwestern Californians were concerned. I mention this
because it offers reason for hope that the notions put forth
in this thesis may be of value in the study of comparative
politics as a whole, not merely with regard to the Northwest
Coast.

The study of Northwest Coast political and legal systems
seems somewhat neglected. The various ethnographies each
devote space to descriptions of the political and juridical
aspects of the societies on which they report; and there
have been a few papers concentrating on the same topics
for individual societies. But works comparing the various
political systems of the Northwest Coast are all but lack­
ing. Adam has written three essays on tribal organization
and chieftainship among the Haida, Tlingit, Tsimshian, Nootka,
and Kwakiutl, and indeed these might be taken together as
being such a work of comparison. These papers, written in German, are now long out of print; they constitute summaries of the leading ethnographic material available before 1913, and devote much attention to questions of totemism among the tribes discussed. But this only serves to emphasize the general neglect of comparative studies of Northwest Coast Indian politics. It is my hope that this thesis will help to fill that gap, for in the process of gathering and presenting the evidence for my hypothesis concerning the structural implications of wergild in Northwest Coast society, I have perforce given something of a general survey of Northwest Coast political and legal systems. The survey, being specifically oriented towards the operation of the feud in these societies, is not complete; yet it may, I hope, prove helpful in studies of other aspects of Northwest Coast politics.

So much for a general introduction to the problem and procedure of the enquiry. The second half of this introduction, before we proceed to chapter one (the nature of the feud and primitive law), will give a broad overview of the common features of Northwest Coast society.

With all reservations, however, I believe it is fairly clear that the peculiar environment of the West Coast tribes of British Columbia had much to do with the development of their rather complex social life. Not so much that these conditions explain in every case the actual forms of organization that we find to prevail among these tribes, as that they seem to furnish
a general stimulus for the growth of relatively settled communities with intricate social ramifications. In the first place, the Indians of the West Coast had abundant means for their subsistence at their disposal. The streams teemed with various kinds of salmon throughout the year, and the sea offered a great variety of edible sea-mammals and invertebrates. It was thus possible for a rather large group of people to make a comfortable living in a quite restricted bit of coast territory. Access to the sea at a few points and the control of a few streams up which the community could follow the salmon at their spawning periods were all that was needed to insure ample means of subsistence for all. Furthermore, the unusually great rainfall of the coast country made it necessary for the Indians to house themselves in substantial shelters, and at the same time gave them the ready means wherewith to fill this want. I refer to the heavily wooded character of the coast. The inexhaustible supply of readily worked wood, particularly the red cedar, gave the Indians all that was necessary for the building of large houses. In a word, the West Coast Indians were fishermen and sea-mammal hunters who, unlike the Eskimo, were able to thrive within relatively restricted territories, and who dwelt for the greater part of the year in permanent villages consisting of a long row of large wooden houses strung along the beach. Most of these houses were large enough to provide not merely for a family in the narrower sense of the word, but for a large house group forming a family in the larger sense and dominated by one man who, on grounds of descent, took precedence of all others in the house group. The village community with its definite number of house groups may, then, be expected to be the most fundamental social unit in this area and, indeed, in spite of all complications that have been brought about by some of the tribes, the legends of the Indians themselves and the study of the facts involved seem, in practically every case, to argue back to the village community as the primary social unit.

--Edward Sapir, "The Social Organization of the West Coast Tribes."

IN THIS PASSAGE (intended by its author to apply only to the coast of British Columbia and the Alaska panhandle) Sapir effectively delimits the basis of the entire Northwest Coast
culture, from Yakutat Bay in Alaska to Trinidad Bay in northwestern California; and indicates much of the common themes upon which the several tribes of the area made their numerous variations. We need note only that the importance of land-hunting increased towards the south; and in the southern half of the region, camas roots (Puget Sound and Washington coast areas) and acorns (northwestern California) were significant staples in the aboriginal diet. But these additions, though worth noting, do not modify in its essentials the picture drawn by Sapir.

One of the most striking features of Northwest Coast culture is the way in which an underlying unity is combined with a surprisingly wide diversity. The unity is fundamental and significant, and serves, among other things, to distinguish the area as a whole from neighbouring culture areas. But within this unity there is a diversity that sets off, sometimes, even community from community; and certainly marks the major linguistic groups as distinct cultural entities. Not only this, but the degree of diversity itself varies from region to region. Sometimes these variations consist of differing emphases on the common themes of the entire area, and sometimes of new and distinctive cultural additions—usually a combination of both. The presence or absence of wergild is a ready example.

The most fundamental social unit among the Northwest Coast groups, according to Sapir in the passage quoted above, was the village community with its distinct house groups each composed of an extended family. According to Drucker, the
fundamental social unit was the lineage or extended family that owned a large house, fishing stations, and a hunting territory. These views do not in fact contradict each other, for in winter the various lineages or extended families con­gregated into villages of relatively permanent location. It is these winter villages that Sapir is referring to.

In another passage worth quoting, Sapir writes:

A necessary consequence of the division of the village community into a number of large house-groups is that, associated with each chief, there is, besides the immediate members of his own family, a group of commoners and slaves, who form his retainers. The slaves are immediately subject to his authority and may be disposed of in any manner that he sees fit. The commoners also, however, while possessing a much greater measure of independence, cannot be considered as unattached. Everything clustered about a number of house-groups headed by titled individuals, and in West Coast society, as in that of medieval feudalism, there was no place for the social free-lance. If the number of commoners and slaves connected with a chief's family grew too large for adequate housing under a single roof, one or more supplementary houses could be added on to the first; but they always remained under its sphere of influence. In this way we can understand how even a group of houses forming an outlying village might be inhabited entirely by people of low birth, who were directly subject to one or more chiefs occupying houses in the mother village. From this point of view the whole tribe divides into as many social groups as there are independent chiefs.

In point of fact, both units were fundamental and important. The large and substantial wooden house that the lineage or extended family owned, was located at the winter village site. We may speak of those groups sharing a common winter village as comprising a single "tribe"; and the land- and house-owning groups we may call, as circumstances require, "house groups," "lineages," or "extended families."

This pattern was most clearly developed among the northern
and central nations of the Northwest Coast. Among the northwestern Californians, most southerly of the Northwest Coast peoples, it was much more rudimentary, and, though still recognizable, its outlines were blurred.

The importance of fishing and woodworking in Northwest Coast culture has already been sufficiently described in the quotation from Sapir that begins this section.

The third common feature of Northwest Coast society was the concern of the people for rank and wealth. Everywhere society was divided, broadly speaking, into three status levels: "nobles," "commoners," and slaves (Among the northwestern Californians: "rich people," "poor people," and slaves.). Slaves, strictly speaking, were property, and the line was drawn very clearly between slaves and freemen. The other two status levels were not at all sharply demarcated, and some writers, e.g. Ray on the Chinook, have described a "middle class" composed of the highest ranking commoners and the lowest ranking nobles. The evidence indicates that in these societies each and every freeman had a rank, and that while the highest and lowest ranks could be clearly marked out, between these extremes there were a great many intermediate and less clearly defined positions.

This division into three status levels is, it should be noted, only a broad and general one—the references to the northwestern Californians and the Chinook should suggest how broad and general—intended as a summary applicable to the whole culture area. The chapters which follow will
describe in greater detail the exact variations on this three-status theme that the several Northwest Coast nations evolved.

The chief was the highest ranking person of his social group—lineage, extended family, or, as among the Chinook apparently, village. He gained his position by direct descent from the legendary ancestors. In the north, among the Haida, Tlingit, Tsimshian, and some of the northern Kwakiutl, this descent was matrilineal, the new chief usually succeeding his mother's brother. Among the central and southern tribes, this descent was usually patrilineal, the new chief, usually an eldest son, succeeding his father.

The nobility of the social unit consisted of the near relatives of the chief—brothers, sisters, uncles, aunts, and others whose relationship was not too remote. The commoners, then, were those persons whose kinship with the chief was distant, dubious, or non-existent. The nobility of the tribe consisted of all those who made up the nobility of the lineages or extended family groups that comprised the tribe. The highest ranking of the chiefs of these groups—for these groups and their chiefs were ranked also—was the chief of the tribe. The tribal chief was important as the representative of his tribe in inter-tribal affairs. The manner in which the nobles of the various lineages within the tribe were ranked vis-a-vis one another varied from tribe to tribe, nation to nation.

But birth alone was not enough. Claims to rank had to be maintained by distributing and displaying wealth. The
chief was chief not by right of birth alone, but because by right of birth he could call on the resources of his lineage or extended family to provide food and wealth objects that he would distribute or display to other lineages and extended families in great public ceremonials. The more he could distribute, the greater his prestige; and, if the other chiefs did not reciprocate with as great a generosity, his rank increased, and with it that of his lineage. Within the lineage or extended family, a man who showed industry and ability might be raised by the chief to noble status, and this status would descend on the new noble's children. In short, ability could modify to some extent the rank one received at birth. Rank must be validated by wealth. Rank gave the holder the opportunities to acquire wealth, but it also demanded that, if he wished to maintain his rank, let alone increase it, he must accumulate and redistribute this wealth. Among the peoples of the Northwest Coast, rank and wealth were much like two sides of the same coin, and the intimate connection of the two gave Northwest Coast culture one of its most distinctive features.  

Kroeber11 writes:

Political organization was rudimentary on the Northwest Coast, but economic structure elaborate. The culture was property-minded, and wealth was a necessary accompaniment of birth for social prestige and influence. There was emphasis on accumulation, and even more on the distribution of food, belongings, and treasure in the give-away feasts called potlatches. These were instruments of competition for rank; so were the ownership of dances and membership in rituals. Among the economic specializations were standardized dentalium-shell currency, slaves held for prestige, hammered sheets of native copper whose main value lay in their repute value, and repayments with increment or "interest."
These, then, were some of the common themes that gave Northwest Coast culture its distinctive character. In the last six chapters of this enquiry, we shall examine some of the variations and specializations on these themes that were made by the various "nations" of the region.
FIGURE ONE: THE NATIONS OF THE NORTHWEST COAST.

Adapted from Philip Drucker, The Indians of the Northwest Coast, p. 7.
THE FEUD AND PRIMITIVE LAW

1

A DEFINITION OF LAW, writes Paton in A Textbook of Jurisprudence, \(^1\) "should have two aims: firstly, to make precise the meaning of law, and secondly, to call up in the mind of the reader a true picture of law and its operation." But, after a consideration of various definitions of law, and a consideration of their shortcomings, the closest that he can himself come to a definition is that, "Law may shortly be described in terms of a legal order tacitly or formally accepted by a community, and it consists of the body of rules which that community considers essential to its welfare and which it is willing to enforce by the creation of a specific mechanism for securing compliance."\(^2\)

This definition meets Paton's first criterion. It is perhaps about as precise a definition of law as we have a right to expect; and it is also fairly close both to one of the everyday meanings of the word, and to its original meaning.\(^3\) Paton's definition preserves both historical continuity and accordance with common usage. But does it "call up in the mind of the reader a true picture of law and its operation"?

Not completely. It perhaps treats the law a little too much as a conscious creation of a community—though the facts of history do indeed suggest that as societies have become larger and more complex, their law has also come to be more
and more a conscious creation—and, more seriously, Paton's definition is vague as to what the mechanisms are that secure compliance. The operation of the law is manifested in its enforcement. How it is enforced? Is there, in the undoubtedly varied methods of enforcement, any common element that it would be well to include in the definition of law?

The question is answered affirmatively in a definition by Hoebel, who writes: "A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting."

How does this compare with Paton's definition? They agree in indicating normative reference and social recognition. Hoebel's definition, however, has the advantage of explicitly specifying regularity of enforcement, whereas in Paton's definition this is implicit only. Furthermore, Hoebel's definition indicates who enforces the law, and points to individuals rather than merely referring to the "community." And he gives us physical sanctions as the criterion whereby we may distinguish law from such social phenomena as mores, folkways, and simple customs.

Hoebel's definition is a behaviouristic definition, and it reflects the method of investigating primitive law that he himself considers most productive and most reliable, namely, the "trouble-case" method, the "search for instances of hitch, dispute, grievance, trouble; and inquiry into what the trouble was and what was done about it." This emphasis is
indeed valuable and indispensable.

But a concentration on trouble cases can lead to a false impression. Paton,\(^6\) criticizing the notion that the specific mechanism behind law is a sanction, writes:

> Psychologically, the sanction does not fully explain why law is obeyed. The sanction is successful only if it is necessary to employ it in the marginal case. Universal disobedience will rapidly destroy the whole basis of the legal order. Law is obeyed because of its acceptance by the community, and while the sanction plays its part in dealing with a recalcitrant minority, the reasons for that acceptance lie deeper. Habit, respect for the law as such, and a desire to reap the rewards which legal protection of acts will bring—these are factors that are equally important. Academic preoccupation with the sanction leads to a false view of law. The idea of health does not at once suggest to our minds hospitals and diseases, operations and anaesthetics, however necessary these things may be to maintain the welfare of a community. The best service of medicine is the prevention of disease, just as the real benefit of law is that it secures an ordered balance which goes far to prevent disputes.

Whether or not we consider the application of physical sanctions, in threat if not in fact, as an essential characteristic of law, we should still keep Paton's remarks in mind.

The fundamental fact of politics is power.\(^7\) Whether or not a given political order rests on popular acceptance, expressed or tacit, the political order is an arrangement of the powers within a community, and its functionaries must possess power in order to carry out their offices. Laws are but dead rules unless they can be enforced, i.e., are backed up by political power. To this fundamental fact Hoebel's definition of law has the inestimable advantage of directing our attention.

At the same time, Hoebel recognizes that general accept-
ance within the society is essential to law. By speaking of "social norm" and "socially recognized privilege," he clearly distinguishes legal force from naked force or simple terrorism. Power alone is not enough. In drawing our attention to this, Hoebel abides by the usual connotations of the word "law" and also accords with the long tradition that distinguishes the "rule of force" from the "rule of law". This concord, as I see it, further increases the value of Hoebel's definition.

How is the sanction of physical force applied against an offender? Who decides that a law has been broken and that a given person is responsible, and who applies the sanction to whom? Hoebel's definition indicates broadly the characteristics of the specific mechanisms or institutions which do these things, but it does not specify particular ones. It leaves us free to speculate as to what the various legal mechanisms of primitive society may be; it enables us, as a matter of fact, to discern continuities between "primitive" and "civilized" societies.

Writers such as Seagle have defined law in terms of courts and the state, and have been forced to state that non-state societies or societies without courts do not have law. But such an assertion obscures the continuities and makes much too sharp a distinction. It but pushes the problem one stage further back, to the questions "What are courts?" and "What is the state?" The concept of the state is at least as fuzzy, as confused, and as variously defined as is the concept of law. Furthermore, not all societies with
courts also have states; and some courts, which have been called "courts of arbitration," are without the power to enforce their judgements.\footnote{11}

If we accept Hoebel's definition (or a similar one) as a working definition, we would look for a variety of legal institutions. We would ask, for instance, such questions as: "Under what conditions do courts appear?" "Are there differences in legal enforcement as between different social groups?" "What is the effect of a state-structure on the legal system of a community?" With this approach, such relationships as we would find between laws, courts, states, and society would be, not mere tautologies, but empirical generalizations about the workings of society.

In particular, it is only with a definition of law such as Hoebel's, that it makes sense to regard the feud as an institution of primitive law and a scale of feud-indemnities as a primitive legal code (usually unwritten).

Feuds are relations of mutual animosity among intimate groups in which a resort to violence is anticipated on both sides. The historical blood vengeance feud, common in primitive society, constitutes the most characteristic feud pattern. The family feuds which are to this day frequent in certain isolated regions are closely related to it, and many other forms of violence in contemporary society are also complicated by elements highly reminiscent of the true feud. While there is no actual historical continuity between the primitive and the modern feud, there is in many respects a continuity of pattern. The chief difference is that while the blood vengeance feud was itself the expression of primitive law, the modern feud is at least formally illegal and characteristically fills the interstices left in the
functioning of the prevailing system of legal organization.


FEUDS as methods of legal enforcement are, generally speaking, characteristic of those societies where there is no strong, effective central government. In primitive societies, "blood vengeance feuds" are characteristic of societies where there is no strong and developed office of chieftainship or kingship and where, consequently, power is diffused among a number of separate and coordinate, but interacting, kin groups. In a society depending upon the feud as the ultimate legal institution, there is common to the whole society a generally accepted consensus about the sorts of action which are wrong and not to be tolerated. When one member of a kin group commits a wrong against a member of another kin group, the wronged kin group will feel justified in retaliating against the offender and his kin group; and the rest of the society will generally recognize the wronged group as having the right to retaliate. The group that feels injured has no resort other than this private retaliation or self-help. If the offender's kin group feels that what its member did was indeed wrong, and the retaliation by the other group hence justified, the affair ends there; but if they do not concur, or if they feel that the vengeance taken was more than the original misdeed warranted, they will seek to "even the score" by retaliating in their turn. And so the original deed may lead to a full scale feud, with much blood spilled on both sides.
What happens when a man commits a wrong against, not a member of another kin group, but a member of his own kin group? One of four possible alternatives will follow: (a) he is disciplined by the head of his kin group and his other kinsmen; (b) he is banished, thus being exposed to anybody's whim or wrath and having no one to aid him when he is in trouble; (c) nothing happens; (d) or the kin group splits into smaller units between which feuds obtain.

Sometimes the customs of the society provide for the payment of indemnities, "blood-money" or "wergild". Instead of seeking vengeance for the wrong done to them, the injured kin group may demand that the offender (and his kin group) pay them a certain amount of goods or money in recompense for the loss they have suffered as a result of his misdeed. If he pays up (or his kin pay up for him), all is well and the affair goes no further. But if he refuses to, then the wronged group exacts vengeance and a feud begins. Hence the payment of a feud-indemnity can prevent a feud from breaking out into perpetual open fighting, and may be thought of as rendering the feud a more efficient method of maintaining social order and enforcing law than it would otherwise be.

This notion leads me to suggest that the absence of feud-indemnities in a feuding society is a sign of an undeveloped feud-system, where the feud is an occasional or incompletely established method of legal sanctions. This suggestion will perhaps be sustained when we come to examine the feud-systems of the Northwest Coast Indians.
I suggest that we may distinguish three types of feud-systems, which I should like to call **nascent**, **classical**, and **decadent**. The feud-system which I call **classical** is characterized by the presence of feud-indemnities, a recognized scale of values, units of responsibility, and the absence of chiefs or kings who are enabled to regulate the system to their own advantage. I call it classical because this form of the feud is, I think, the notion of the feud which we usually have at the back of our minds. The feud-system which I call **decadent** is characterized by the presence of chiefs or kings who enjoy a privileged immunity from retaliation and hence a privileged though not exclusive use of force, and who as a result can regulate the feud-system of their society in their own interests. I call it decadent because this form seems to be the form which the feud takes on the eve of its replacement by a state-system of legal enforcement; the operation of the classical feud is, in the instance of the decadent feud, complicated and interrupted by institutions that might almost be called rudimentary states. The feud-system which I call **nascent** is characterized by the absence of feud-indemnities, but differs from the decadent feud-system (in which feud-indemnities as such may occasionally be replaced by something we could call "awards of damages" granted by the chief or king) by the lack of chiefs or kings who regulate the right of private vengeance.

As used in this enquiry, this scheme is first and foremost a logical typology. However, as the names indicate, it is also a tentative suggestion as to the development of legal
systems up to the state level. I will not be able in this en-
quiry to describe the development of Northwest Coast systems;
I should like, however, to suggest how feud-systems might have
developed there. Therefore, while using the scheme as a logi-
cal typology, I should like to retain these developmental names.
I would not wish to say that all legal systems must evolve
through these three stages; it is quite conceivable that a so-
ciety might move from the nascent to the decadent type without
passing through the classical (This might, I think, happen to a
society with a nascent feud-system under certain external influ-
ences such as the near presence of a more well developed pol-
ity.); nor do I wish to assert that these stages are irrevers-
able (though I suspect that reversions would be very rare),
and that decadent might not devolve into classical, or classi-
cal into nascent. But I think that the scheme will help in
ordering the data on Northwest Coast feuding.

It will be observed that feuding relationships obtain
between groups, and that each individual member of one of
these groups is held responsible for whatever another member
of his group does (i.e., the principle of "collective respon-
sibility"). The exact way in which membership in these
groups is defined, varies from society to society, depending
most notably on the kinship systems thereof.

WARFARE and feuding have been frequently confused in the
literature on the study of these two subjects.¹³ Fighting —
among primitive peoples has frequently been generally lumped
all together as "war". Empirically this is understandable, for even with the distinction between war and the feud that I shall shortly offer, there is often a real difficulty in deciding whether or not a particular form of violence should be called a feud or a war. But analytically a clear distinction can and should be made.

The difference between a feud and a war is simple: a feud is a legal institution, while war is extra-legal. War, that is, begins where law ends.¹⁴

Feuding groups are members of the same legal community. They do not disagree as to what the law is. "Certainly, if our kinsman really did do what you accuse him of, he deserved to be speared!" Their disagreement lies in the application of the law. "But he didn't do what you accuse him of doing, and so we won't pay the compensation you demand!" The fighting that expresses this disagreement frequently follows certain conventions governing what will and what will not be destroyed, and there are means whereby the fighting may be brought to a close honourably on both sides. And even while the fighting is going on, there is some pressure of obligation, even if its consummation is deferred, to seek an end to the bloodshed.

Not so with wars. Groups that war with each other belong to different legal communities. "Yes, our kinsman did what you accuse him of, and he couldn't have done a more praiseworthy thing! Put that in your pipe and smoke it!" War may or may not be governed by conventions (e.g., the Geneva Convention) that mitigate the violence and bloodshed,
and there need be neither means nor obligation to bring it to an end. A civil war marks a break in a former legal community: in the former unity, disagreements arise as to what the law is, and matters reach such a pass that the disagreement can only be settled by force, the stronger imposing their will on the weaker.  

Conceptually, the distinction between wars and feuds is sharp and clear. But the actual phenomena of social life are not so neat and clear that these concepts can be fitted on them without argument or uncertainty. Extreme cases of wars and feuds can be easily distinguished. But in between, wars and feuds tend to grade into one another, especially where small scale societies are involved, and there will be intermediate instances partaking of some of the characteristics of feuds and of some of those of wars. In such instances, we might find it profitable to speak of an incompletely established legal community, in which there is some degree of agreement concerning laws, but not complete agreement, and in which there is some pressure to seek an end to violence when it breaks out.

This sort of thing would arise where the boundaries of the legal community were not sharply defined. This, if I may anticipate the succeeding chapters of this enquiry, was the situation on the Northwest Coast. Each tribal community might be considered the centre of a legal community well established at the centre and fading away to nothingness at the periphery. Take, for instance, the Kwakiutl. A fight between the Fort Rupert people and the Nimkish a little
further down the coast would be of the character of the feud rather than of war; but a fight between these people and the Bellabella or the Bella Coola would be war rather thanfeuding; though as a matter of fact some small element of the latter did enter in. And each village community was the centre of such a legal order, feuding with the communities close to it and warring with those at a distance. Closeness was a function of two variables: geographical closeness, and the extent to which the people in one community had relatives and friends in the other.

The Nuer of the former Anglo-Egyptian Sudan (see section 5 below) also afford an elegant demonstration of such a legal system with indeterminate boundaries. We might, since each village was the centre of such a legal order, call it a "polycentric legal system"; the type seems to be sufficiently common to warrant a special name. Or we might speak of it, as Evans-Pritchard does of the Nuer, as "acephalous". Among the Nuer, men of the same village or camp would fight each other with clubs, not spears, lest someone be killed; boys of the same village, with spiked bracelets. This individual duelling was distinguished by the name of dwac. Men of different villages but within the same tribe fought each other with the spear. They did not raid each other's compounds for cattle, and recognized that one ought to pay cattle as compensation for killing a fellow tribesman. Intratribal feuds, where compensation might be paid, the Nuer called ter. Between tribes, no compensation could be made. Tribes raided each other for cattle, but not for women.
and children. In this third sort of fighting, called kur, women and children ought not to be killed, nor granaries destroyed. The fourth level was war or pec, in which men, women, children might be captured and killed, and granaries destroyed. The people with whom the Nuer warred most were the neighbouring Dinka, and pec has been defined as "Raiding Dinka."¹⁸

This concept of the legal community, if I may anticipate some of the results of the following chapters, will prove a significant concept in determining the limits of applicability of the hypotheses to be presented in the next three sections. This concept is intended in this essay to apply primarily to societies where the feud is the basic law-enforcement mechanism, and I want here to formulate it in specific reference to feuding groups. As such, the notion of a legal community refers to the relationships between groups or between individuals as members of different groups, and not to those between individuals considered in themselves alone. Two groups may be said to be members of the same legal community if they agree concerning which actions deserve the penal sanction of force, if they agree concerning the persons whose privilege or obligation it is to apply this sanction, if they agree concerning the procedure of application, and if, finally, when judgement according to these common standards has been made and executed, both parties abide by the conclusion of the affair. A legal community may be said to be totally absent when there is disagreement on all four points: when this occurs, hostility
between the two groups is total war. Clearly, however, between these two extremes there lies a complex continuum of behaviour, with different societies falling at different places on the continuum: we may speak of a low degree of legal community between groups, or of a high degree of legal community between groups. Where the degree of legal community is low, inter-group hostility will more closely resemble war than feuding; where the degree of legal community is high, inter-group hostility will more closely resemble the feud. It is to this latter alternative, where the degree of legal community is high, that the following hypotheses are applicable.

One thing more before I conclude this section. Not all fighting, of course, consists of warring and feuding. And how should one consider a head-hunting expedition against a distant enemy—\(\text{which}\) distant enemy in particular doesn't matter—undertaken to salve one's grief over the death of a relative by accidental drowning? We cannot really consider it feuding. And to call it war does seem, in spite of the extended definition of war given above, to be stretching the use of the term. Perhaps we should just swallow our unease, and call it war—but primitive war, very primitive war.

THE FOCUS of this enquiry is upon the structural implications of feud-indemnities. Now that preliminary problems of definition have been discussed, I will devote the rest of
this chapter to feud-indemnities and their implications.

I said above in section two that the payment of feud-indemnities might serve to prevent feuds from widening into perpetual open fighting, and that therefore the custom of paying wergild rendered the feud a more efficient means of maintaining law and order than it might otherwise have been. But on the other hand, it may well be that the presence of wergild increases the frequency of feuding, though none of the feuds may actually reach so serious a point as to disrupt the society: payment of wergild could end them long before that.

In his discussion of social control among the Nootka, Drucker suggests that the absence of wergild among these people may have led to a greater willingness to "let bygones be bygones" and not to insist on revenge. "Both in the north, among the Tlingit, Haida, and Tsimshian, and in northwestern California, where the concept of wergild occurred, it seems to have focussed attention on injuries and slights, so that no one dared risk loss of face by letting a wrong go uncompounded or unavenged." Among the Nootka, if violence broke out it would blossom into a conflict that would split the community in two parts, for there was no way of stopping the conflict before it went out of control. The Nootkans themselves recognized this, and sought to keep tempers cool lest the heat of a quarrel exploded into violence. "The potential danger of such situations was enough to deter many from any violent act."
Thus the absence of wergild may be often correlated with relative infrequency of feuding; and the presence of wergild may actually lead to and encourage further feuding, though not of such intensity as to disrupt the society. We can set up four possible alternatives and ask what their consequences might be:

i) Wergild absent, feuding infrequent. In this case, if feuding broke out, there would be a strong likelihood of it reaching a point where it disrupted the community, for there would be no way of controlling it. But only a likelihood, not a certainty. Not all feuds need completely disrupt the community; for various reasons they might possibly cease before they reached the breaking point. However, since the feuding would be infrequent, this would still be a viable social system, capable of persisting over fairly long stretches of time.

ii) Wergild absent, feuding frequent. If the considerations adduced above are valid, we should not expect this society to last very long. Feuds would reach the breaking point and the social and legal order would be disrupted—and there would be no way of arresting this disruption. The society would quickly break apart into smaller units between which would prevail a state of war.

iii) Wergild present, feuding infrequent. This is quite a possible alternative. While the presence of feud-indemnities might only tend to make feuding more frequent, it would, if the considerations adduced above are correct, certainly increase the number of claims for indemnification.
In this case, only threat and counter-threat, with final compromise or one side's giving in, would prevent the frequency of feuding from increasing. This third alternative would imply, it seems to me, conflict of threats rather than armed conflict. It might also, as we shall enquire in the next section, imply a pattern of conflicting allegiances such that before open violence was reached friends and relatives applied moral pressure to make the quarrelling groups compromise the affair. But feuding would have to be frequent enough so that threats would not be empty nor the dangers of open violence forgotten.

iv) Wergild present, feuding frequent. This too would be a viable social system. If a feud grew so widespread that it menaced the survival of the community, there would be present a means of ending the conflict without leaving too many unavenged or uncompounded misdeeds. Hence a feud need never develop to the point where it destroyed the community.

This examination is not particularly conclusive, but it does suggest, I think, that the absence of wergild coupled with frequent feuding is not a viable alternative for societies to adopt. The underlying principle, that the presence of the institution of feud-indemnities tends to increase the frequency of feuding, seems plausible. In actuality, however, most societies possessing wergild would not fall into classes iii) and iv) above, but rather into an intermediate class of "wergild present, feuding relatively frequent". The necessity of being able to back up one's claims with force would work
to increase the frequency of feuding; conflicts of allegiances, such as will be described in the next section, would work in favour of compromising disagreements and so decreasing the extent of feuding.

5

... these feuding societies are so organized into a series of groups and relationships, that people who are friends on one basis are enemies on another. Herein lies social cohesion, rooted in conflicts between men's different allegiances.

--Max Gluckman, Custom and Conflict in Africa, p. 4.

... quarrels and conflicts exist in all groups and cannot be wished out of existence. They must be redressed by other interests and other customary loyalties, so that the individual is led into association with different fellows. The more his ties require that his opponents in one set of relationships are his allies in another, the greater is likely to be the peace of the feud.

--Ibid., pp. 25-6.

IN THESE PASSAGES Max Gluckman enunciates a principle of social organization of great importance in the operation of feud-systems. It will be interesting to ask what its implications are concerning feud-indemnities. But first let us examine Gluckman's argument.

Gluckman illustrates the working of conflicting allegiances in maintaining social order by describing the political system of the Nuer of the Sudan.

The Nuer were organized into tribes numbering sometimes 60,000 people or more. The tribal areas were separated from each other by "big rivers or wide stretches of uninhabitable country". The tribal areas were subdivided into districts,
and the districts in turn into hamlets and villages. There was "a close relation between the political organization of the Nuer and the lie of their land and the way in which they exploit that land."22

In each tribe there was an "aristocratic" clan composed of men claiming common patrilineal descent from a founding ancestor. The various districts were held to be linked together by the relationship of their inhabitants on the clan genealogy. Thus, says Gluckman, "Two neighbouring districts are associated through two long-dead brothers, while another three neighbouring districts are associated through another set of three brothers, whose father was brother to the father of the first set."23 There were also in the tribal area members of other clans which might be in their turn in other tribes "aristocratic" clans but which were not "aristocratic" in this particular tribe; and the converse was also true, that members of the "aristocratic" clan were found also in other tribes but were not there "aristocratic".

The sub-clans of the districts combined against each other for the purpose of feuding according to the distance of the relationships between them. Thus if a quarrel arose between two sub-clans A and B who were, let us suppose, related by being the descendants of two brothers, no one outside would join in (except for complications to be mentioned later in this account). But if the quarrel arose between A and C, who were less intimately related, B would come to the aid of A, and D and E (who were descended from brothers of C's ancestor) to the aid of C. But the fathers of the two
sets of legendary ancestral brothers were themselves brothers; and if either A, B, C, D, or E became involved in a quarrel with a yet more distantly related lineage-group, F, then A, B, C, D, and E put aside their differences and combined against F. When the conflict with F was settled, A, B, C, D, and E would once more divide and resume their quarrels with each other; when the conflict between A and B, on the one side, and C, D, and E, on the other, was settled, A and B would then resume their quarrels. We have thus a fusion of sections against larger groups, and a fission into sections when hostilities with these larger groups were over. Where the groups lived far apart, and were distant in geography as well as in kinship, compensation was infrequent and fighting could continue without grave danger of social disruption. Where the groups lived more closely together, and were compelled by the exigencies of ecology to cooperate more frequently, compensations also became more frequent.

The patrilineal descent group was the vengeance group, upon the members of which lay the obligation to support one of their members who was injured by a member of another clan or sub-clan. But at the same time, the members of this vengeance group were scattered out over several villages, even in different tribes; and in a given village there might live together the members of several different clans. This scattering resulted in part from marriage rules, which forbade a man's marriage with a woman of his own clan; if a man, therefore, left his local group for any reason he was apt to go to that of his wife's relations, who were of another clan.
There were other reasons also for this dispersal. But at the same time, there was a sentiment of local solidarity. Gluckman writes, 24

This scattering of some vengeance groups means that a conflict arises between the loyalty of close agnates (i.e., persons related by patrilineal descent), the tie which above all demands solidarity, and the ties which link a man with his local community, which he must also support by custom as well as from interest. For though vengeance should be taken by the agnatic group, the fellow-residents of this group mobilize in battle behind it. Now if the vengeance group is scattered it may mean, especially in the smaller districts, that the demand for community solidarity requires that a man mobilize with the enemies of his agnates. And in the opposite situation such an emigrant member of the group which has killed may be living among the avengers, and be liable to have vengeance executed upon him. I suggest . . . that his exposure to killing exerts some pressure on his kin to try to compromise the affair. In addition, whether he remain where he is or escape home, he is likely to urge his kin to offer compensation, since he has many interests in the place where he resides. Conversely, if a man of the group demanding vengeance resides among the killers, he has an interest in securing that his kin accept compensation instead of insisting on blood for blood. Dispersal of the vengeance group may lead to a conflict between local and agnatic loyalties, and divide each group against itself.

"Divisions of purpose in the vengeance group," Gluckman notes, "are created above all be marriage rules." Thus among the Nuer a man should not marry, on pain of disease, accident, or death, (a) any woman of his own clan, or (b) any woman to whom relationship can be traced in any line up to six generations. Together these rules compelled the members of a clan to spread their marriages widely, with nearly every other clan in the local community. In marrying a woman, a man entered into an important relationship with her relatives, his in-laws. (The converse was also true from the point of view of a woman.) A man's interest in maintaining this relationship
gave him an interest in the pacific solution of such quarrels and grievances as arose between his own clan and his in-laws.

So for the welfare of his family, and the prosperity of his children, each man is led by his interests, and compelled by custom, to seek to be on good terms with his wife's kin. And he has, as the child of a woman from yet another group, an interest in being on good terms with his own mother's kin. Again, this interest is supported by customary rights to get help, and by the danger of suffering mystical retribution if he does not conform with these customs.

So much for conflicting allegiances and the peace of the feud among the Nuer. Gluckman concludes:

Hence the Nuer as individuals are linked in a wide-flung web of kinship ties which spreads across the land; and new meshes in this web are continually being woven with each fruitful marriage. These webs of ties, centring on individuals, unite members of different agnatic groups. And always local groups have common local interests.

And these create conflicts of allegiances, and over a wide span of time these conflicts create social cohesion and social solidarity.

What does this account suggest concerning the structural implications of feud-indemnities? At first glance we might think (as I did) that it indicates that we should not expect feud-indemnities where allegiances do not conflict, and we should expect feud-indemnities where allegiances do conflict. But this would be an overly hasty inference. What Gluckman's account does point out that conflicts in the allegiances of a man to the social groups of which he is a member, will motivate him to look for a peaceful solution to such inter-group disputes as he may be involved in; and if feud-indemnities do exist in a society, this conflict of allegiances will lead to a greater willingness to pay and to
accept indemnities rather than to resort to violence. And in primitive societies the greatest cause of such conflicts of allegiances are marriage rules that lead to the dispersal of the vengeance group throughout several local communities. Feud-indemnities, then, help to prevent open violence from disrupting the social bonds so established; and the importance of maintaining the bonds, if feud-indemnities are customary, motivates the use of indemnities to preserve said bonds. If indemnities are not present, conflicting allegiances may still exist: the difference is that the resulting pressure towards pacific solutions must express itself in a different manner. Therefore, we cannot say that the presence of conflicting allegiances implies the presence of feud-indemnities.

The other half of the proposition, that we should not expect feud-indemnities where conflicting allegiances do not exist, however, seems a more likely suggestion. Unless there were pressure to pay feud-indemnities, they would not, even if the concept of them were known to the people involved, be called upon to end disputes. Inter-group hostilities would, indeed, approach the character of war rather than of feuding. Conflicting allegiances are not, of course, the only conceivable sort of pressure—the necessity of economic cooperation, or the value of maintaining trading relationships, for instance, are conceivable alternatives, but they would seem to be the most likely sort, especially in primitive societies; and indeed, it is possible to construe the notion of conflicting allegiances sufficiently
widely to take in the necessity of economic cooperation or the value of trade relationships, so that perhaps after all we can equate pressure towards pacific solution of disputes with pressures arising from conflicting allegiances.

We may assert, then, that the absence of conflicting allegiances implies the absence of feud-indemnities, and as a corollary, that the presence of feud-indemnities implies the presence of conflicting allegiances. We can also infer that the absence of feud-indemnities may indicate the absence of conflicting allegiances, though their absence is not necessarily implied.

Converting this into hypotheses concerning feud-indemnities in Northwest Coast society, we predict the presence of conflicting allegiances among the northern and southern groups that have feud-indemnities, and we do not expect to find feud-indemnities where there are no conflicting allegiances. And we shall look to determine the presence or absence of conflicting allegiances among the Kwakiutl and Nootka, for the reported absence of feud-indemnities among these people may possibly be due to the absence there of conflicting allegiances.

But suppose that we do find conflicting allegiances among Kwakiutl and Nootka. What then? The problem with which this enquiry began was, Why did the Kwakiutl and Nootka not have feud-indemnities, while the other Northwest Coast societies did? If conflicting allegiances existed among Kwakiutl and Nootka, we will still not have answered the question. Let us ask, then, how a society with conflicting...
THE FEUD is the ultimate sanction and the last resort for resolving disputes. Feud-indemnities are a way of resolving disputes without necessarily having to use the ultimate sanction, or are a way of stopping the ultimate sanction before it goes too far—for while force may be the ultimate means of resolving a dispute, it is not the best way, and relied upon too freely can disrupt society. But suppose that a society's customary ways of settling problems and quarrels provided for resolving the trouble before it reached the feuding point. In such a system, we should not expect either feud-indemnities (though precedents for such wergild might occur) or a developed feud-system.

A fairly strongly developed chieftainship which could regulate the feud in its own interest might also serve to stop quarrels before the feuding point was reached; in this case, the absence of feud-indemnities could be taken to imply strong chiefs. But not necessarily so, however.

At the other end of the scale, how might a society without strongly developed chieftainship avoid evolving feud-indemnities? What would prevent disputes in such a society from reaching the feuding point and so prevent the necessity of inventing wergild?

Strong moral pressures to let bygones be bygones, such
as we have already noted (page 27) for the Nootka, might do such a job. But I cannot see how moral pressures alone would be efficient enough. After all, one of the implications of the preceding sections is that moral pressures (especially in the form of conflicting allegiances) also operate in classical feud-systems to encourage the payment of indemnities. Moral pressures must be accompanied by another factor if they are to succeed in their job.

This other factor might be an extensive degree of individual mobility, such that if an individual was not getting along very well in the local group with which he was staying, he could and would simply depart before serious quarreling broke out, and he might stay away either permanently or merely until the trouble had blown over and been forgotten. Moral pressures would serve in this instance to push the individual out before more drastic measures were needed. In societies without strong chieftainships (The Nootka and Kwakiutl, if I may anticipate succeeding chapters, were societies of this sort.), such individual geographic mobility might well be the reason why feud-indemnities would not develop and their feud-systems remain nascent.

At any rate, this proposition is the central thesis of this enquiry, and if it can be substantiated it will, I think, explain quite adequately why the Nootka and Kwakiutl did not have feud-indemnities, especially if these societies present the feature of conflicting allegiances.

One of the most important elements in this hypothesis
is the designation of the mobility involved as individual. The individual is not forced to stay with one social group all the days of his life. It does not matter whether the social group be nomadic or sedentary or, as among the North-west Coast peoples, semi-nomadic: if the individual be obliged to remain with this group most of the time, the group will have to evolve better techniques of social control than it would otherwise have to.

We may rephrase this hypothesis as follows:

(a) If the society permits and perhaps even encourages individual mobility, so that an individual does not have to remain all or most of his life with one social group, the society will have no need to invent feud-indemnities or to develop the feud beyond the nascent level, for when situations grow sufficiently tense that a flare-up is imminent, moral pressures will lead to one of the principals moving either permanently or temporarily to another community.

(b) If such individual geographic mobility does not exist, moral pressures will not be enough to resolve tension situations, and the society will evolve a classic feud-system, with feud-indemnities.

(c) And we may find that this mechanism is not an either-or business, but that the degree of individual geographic mobility in a given society will be inversely correlated with the degree of development of the feud-system in that society.
THIS CHAPTER has put forward a series of notions concerning feud-indemnities and their implications for the legal and political structure of communities. Before resuming the descriptive part of this enquiry, it would be a good idea to bring all these propositions together and set them down side by side one another for final inspection.

The first set of notions concerned types of feud-systems. I distinguished three types: nascent, classical, and decadent. The classical feud-system possesses feud-indemnities, but lacks chieftains who could regulate the right of private vengeance. The decadent feud-system, which is the usual form that the feud takes when it is on the way to being superseded by a state-system of legal enforcement, is the classical system with the addition of such chiefs or kings. The nascent feud-system, as the name implies, is an undeveloped feud-system, like a classical system without feud-indemnities.

The second set of notions concerned the possible effects of feud-indemnities of, on the one hand, increasing the efficiency of the feud as a method of legal enforcement by providing a means whereby feuds may be stopped before they go so far as to disrupt the society; and of, on the other hand, increasing the actual frequency of feuds by providing a motivation for feuding, i.e., feuding in order to get indemnities. Putting these two principles together yields the suggestions that societies without feud-indemnities would be either societies where feuding was infrequent or else soci-
eties with very short life-spans; and that societies with feud-indemnities would be societies with relatively frequent feuding.

The third set of notions concerned the effects of patterns of conflicting allegiances in motivating people to pay and to accept feud-indemnities rather than let violence become socially disruptive. Such conflicting allegiances would be created most often where vengeance group and local group do not coincide. Without such conflicting allegiances, intergroup hostilities would approach warfare rather than feuding. In societies with feud-indemnities, conflicting allegiances would counteract the tendency of feud-indemnities to promote feuding.

The fourth set of notions concerned feud-systems without feud-indemnities. In such societies, moral pressures, reinforced by the pressure of conflicting allegiances, would (if the society is to be viable) act to play down the resort to violence in revenge for others' misdeeds. But moral pressures would not be enough; they require to be buttressed by something else.

This something else is, I suggested, individual geographic mobility, such that an individual in trouble at home could leave his community either temporarily or permanently and go visiting friends or relatives until the trouble in question had blown over. If this is so, societies without feud-indemnities, i.e., with nascent feud-systems, should have a good deal more individual inter-group mobility than societies with feud-indemnities—for the presence of this
great inter-group mobility, according to this hypothesis, obviates the necessity of developing feud-indemnities.

This hypothesis, we should note, is intended to apply under the following conditions: (a) to societies where the feud is the chief institution for enforcing laws, (b) to social groups where the degree of legal community between the various groups is high, and (c) to societies already possessing the feature of conflicting allegiances, for the absence of this latter is sufficient to explain the absence of feud-indemnities. Under these conditions we should expect, if the hypothesis is correct, to find a high degree of individual geographic, inter-group mobility in societies without feud-indemnities, and a low degree of such mobility in societies with feud-indemnities; and we should not find a high degree of individual geographic mobility in a society with feud-indemnities, nor a low degree of individual geographic mobility in a society without feud-indemnities.

In the following chapters of this enquiry, we shall put the hypothesis to the test by seeing if the predicted phenomena occurred among the Northwest Coast Indians.

The logic underlying this method of verification is worth examining. The hypothesis asserts a linkage between high geographic mobility and feud-indemnities such that where one occurs, the other will not: (a) without feud-indemnities to stop feuding before it goes too far and disrupts the society, a society which feuds frequently will not last long, and hence feuding societies without feud-indemnities will be
either short-lined and probably in the process of disruption - when observed, or, if apparently viable, feud only infrequently; (b) the presence of feud-indemnities, while providing a method for stopping feuds before they disrupt the society, also provide a further motivation for feuding and will thereby tend to favour an increase in the amount of feuding, with the result that in societies with feud-indemnities feuding will be relatively frequent; (c) in societies with high individual geographic mobility, people who do not get along in the group they are living with, will move to another group before tension builds up to the point of violence and begins a feud, and thus a high degree of individual geographic mobility will keep feuding infrequent and remove the necessity, if the society is to survive, of inventing or adopting feud-indemnities. The degree of mobility is here conceived as an essential causal factor in the development of feud-indemnities, and feud-indemnities, therefore, as dependent on the degree of mobility. All this gives us the following proposition: If these hypothetical linkages do in fact occur, then we observe that where the degree of individual geographic mobility is high, feud-indemnities do not exist, and where the mobility is low, feud-indemnities exist.

This proposition is of the form "If H, then P," and verification of it takes the form of the argument:

If H, then P.
P.

Therefore H.

But this argument is logically invalid. It is entirely possible that the predicted occurrences might be due to the
operation of variables completely ignored by the premisses to be verified. On the other hand, such success at prediction does provide good reason for continuing to hold and to use the hypothesis until it is proven false; it remains useful in guiding us towards new discoveries. We may say that even if successful verification does not prove the hypothesis, it still confirms it.

But suppose that the prediction turns out to be false. We then get the following argument form:

If H, then P.
P is not the case.
Therefore H is not the case.

This is a perfectly valid argument. One instance of an event contrary to prediction is sufficient to falsify the hypothesis and to require that it be changed. Though this hypothesis can never be proven, but at best only confirmed, no matter how many positive instances occur, it may be decisively disproven by the occurrence of a single negative instance.27
II

THE NOOTKA

1

I BEGIN this account of Northwest Coast political and legal systems with a description of that of the Nootka because Drucker, to whom I have already referred in the preceding chapter, in his account of the Northern and Central Nootkan tribes spells out some of the consequences of the presence or absence of wergild. It would be appropriate, therefore, it seems to me, to begin with the Nootka and, in the following chapter, their cousins the Kwakiutl.

The Nootka may be roughly divided into three sections: Northern, Central, and Southern. The Southern Nootkans were set off from the other two by having a somewhat greater dialectical difference between themselves and the other Nootka than there was between the Northern and Central divisions. The Southern Nootkans included the Nitinats and, across Juan de Fuca Strait on Cape Flattery, the Makah. The Makah were descended from the Nitinat. The Northern Nootkans were distinguished by having developed confederacies including several tribal groups. And the Central Nootkans just lay in between.

The basic social unit among the Nootka, as among the other nations of the Northwest Coast, was the kin group headed by a chief who was (ideally) the most genealogically senior person of the group, owning territorial rights, one or more houses, and various other privileges. This group
bore a name which, among the Nootka, was usually that of their most important fishing station or, sometimes, that of a chief; and was traditionally believed to descend from a common ancestor. Says Drucker, "I sometimes refer to these local groups as lineages, for the Indians themselves considered them to be based on kinship, although the precise relationship of their members is sometimes difficult or next to impossible to unravel." As will be seen from a discussion of the Nootka rules on inheritance, membership in the group was claimed by virtue of any kin or affinal relationship whatsoever, be it through father, wife, mother, or husband. That is to say, the kin group was bilaterally rather than unilineally organized; it would therefore perhaps be more accurate to describe it as an extended family rather than as a lineage.

These local groups were next gathered together into "tribes", or groups distinguished by the possession of a common winter village, fixed ranking for their assembled chiefs, and usually a name. Each extended family owned one or more great houses in the village where it wintered. Among the Central and Southern Nootkans, the tribe was the largest political unit.

The tribes of the Northern Nootkans were mostly organized into larger groups that Drucker terms "confederacies". These were distinguished by possession of a common summer village, seriation of their chiefs, and a name, usually that of one of the extended family groups. These confederacies...
cies matched, by and large, major geographical divisions: the Kyuquot confederacy included all the tribes of Kyuquot Sound; the Moachat confederacy, all the tribes of Nootka Sound except those along Muchalat Arm. These confederacies were units for war as well as peace, and intraconfederacy wars were unknown except for one or two distant traditions.

Each local group was normally represented by at least one permanent house in the tribal and confederacy villages. Each house had four chiefs, more often than not brothers or close paternal kin, one of whom lived in each corner. The chief of highest rank always resided in the rear right-hand corner (right was reckoned facing the door), the next highest in the rear left, the third in the front left, and fourth to the right of the door. Although the first chief was the real owner of the house the others hereditarily owned the right to their respective places. Other places were not owned: lower-rank people and commoners affiliated with the group lived where they pleased between the corner places. Such people were termed collectively "maiyutsa," perhaps best translated by the word "tenants." A numerous local group might have two or even more houses at the winter and summer places, each with its chiefs and tenants, as above. Ordinarily the whole local group acted in concert on ceremonial occasions, though sometimes a single house, when there were more than one from the same place, gave a feast or potlatch alone.

The mention of tenants brings up another striking feature of Nootkan society, a feature which it shared with the Southern Kwakiutl, namely, the great degree of individual mobility. Those persons who held rights to seats in the house, i.e., chiefs and their immediate families, would tend to stay most of their time in the house in which they had rights. Not completely, of course—they would also do a good deal of visiting, in connection with potlatches and other ceremonials. But commoners enjoyed a sort of perpetual transience. They were but loosely attached to any particular house group, and were continually moving in,
"staying for a short while, then moving out." 6

This is closely connected with attitudes towards kinsfolk. In theory, one had relations only with one's kin—but in fact, the flimsiest possible, even fictional, kinship relationships were enough to justify any relations one might care to have. 7

Rules of inheritance were as informal as the population was mobile. Drucker's description makes this perfectly clear:

If the procedure of taking an inheritance involved considerable formality, the line of descent of rights was singularly unencumbered by rules. A given privilege could be inherited by the eldest son, or shared by several children (all having the right to use it); it could be given to a daughter until her marriage and then bestowed on her brother; it could be given to a son-in-law, who might, as the giver specified, have sole right to it or share it with his wife's brother. . . . Ordinarily, a daughter would keep (or a son-in-law be given); only such rights as were transportable (names, songs, dances, etc.), and not such things as seats and fishing rights, unless her husband affiliated himself with her group. It sometimes happened, however, and in recent times with the decrease in population, has become more common, that a woman might retain even such unportables. If a woman has no brothers her eldest child will inherit his father's rank and rights (if as high or higher than the mother's), and the next will be "put in his mother's place"—taking her seat and all other rights. If the mother were of higher rank, the eldest took her rights. If a man had no children of his own, he might put a brother's or sister's child in his own place. If he had choice, he would likely take one who otherwise would not have so many rights.

Marriage was prohibited only between siblings, parents and children, and parents-in-law and children-in-law. Marriage between first or second cousins was generally avoided, but aroused no feelings of horror: the Chickleset of Checleset Bay formerly often married first cousins, but while this was described as "funny", the Chickleset were still
regarded as "good high-class people" who gave lots of potlatches. There was also a sentiment that kinship between two families gave one "the right to ask for the girl" of the other.\(^9\)

Polygyny, the levirate, and the sororate also occurred.

In marriage, there was the concern for rank usual in all the Northwest Coast peoples. Chiefs would marry women of chiefly rank. Among the Nootka, commoners might marry slaves, but the children of such unions had "the sorriest of heritages, the 'name of slave'."\(^10\)

There were three ranks: nobles, commoners, and slaves. Each of the freeborn had his or her own distinct ranking (though perhaps less concern for the exact position was found among commoners than among nobles) determined by genealogical distance from the head chief of the local group.

2

EACH OF the basic units of Nootkan society, the "lineage", was headed by a chief who was, at least in theory, and usually in practice, the genealogically most senior person of the group, as traced by patrilineal primogeniture from the legendary founding ancestor. By virtue of this position he inherited certain rights and duties, and it was by virtue of this inheritance that he enjoyed such authority as he had.

As head of the property-owning "lineage", the chief was the custodian, steward, or manager, as it were, of the property of the group. All sites at the village of the lineage were under his authority, and others might erect houses there.
only with his permission. "Similarly, the sites of the tribal and confederacy villages were private property, as were the fishing places in the rivers and the sea, and hunting and gathering locales." Indeed, all the territory of the Nootka, barring some remote inland areas, was regarded as the property of the chiefs.

The conditions under which a group member was permitted to exploit a chief's territory expressed public acknowledgement of the legitimacy of the ownership. They were as follows: No one might fish on any important fishing ground until the owner formally opened the season either by ordering some men to go out to procure the first catch or the first two catches for him, or by calling on all to accompany him on the first expedition of the season. After this, men could go when they pleased. Sometime during the season, or afterward when the product had been dried, the chief sent men to collect "tribute" (o'umas) for him. This was nothing more or less than a tax exacted in kind for the use of his domain. No definite amount was specified; it was left to each man to give what he could. Informants say, "The fishermen gave all they could spare. They didn't mind giving, for they knew the chief would give a feast with his tribute." The foodstuff collected in this fashion was always used to give a great feast, at which the giver announced it had been obtained as tribute, and explained his hereditary right to demand tribute from that place. He invariably concluded by requesting the people to remember that the place belonged to him, "to take care of it for him," though they might use it as they wished after the formal seasonal opening. The right to exact this tax demonstrates very neatly the relationship between chiefly status and property ownership. Each chief collected this tribute from whatever fishing grounds he owned, river, inlet, or fishing banks.

A chief similarly owned the berrying grounds, and had rights to the first fruits thereof. He did not exact tribute from hunters, although he owned the hunting grounds, though he could, if he had a special reason for giving a feast, ask the hunter for the game or send him out to hunt. He also had salvage rights to anything cast derelict upon the shores belonging to the lineage.
The Nootkan chief also enjoyed several ceremonial privileges. These consisted of "the right to give certain rituals or to perform a certain act in them, the ownership of dances and songs, and the ritual names that went with each privilege of any sort."\(^1\)

The commoners were therefore dependent on their chiefs for the necessities of life, giving in return their services. But the chiefs depended no less on the people. Drucker\(^1\) writes:

> It was commonly recognized that the individual chief's ability to "keep up his name," that is, to live up to the reputation of his forebears in potlatching and feast-giving depended on the people (middle class and commoners) living in his house. "That is the way with a chief," explained an informant. "If his 'tenants' are good, helping him lots [working for him, giving him wealth], then he will get a good name, he can do much [i.e., potlatching]. If they are no good or don't care for him, he can do nothing." In return for their contributions, the chief took their children in his Shamans' Dances to name them (giving them their own hereditary names, or some of his own), he assisted them in marriage and other matters, often "lending" his own privileges for them to use.

This dependence of the chiefs on the people comes out also in connection with the residence patterns and the great individual mobility of the Nootka. These have already been briefly mentioned, but it will be appropriate to enlarge on them further.

While residence was nominally patrilocal, there was no fixed rule. Chiefs tended to stay most of the time with the lineage group in which they owned property, either the maternal or paternal line, depending from which side the property came. Commoners or lower-rank people fell into two classes: those who lived in the corners of the house with some chief
to whom they were usually, though not always, fairly closely related; and those who lived along the sides of the house, and were most usually called "tenants" (maiyastsa). Then in a very important passage, Drucker\textsuperscript{15} goes on to describe the mobility of the various classes of people, and its impact upon the chiefs:

The mamutswini\textsuperscript{im} /i.e., those who lived in the house corners/ tended to be more definitely associated with their chiefs than were the ordinary "tenants". Their original association, of course, with a particular chief was based on choice, as well as kinship, rather than on any arbitrary rule. Often they were given minor privileges in an effort to bind them more surely to their chiefs. The "tenants" proper were for the most part perpetual transients. A man might spend a year or two in his mother's house, the next in his wife's father's, then live with his father's mother's group, and later go to live awhile with his son-in-law. One receives the impression that there was a continual stream of people, mostly of low rank, pouring in and out of the houses.

As one informant put it, when trying to name the people living in his father's house during his own boyhood, "The people who lived in the houses used to move in and out all the time. After a man had stayed with one chief awhile, fishing and working for him, he would decide he had helped that chief enough, and would move to the house of another chief to whom he was related. If a man stayed too long in one house, his other relatives became jealous. They would think he didn't care for them any more."

With whatever group a man happened to be living, he identified himself completely. For the time being, he centred all his interests and loyalties in that group, and participated in all its activities. He tended the chief's fish traps, contributed food and property for feasts and potlatches, danced and enjoyed himself at the festivities. Only rarely were conflicts aroused by this temporary sublimation of other bonds, for he was really a member of the group through kinship. If he had not been related one way or another he would not have lived there at all. Were his housemates uncongenial he would not stay.

From a chief's point of view, this migratory residence habit was far from advantageous. All his cherished rights would be of little use to him if he could not muster enough manpower to exploit them. The fish traps from which he derived not only food for feasts but his
very sustenance required many hands to erect and tend. Little good the sole ownership of a stranded whale would do him were it not for many strong arms to cut the blubber and strong backs to carry it. Most of his ceremonial prerogatives required many singers and dancers to be properly used. So he was in every way dependent on his tenants. Every chief recognized this; it was taught him from childhood. His problem was, therefore, to attract lower-rank people to his house, and to bind them to him as much as possible. This he did by good treatment, generosity (giving many feasts and potlatches), naming their children, etc. A family noted as good workers, lucky and skillful hunters, or clever craftsmen would be courted to the extent of giving them economic and ceremonial rights, to entice them to associate themselves more permanently to his house. Even lazy no-accounts were not discouraged from residence; their close kindred might feel hurt and move out too. Should one family definitely sever their connections with one group, others would welcome them, no matter what their reputation had been.

This passage indicates the nature of Nootkan individual geographic mobility very clearly. It shows the checks on chiefly power. It shows explicitly also that people who did not get along with one group would shortly leave for another. And it also indicates positive moral pressure not to stay too long with one group, lest one's relatives in other groups feel slighted. For these reasons, I have quoted this passage in full despite its length.

Even with the chiefs, visits might be quite long. One Ehetisat chief on one occasion spent a visit of five years with relatives at Kyuquot, and on another occasion spent a visit of two years there.16

3

WE COME now to the legal system of the Nootka.

It is worthwhile mentioning that as Drucker gathered his accounts of life among the oldtime Nootka, he was impressed
by the relative rarity of actual violence and discord. As he expresses it: 17

For each person who found himself writhing on a dilemma's horns, there were many individuals of whom informants said, "Oh, there's no 'story' about him. He was a nice man; everybody [i.e., his tribesmen] liked him. He never had a big trouble as long as he lived."

Violence was disapproved of. If fighting broke out, bystanders would intervene to separate the combatants. After a fight, a man's relatives would attempt to calm him and to cool his temper, advising him to forget the affair, and not to degrade his name and the reputation of his family by fighting. "This last bit—that one should not answer a person seeking a quarrel, and should even let a blow pass unreturned—was a well-recognized principle in the art of getting along with other people." 18 Many people, apparently, practiced this difficult counsel.

The principal sources of conflict seem to have been sexual jealousy and witchcraft. 19 Witchcraft itself would be used by someone as a form of taking revenge for other quarrels. Murder, that is, murder by outright violence rather than by witchcraft, either for gain, revenge, or solution to personal antagonisms, was uncommon. Stealing from a fellow tribesman was also very unusual. 20 I should like next to quote from Drucker 21 his account of the Nootka chief morganized; this man was distinctly unusual, and even his fellows considered him "crazy". The account is revealing:

Since the termination of the intertribal wars in the 1870's, there have been remarkably few killings among the Nootkans—informants can recall only seven or eight since that time. Of those, three were wanton slayings committed by one individual who, though not definitely abnor-
mal, was antisocial, and considered as such by his contemporaries.

Moqwina was first chief of both the Ehetisat and the Moachat. His father was the Ehetisat chief, his mother, elder sister of the Moachat chief. When his mother's brother died without direct heirs (he was the ctwuc killed by the Muchalat war chief), Moqwina obtained his dual chieftainship. Having thus tremendous prestige and authority, and apparently a sadistic tendency, he became a tyrant and a bully. No one would stand against him because of his rank. He committed three brutal murders and many malicious acts. Finally public sentiment at Ehetisat began to rise against him. Almost all the people moved out of his house; he could scarcely get men to paddle for him when he went anywhere. One or two of the stronger chiefs stood out before their houses and publicly upbraided him. An old man whom Moqwina called "grandfather" stood up during a feast, saying to him, "My grandson, I want you to tell me what you're doing. This is the third time you have killed a person. No chief has ever done such things before. It is bad; you will never raise your children if you do that way." Moqwina ceased going to feasts and potlatches. At last after a particularly malicious act (smashing up some boards a man had spent several weeks making), a victim rebelled, vowing to kill the tyrant. Only with great difficulty was he dissuaded from this act of lese majesty. Moqwina became frightened and moved to Nootka. He never returned to live at Ehetisat (though he did give some potlatches there long after). . . .

This resume of a long biography reveals a number of things concerning social control. First of all there was no formal machinery to punish wrongdoers. People did not know quite what to do about the situation. They talked against Moqwina and refused to cooperate with him, but his rank gave him a certain immunity from physical harm. To the advice and pleas of his elders he turned a deaf ear. Finally the resentment became so obvious and unpleasant that thick-skinned as he was he had to leave. Informants do not know what would have happened to a man of lesser rank who behaved like Moqwina; none ever did.

Feud-indemnities did not exist among the Nootka. There is no mention, even, of peace-offerings made in cases where a person was injured.22 (The peace-offering was found among other Northwest Coast peoples that did not have feud-indemnities properly so called, as the following chapters will
THE LEGAL SYSTEM of the Nootka was very undeveloped, and their feud-system very nascent; this, at least, is what the above data indicate. Two factors seem to have been responsible for this: the strength of moral controls such as gossip and remonstrance and of moral sanctions such as shame, ridicule, and withdrawal of social support; and the exceedingly high degree of individual geographic mobility, permitting an individual to leave a group with which he could not get along before open violence and the feuding point were reached. The threat of social disruption if personal quarrels were allowed to spread and involve families seems also to have buttressed moral pressures.

We have it explicitly stated by Drucker that the Nootkans themselves recognized that if violent conflict once got started there was no means of ending it short of extermination of one side, and that this danger motivated them to keep the peace. In this, we can readily see how the absence of feud-indemnities could be a contributing factor in lowering the frequency of feuding in a society.

Another hypothesis put forward in the preceding chapter was that a social set-up which favoured the creation of conflicting allegiances would by so doing create moral pressures towards compromise and pacification. The Nootka social order was sufficiently fluid to set up conflicting allegiances, even though a man's allegiance was supposed to be given.
to the group with which he was residing, even if his residence was but temporary. That conflicting allegiances did exist, and that they had some of the anticipated effect is shown by the following short items:\(^{24}\)

War produced violent strains on individuals who were torn between two loyalties. . . .

On the level of strategy rather than tactics was such a practice as that of leaving families or groups of the enemy unmolested, if it were known that they were inclined to be friendly to the attackers (because, for example, of close kinship). It was hoped that this would cause internal dissension among the enemy, and might lead them to abandon their war projects.

War created many difficult social situations, aside from the discomforting knowledge that an attack was impending. A single local group or tribe contained at any time women from and individuals closely related to the various neighbouring groups, so that many people were torn between two sets of loyalties. Women tended to favour their blood kin, rather than their husbands and in-laws at these times, and thus it was that plans were often betrayed, and information was given to attackers. Some men wavered in the balance for a long time.

These comments are made in a description of the Nootka war-complex, but since personal conflicts and desires for revenge could lead to fighting that could in turn develop quickly into a full-scale war rather than a feud, the comments are still relevant.

Nootka wars seem to have been fought primarily for economic reasons, or to have been undertaken following an important death in a group "not only that the dead should be accompanied, but that other people should mourn as well."\(^{25}\) Revenge would constitute an ever-convenient excuse with which to give a cloak of legality to such an enterprise. Still, Nootka wars were wars rather than feuds, and were distinctly extra-legal in character.
The data are clear, also, concerning the way in which the great degree of individual geographic mobility helped to minimize social conflicts and to keep the legal system of the Nootka in its very undeveloped condition.

WHAT WAS true of the Northern and Central Nootka was not, however, true of the Makah of Cape Flattery. The legal system of the Nootkan-speaking group resembled that of their Salishan-speaking neighbours. Swan gives the following account:

In cases of theft, adultery, or murder, an opportunity is always offered to compromise the affair by restitution of the stolen property; and by the payment of a certain amount of blankets, guns, or canoes for the other offences; the amount of such payment being decided by the friends of the plaintiff in the case. If no such compromise is made, the aggrieved party will take his revenge either on the person who has committed the offence, or on any of his relatives; this revenge will be satisfied by breaking up a valuable canoe, taking forcible possession of any blankets or guns that may be had; or, if the offence consists in murder, by shooting or stabbing the offender or his nearest relative.

The threat of violence seems also to have worked. There was, for instance, a public nuisance: he was publicly shamed and warned that if he didn't mend his ways more violent sanctions would be applied—he mended his ways.

It is, however, difficult to evaluate this information because of the lack of essential data. Individual geographic mobility is not mentioned at all—but it would be hazardous to conclude that it did not therefore exist. Marriage practices seem to have been similar to those of the Makah's...
Salish neighbours. One was not supposed to marry blood kin, unless the connection was "very remote"; Swan could find no instances of marriage with a relative closer than a fourth cousin. This practice led to a great many marriages with people of other tribal groups. If the Makah were similar to their Salish neighbours in residence practices, their individual geographic mobility would have been moderately low; and this would be in accord with theoretical expectations. But without further evidence, speculation is useless, and it is preferable to mark the Makah: "?"
III

THE KWAKIUTL

1

AT THE northern end of Vancouver Island and on the mainland opposite, that is to say, on both sides of Queen Charlotte and Johnstone Straits, dwelt the Southern Kwakiutl. These people were divided by Boas\(^1\) into three groups distinguished by separate dialects: the Koskimo, who lived on the west coast of Vancouver Island, most especially about Quatsino Sound; the Newettee, who dwelt at the very northern-most end of Vancouver Island and were the most exposed of all the Kwakiutl;\(^2\) and the Kwakiutl more properly so called. "Kwakiutl" itself is an extension and modification of the name that the Kwakiutl of Fort Rupert called themselves.

The basic unit of Kwakiutl society was the numaym, a group which resembled an extended family. The Kwakiutl numaym was a named group associated mythologically with a traditional place of origin; owning property consisting of fishing locations, hunting territory, and one or more houses in a winter village; and headed by a chief or headman descended, at least in theory, in the most senior genealogical line from a founding ancestor. The members of the numaym consisted of people related, sometimes closely, sometimes distantly, usually patrilineally, but sometimes through their mothers or wives, to the chief. There would be at any given time probably a number of visitors dwelling with the people of the numaym, and some of the members of the numaym would also likely
be away visiting. The numaym was in pre-contact times the potlatching unit, the resource-exploiting unit, and the unit of social control. 3

Attachment to a locality and possession of name, crests, and a headman seem to be the most constant defining characteristics of the numaym. There is an indication that kin or affinal relationships were not the only method of gaining entry into a numaym. Goldman notes, 4 "The numaym also includes individuals, not members of the bilateral family group, who have been given or purchased names belonging to the numaym." Possibly, such bought membership might descend on the children of the buyer; but this is speculation.

The kinship terminology of the Kwakiutl was that of a bilateral system. A man's mother's or his father's parents were together known by the same name, grandparent, much as in our own system; his mother's or his father's siblings were known as uncle or aunt, again after our manner; all his first cousins were known as brother or sister; and all his son's or his daughter's children were his grandchildren. (The words in italics represent approximate translations of the actual Kwakiutl kinship terms.) The significance of this kindred, ramifying as it did through several communities, may be seen in Ford's 5 account of the hospitality given the Kwakiutl traveller:

If ... a man visited the village from which his mother came he would stay in the house of his grandparent, his mother's father, or perhaps that of his uncle, his mother's brother. They would treat him as a member of their family, affording him hospitality and protection in a strange village. There, too, he would probably find some
of his cousins: brothers with whom he could hunt and
dish and sisters who would wash and repair his cloth-
ing. In other villages he might find some more distant
relative with whom he could visit and be sure of food,
lodging, and protection. By way of contrast to the clan
group /that is, the numaym/, which shared a common locality, the kindred extended beyond the community and bound
members of different tribes and villages together.

The next larger unit of Kwakiutl society was the tribe.
This was composed of a number of numayms which shared a com-
mon winter village site. In summer the villages broke up
and the various numayms departed for their various summer fishing stations. At these summer grounds, groups living
in separate winter villages would meet. This seasonal mi-
gration was an important feature of Kwakiutl life, and in-
volved both intertribal meeting and some sharing of access
to resources.

Marriage was an important event in Kwakiutl life. Essen-
tially it was a link between two numayms, and the father-in-
law of the groom gave the latter crests and privileges (if
he had them to give) to be held in trust for the groom's children. These gifts gave the children rights in their
mother's numaym, and there are many instances in the genea-
logies recorded in Boas' "Ethnology of the Kwakiutl" of
younger sons going to live permanently in their mother's
numaym.

The best short summary of the exchanges of gifts in-
volved in a Kwakiutl marriage is Wardle's, and I give it
below:

The cycle of Kwakiutl life properly began with the
marriage. Brides, like "coppers", came under the law of gifts. The suitor offered to the father of the girl
gifts commensurate with the rank of the two families.
The counter-gift came in the form of the bride, and, a little later, in blankets, boxes of eulachen oil, together with a clan name. He proceeded to give away the blankets and consume the oil at a feast, when he resumed his own name. These blankets would return to him in double measure when he needed them later on. The advent of a child brought more gifts from the father-in-law—much valuable property, a crest of the clan with its privileges and rights to certain dances. Those he held in trust for his own son or his daughter's son. When other children had been born, the son-in-law received yet greater gifts, but returned his wife to her father. She might choose to "stay in the house for nothing," but the prestige of her husband would impel him to renew the marriage by a new gift.

Some remarks are in order. First, this cycle of marriage exchanges seems to have been more pronounced the wealthier the people involved. Chiefs would marry chief's daughters or sisters—but not commoners. Rank and wealth went hand in hand, and people of disparate wealth did not marry each other. Most of our data on marriage consists of descriptions of the marriages of chiefs and other high ranking persons, and comes also from a time when the status system was in an upheaval due to the effects of contact with European civilization. My impression is that the marriages of commoners were less both in quantity of goods involved and in complexity of exchanges carried out.

Second, the privileges and crests given by the father-in-law to the son-in-law consisted chiefly in rights to dances and songs for the winter ceremonials. The office of chiefship could not be given away in marriage, but only handed down patrilineally. A man could give away to his son-in-law only those privileges he had received from his father-in-law. Formal marriages were ideally between members of differ-
An examination of genealogies collected from the Fort Rupert People reveals that these people married as far wide as the Haisla and Bellabella to the north and the Nimkish Kwakiutl and even the Salish-speaking Comox to the south. Most of their marriages were within the Fort Rupert group, but this was an exceptional group, combining four separate tribes each with three to six numayms. Concern for the dances and privileges which could be obtained by marriage is an evident motivation for marrying so widely.

But while the desire to acquire such privileges led to marrying outside the numaym, the desire to retain privileges had sometimes the opposite effect. A good many chiefs among the Kwakiutl tribes married the daughters of their younger brothers "because they do not want their privileges to go out of their family." We may therefore draw the conclusion that while there was a strong tendency towards numaym exogamy, there was yet no hard and fast rule that one must marry outside one's numaym.

Another important feature of Kwakiutl society, already indicated in the description of the Kwakiutl bilateral kindred, was the great degree of individual geographic mobility. People would visit their relatives, sometimes for long periods before returning home. Often they would shift residence to another numaym. And there were the extensive visits of the potlatch season and the winter ceremonials. In historic times we also have accounts of depopulated groups (depopulated through disease or war) moving in and settling with
The mobility has continued to the present day in the Kwakiutl country.

The classic description of Kwakiutl ranking is given by Boas in his "Social Organization and Secret Societies of the Kwakiutl Indians":

So far we have considered the clan [i.e., numaym] as a unit. The individuals composing the clan do not form, however, a homogeneous mass, but differ in rank. All the tribes of the Pacific Coast are divided into a nobility, common people, and slaves. The last of these may be left out of consideration, as they do not form part and parcel of the clan, but are captives made in war, or purchases, and may change ownership as any other piece of property. The clan of the Kwakiutl is so organized that a certain limited number of families are recognized. The ancestor of each of these families has a tradition of his own aside from the general clan tradition, and, owing to the possession of the tradition, which almost always concerns the acquisition of a mani­tou, he has certain crests and privileges of his own. This tradition and the crests and privileges connected with it descended, together with the name of the ancestor, upon his direct descendants in the male line, or, as indicated above, through marriage of his daughter, upon his son-in-law, and through him upon his grandchildren. But there is only one man at a time who personates the ancestor and who, consequently, has his rank and privileges. The individuals personating the ancestors form the nobility of the tribe. The number of noblemen is therefore fixed. They are not equal in rank, but range in the manner in which their ancestors were supposed to range. At all festivals they sit in the order of their rank, which is therefore called the "seat" of the person.

Boas next, as an example, gives the list of seats of the Mamaleleqala tribe from Village Island. The numaym Teml­temlels had 32 seats, the Wewamasqem 21, the Walas 42, and the Mamaleleqam 30. He then continues:

These names are acquired by different individuals, but they are not necessarily retained through life, as with a new marriage a new name may be obtained from the new wife's father. The series is not beyond all doubt, since in many instances the Indians are not now-a-days quite certain as to the order of names. This is due to the fact that there are not enough individuals in the
tribes to occupy all these places.

There was, it seems to me, quite a difference between these ordinary titles and the office of chief. For one thing, this passage by Boas strongly suggests that titles or "seats" could be acquired by marriage, whereas other data clearly indicate that the office of chief could only be inherited patrilineally. There is also and intimation that the "ordinary titles" may have fallen into two kinds: those which could be given away to one's son-in-law and those which could not. The connection of the ordinary titles with dances and the spirit quest also sets them apart from the position of the chief. As it seems to me, the titles were chiefly important in determining ranking at potlatches and hence the size of the gift received by the title-holder, and in the ordering and presentation of the winter ceremonial. In aboriginal times, only chiefs gave potlatches, and most of the title-holders would thereby be ineligible to do so. The description that Boas gives refers, strictly speaking, to a period in Kwakiutl history when, following contact with fur traders and the Hudson's Bay Company, there was a greatly increased supply of wealth, notably from non-traditional sources, and greatly enhanced status rivalry.

Seats within the numayms, numayms within the tribes, and tribes generally within the Kwakiutl nation were theoretically ranked in serial order. We may best understand the pattern with a hypothetical and over-simplified instance of two tribes each containing two numayms each with four seats—this is oversimplified because there were more
tribes, more numayms, and more seats:

<table>
<thead>
<tr>
<th>Tribe I</th>
<th>Seat 1</th>
<th>Seat 2</th>
<th>Seat 3</th>
<th>Seat 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numaym A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tribe II</td>
<td>Seat 1</td>
<td>Seat 2</td>
<td>Seat 3</td>
<td>Seat 4</td>
</tr>
<tr>
<td>Numaym B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

......Highest ranking seat of highest ranking numaym of highest ranking tribe.

......Lowest seat of lowest numaym of lowest tribe.

This was, of course, ideal. In point of fact, the various tribal rankings probably overlapped, so that, for instance, IIA1 was only a little less below IA1. Similarly with the actual relative ranking of the numayms. This rank order was neither fixed nor always definite: when the four tribes that made up the Fort Rupert group first came together there to establish a permanent village close by the Hudson's Bay Company fort, there was an upsurge of competitive potlatching whose purpose was to establish more definitely the relative ranking of the various chiefs.19

While such rank was inherited and mythologically validated, and though it seems formerly to have been relatively stable, it had to be re-validated and re-asserted by means of potlatches, and the giver of a potlatch received increased prestige and his ranking might be also changed for the better if the chiefs to whom he gave the potlatch were unable to
reciprocate as generously as he. But as in olden times only numaym heads could potlatch, it would be the ranking of the numayms which would change.

2

THE POSITION of the chief or numaym head among the Kwakiutl was described by the people themselves as "the office of giving potlatches among the tribes," an expression which points out the position of the chief as the representative of his numaym and his especial task of potlatch-giving. In former times, as already stated, only chiefs potlatched.

The chief was the custodian of the resources of the numaym. As such, it was his duty to perform the necessary rituals concerning the exploitation of these resources at the appropriate season. In this position, he received a certain portion (sometimes called "tribute") of the fish, seals, deer, etc. caught by the men (see texts quoted below). His wife similarly received a portion of the berries and roots collected by the women. With this supply the chief could hold potlatches (though not always without further assistance), and could pay for the carving of totem poles, the construction of canoes, and the erection of a new house.

As a political authority, the chief of the numaym had influence but not great power. He had prerogatives which he quite jealously guarded, but he might not abuse them overmuch. Thus, the chief was entitled to a fair portion of the game brought in by a hunter. Boas has some revealing texts on
When the hunter goes out hunting, and he gets many seals, the hunter takes one of the seals and gives the seals as a present to the head chief of his numaym; for he can not give one-half of them (to the chief),—even if the hunter has obtained many seals,—and give a feast with the other half left from what he had given to the chief. Therefore, the hunter takes one seal for food for his children and his wife. The hunter, who does so, is treated well by the chief. If a stingy hunter gives half of his seals to the chief because he prefers the price offered by another chief of another numaym, then the chief of the hunter's numaym tries to kill the hunter, and often the chief strikes the hunter so that he dies, if the chief is a bad man; and, therefore, the chiefs of the various numayms own hunters. The seals are all given to the chiefs by the hunters, for the meat of the seal is not dried.

Mountain goat hunters, when they get ten goats by hunting, give five goats to the chiefs of the numaym, and the goat hunter keeps the other five goats and dries the meat. Sometimes the chief cuts up the goat meat for his numaym, when he wishes to do so. If he wishes to dry it, he does that way. When the chief is a good man, he does not take the goat away from the hunter by force, and the good chief never thinks that the one-half given to him by the hunter is not enough. If the chief is bad, he wishes more than half to be given to him by the goat hunter, and if the goat hunter does not wish to give more than half of the goats, then the bad chief will take them away by force. Then the bad chief may kill the goat hunter, but generally the goat hunter kills the bad chief, if he overdoes what he says to the hunter.

Another text$^{24}$ speaks of the qualities of an ideal chief—qualities often enough missing for their presence to be consciously valued, but probably also often enough achieved to be counted as more than a counsel of perfection:

"I mean this, chief Li:asotiwalis, that you may show that you are noble, that you may not look angrily upon your fellow men and that also you may not speak proudly and that you may not be childish, for he is a good chief who is kind, speaking kindly to the people, that you may really be treated nicely like a chief by your people."

This text specifies the ideal conduct, and at the end openly states the sanction which will punish deviations from that
POLITICAL INSTITUTIONS were very undeveloped among the Kwakiutl. The closest thing to a political unit was the numaym, and, as I have already mentioned, an individual could change his numaym quite readily, or, at least, could spend much of his time visiting relatives in other numayms even if not actually joining those numayms. If this was so, we would also expect that it would be easy for a man wishing to avoid unpleasantness, to leave home for a time without much fuss and bother until the unpleasantness (unless something serious, such as murder, was involved) had blown over. If necessary, he need not return.

By withdrawing support from its members, the numaym could punish them for going beyond reasonable bounds of action. They could always kill even a chief who became too overbearing and tyrannical.\textsuperscript{25}

But while the numaym could do this, would it necessarily want to? Curtis\textsuperscript{26} tells the tale of Kesina, a Kueha warrior who was continually threatening to kill his own people by magic if they would not give him property. Then Kesina killed a Tlaaluis man, and the Tlaaluis killed Kesina in return. The Kueha did not object very much, and were glad to see Kesina go. It is, however, significant that they themselves did not raise a hand against him.

The mention of magic brings to mind another element of
Kwakiutl law-ways, viz., the recourse to sorcery. There are indications\(^2\) that people often believed in the powers of the shaman or sorcerer enough for the belief that one has been bewitched to death to cause death itself. Boas\(^2\) gives an instance of a commoner who came into possession of a "copper" (normally reserved only for nobles). A noble spread the rumour of witchcraft, and the commoner became frightened and fell sick. He relinquished the copper to a chief, and died. Coincidence? Perhaps. But the incident is revealing as an instance of the use of sorcery and rumours of sorcery as an instrument of social control among the Kwakiutl.

There was no formal institution of feud-indemnities. Revenge for murder was the responsibility of the victim's numaym. The pattern of blood revenge may be illustrated by the following text from Boas.\(^2\) I reproduce it in full because it is the only detailed instance of murder and its consequences that (apparently) we have on record for the Kwakiutl.

For the early Indians had no courthouse, they had no judges and they had no witnesses. If one who belongs to another numaym kills even a common man belonging to another numaym, then after a short time they have a meeting.

Let me say, for example, that there was Yaqolelasem who killed his mother, Gwekilak. Nobody knew where Meled had gone. Then it occurred to Gwekilak to invite the Gexsem, the number of her dead son, and as soon as the whole numaym Gexsem had come in, Gwekilak spoke and said, "Come, numaym, Gexsem, you who have no chief, for your head has been taken off. Gexsem, and your numaym is disgraced by the numaym Yaexageme, and this disgrace will not be
ended for the coming generations of the Gexsem. Now, is it well in your minds that you do not kill in return, that the other one may die who killed your chief?" Thus she said to the numaym Gexsem. Then Chief Gweyem-dze,—for he was the second chief after Yaqolelasem in the numaym Gexsem,—spoke and said: "Listen to the word of my aunt, about what has been done to our head chief Yaqolelasem. Now we are disgraced, for we have disgraced the future generations of the numaym Gexsem. I mean all you warriors and young men. You shall hide (under your clothing) knives and stab Meled as soon as you see him, that we may wash off with blood the disgrace which he brought on us; and if you do not see him, then kill his elder brother Dalepilas." Thus he said. After he had finished his speech, they went out of the house of Yaqolelasem, and from that time on, the Gexsem all kept their knives ready and hid small axes. Meled always kept the door of his house bolted.

Now they knew that Yaqolelasem had been killed, and all the tribes knew that he had been killed by Meled. Then the chiefs of the tribes all pitied Gwekilak, and therefore the warriors of the tribes watched for Meled to kill him, when they could see him.

However, he was seen at Dzawade, and immediately Gwawina shot him. Then Meled was dead. Gwawina was a warrior of the Q'amq'amtelal, a numaym of the Denaxdax. Then Gwekilak paid Gwawina a slave for shooting Meled.

It was wrong that was done by Gwekilak, when she paid a slave to Gwawina, when he had shot Meled; and it is a disgrace to the numaym Gexsem. The numaym Gexsem was beaten by the numaym Yaexageme, and it is a disgrace to the name of the numaym Gexsem, after that.

Now if Meled had paid a copper, or if he had paid his daughter to marry the elder brother of the one whom he had shot, then the numaym Yaexageme would have been disgraced, because he paid in order not to be killed in return and so as not to die also.

Therefore, when a man kills his fellowman, he does not often pay for it, for he thinks that when he gets a child, the child will be disgraced, if he had paid off in order not to be killed, and only those pay off who are weakminded.

If another man of the numaym Gexsem had killed Meled, then there would be no disgrace to the numaym Gexsem, and all the men would have stopped talking about it, because only Meled of the numaym Yaexageme would have died.

Meled was a common man, and Yaqolelasem was the head
chief of the numaym Gexsem, and they paid a slave to Gwawina for shooting Meled; so there were two, Yaqolelasem and a slave out of the numaym Gexsem, and therefore the numaym Gexsem was disgraced.

An intriguing little story, with a lot of undercurrents in it barely hinted at!

It is precarious to attempt to interpret this story at this late date, with no possibility of checking one's interpretations. But the impression I get is that the numaym Gexsem would probably have let the death of Yaqolelasem pass unreavenged if Gwekilak had not made the issue public and vocal and so placed the honour of the Gexsem at stake. (It is unfortunate that the text does not tell us why Meled slew Yaqolelasem in the first place.) But Gwekilak seems to have been motivated by considerations of revenge rather than the honour of the numaym: so pleased was she (presumably) at Meled's death that she rewarded the executioner with a slave. Another complicating factor probably entered in the fact that Meled was a commoner and Yaqolelasem an important chief. Perhaps had Meled been a chief or a noble, the chiefs of the other numayms and tribes would not have been so eager to assist in vengeance. Warriors, be it noted, were often chiefs or the brothers of chiefs.

The passages above also indicate that compensation was sometimes paid, so that it is not entirely correct to say that wergild was unknown among the Kwakiutl. I shall return to this point later on.

In this connection, an interesting incident occurred about 1865 as one complication of a raid on the Sanetch by
This raid was conceived and led by Neqapenkem, one of the leading chiefs at Fort Rupert. During the raid, however, a chief named Gexkenis was shot at and wounded in the arm by Tsagayos, Neqapenkem's younger brother. The motive was jealousy over a woman. When Gexkenis returned home, he called a council of chiefs together and said:

"Welcome, Gwetela. Indeed, I called you to eat here, for the reason why I invited you is, that you chiefs may consider what you want to say on account of the great thing that has been done when I was shot, for there is nothing bad in my heart. It is for you to say what we shall do with him." Thus he said, and sat down.

Then Neqapenkem arose and spoke. He said: "Now listen to me, tribe. If really my younger brother has done this to that chief, I wish this Chief Gexkenis to accept my good word. I will buy him off with my war canoe which I will give to you, Chief. I paid sixty blankets for it; and also forty blankets besides the canoe." Thus he said, and sat down.

Then all the chiefs were grateful for his words, that he bought him off, and that his younger brother should not be shot, for they had seen that Gexkenis was hiding a pistol. Now, after this, the matter was straightened out for Tsagayos, who would have been shot by Gexkenis, if the wise Neqapenkem had not bought off Tsagayos, so that he should not be shot. Then all the men were happy and went out of the feasting house. Now Gexkenis and Tsagayos were of one heart after this.

In this case we observe peace-offerings made to avoid trouble. There was nothing obligatory about them, and a man's honour was not smirched either by paying or by accepting them. It is important to note that such peace-offerings were not demanded or expected by the injured person: they did not have the almost-obligatory element possessed by feud-indemnities narrowly so called.

These two texts are the two major instances of Kwakiutl.
law-ways on record. They follow a somewhat different pattern from that of the Kwakiutl war-complex.

Warfare among the Kwakiutl consisted in the raiding of communities, usually distant, sometimes near, for the purpose of obtaining slaves, booty, and glory and of salving injured pride in a way that one could not (and had better not) do among one's immediate friends and neighbours. Neqapenkem's war against the Sanetch, already mentioned, was undertaken "to let someone else mourn" after some of Neqapenkem's family had accidentally drowned. A comparison of the war tales with the genealogies reveals that, by and large, people tended to war with those to whom they were not related by marriage. There were, however, a good many borderline instances—enough for it to be a general practice to spare relatives living in an enemy village. And people tended to marry others of the numayms they met in their seasonal migrations. But these were tendencies only, and demarcation lines were blurred and hazy. This is, after all, what one would expect if the Kwakiutl social and legal community, instead of consisting of sharply defined units interacting at their boundaries only, was made up of mobile individuals who were the centres of over-lapping "spheres of acquaintance" or "zones of interactance"; and the numayms simply the territorial anchors of this moving population: the length of the anchor cable, as it were, differing for each individual, and each individual being quite capable of switching anchors.
THE TWO CASES described above clearly indicate that feud-indemnities were known to the Kwakiutl. Yet the payment of feud-indemnities did not constitute a regular and recognized method of terminating quarrels. First, there was a positive sentiment against paying wergild in the instance of murder: it would be disgraceful to do so, something only the "weak-minded" did. Second, the injured group does not seem to have sought to claim wergild either for murder or for woundings: peace-offerings had to be volunteered by the offending group. We may consider such payments, therefore, either as very rudimentary feud-indemnities, or not as feud-indemnities at all but rather the precedents from which feud-indemnities, if they developed, would develop. If we chose the first alternative, we should classify the Kwakiutl feud-system as barely classical; if we chose the second, we should classify it as nascent on the verge of becoming classical. For reasons of theoretical neatness, I prefer the second classification: the Kwakiutl feud-system is borderline, but I do not think we should speak of feud-indemnities properly so called until the indemnities in question are requested or demanded by the injured group. The payment of feud-indemnities, furthermore, was explicitly not a regular means of settling disputes among the Kwakiutl, and if the distinction between classical and nascent is to be of value, this fact must also be taken into account.

In accordance with theoretical expectations, we find a large degree of individual geographic mobility associated
Note on the Northern Kwakiutl

NORTHWARD of the people we have just examined, and southward of the country of the Tsimshian, lived the several tribes of the Northern Kwakiutl. Not a great deal is known about these people, and our information about them is spotty and fragmentary: but for the sake of reasonable completeness in this enquiry, we should attend to such information as we do have of their social and political system.

They were divided into two dialects: Haisla, speakers of which occupied Gardner Canal and the upper reaches of Douglas Channel; and Heiltsuq, which was the language of the other Northern Kwakiutl tribes as far south as Rivers Inlet. The Haisla-speakers were divided into two tribes, each distinguished by its possession of a winter village: the Haisla of Kitimat on Douglas Channel, and the Kitlope of Kemano on Gardiner Canal. The major divisions of the Heiltsuq were the Xaixais, who occupied the east shore of Graham Reach (which divides Princess Royal Island from the mainland) southward of Butedale; the Bellabella tribes; the Koey people, south of the Bellabelles; and the several Owikeno tribes who occupied Rivers Inlet and Owikeno Lake.

In social organization these groups were transitional between the matrilineal structures of the northern nations and the bilateral structure of the Southern Kwakiutl and the nations further south. Without further ado, I include below
Olson's summaries of the Haisla and Heiltsuq systems:

Alone of all the Kwakiutl-speaking tribes the Haisla and Kitlope have a full-fledged maternal exogamic clan organization which is almost identical with that of their Tsimshian neighbours...

Among the Haisla there are six clans, each named after an animal. Although the clans act as units in everyday marriage, in most festivals (potlatches and feasts) they are (except for the Eagle) linked with one or more of the other clans. The array at Kitimat is as follows:

Eagle  Beaver  Blackfish (Killer Whale)  Raven  Salmon  Crow (extinct)

One informant explains the linking of clans as follows: In the war at Old Town the Beaver and Crow clans helped the Ravens and have since been more or less united with the Ravens. The Blackfish and Salmon also helped the Ravens and have since been paired. Another informant stated that the Blackfish-Salmon and Beaver-Raven-Crow linkings arose within the last century. He also stated that marriages within the phratries are allowed and that in feasts the other clan (or clans) of the phratry does not contribute with food, and such, to help the host clan. The phratries lack names. In feasts and potlatches each clan is called by its own name, but Beaver is named before Raven, and Blackfish before Salmon.

In the native mind clan affiliation and rank (right to titles, etc.) are of paramount importance, even more important than the biological family. Thus one titled man had no sister's son to inherit his title so he adopted his daughter into his clan. His wife in speaking of it said, "They [her husband's clan] took her away from us"—the implication being that his group had gained at the expense of hers...

The tribes south of the Haisla exhibit some traits of the clan system, but these dwindle until by the time the Owikeno of Rivers Inlet are reached most of the features have disappeared. Thus the Haihais have certain rather nebulous groups with animal names similar to those of the Haisla, but they are not exogamic, not unilineal, and their functions are not clearly defined. The concept of a genuine clan is so foreign to the Owikeno that I once heard a Haisla discourse and argue with an Owikeno for upward of an hour without being able to make the latter understand what he was talking about. Each was decidedly annoyed at the lack of comprehension of the other.
And the Heiltsuq:

The Xaixais had three crest groups—Blackfish, Raven, and Eagle. The rule of exogamy was, as it were, present but not enforced. There was a "feeling" that one should not marry into his own crest group. But marriages within the sept occurred. This is rationalized by the tale of the time when a brother and sister were the only survivors of a village, so they married and bore children. Property and titles passed preferably from a man to his sister's son. But a woman married to a chief often "gave" her crests, names, and so on to him so that he could then hand them on to his (her) children. ... 

The situation among the Bella Bella is likewise confused. (There were evidently some differences between the original "tribes" which make up the modern Bella Bella.) Some informants claim that daughters belong to the sept of the mother, sons to the sept of the father. Other, equally reliable, informants state that children belong to the crest group of the mother but that the father usually adopts the eldest son into his sept and passes his privileges and names to him. Others say that these things go from a man to the eldest son of his eldest sister who has a son. Some say that marriage within the crest group within the same tribe-village was taboo, but that marriage to a person of the same sept from another village was permitted. Others claim no such rule of exogamy. Crests, names, and so on often came from either or both parental lines, usually by the giving (or loaning) of such, or by adoption, with the person adopted retaining some of the privileges of the sept of his birth. It seems certain that all these seemingly conflicting statements are true. But there was a tendency to follow the rule of exogamy, a tendency to place children in the crest group of the mother, and a like tendency for a man's name and privileges to be handed on to his sister's son. All this is nearly as confusing to the natives as it is to the investigator. There is, as it were, a feeling that they "ought" to adhere to the system of the northern tribes.

Of the various Bellabella tribes, one had four septs, namely Raven, Eagle, Blackfish, and Wolf; two lacked the Wolf sept, and a fourth had only the Eagle and Raven; the fifth and sixth of the Bellabella tribes are now extinct and their septs are not recorded.

Among the Koey people (between the Bella Bella and
the Owikeno) the septs remain as crest groups with animal names but without the idea of exogamy or maternal reckoning. . . .

Among the Owikeno the septs have dropped their animal designations for names such as "Those who receive first"; though vaguely each of these septs has a primary animal crest. There is no idea of exogamy, no rule or tendency towards either maternal or paternal reckoning. Siblings may belong to different septs, or the same person may even claim membership in two or more septs at the same time!

Three status levels existed: nobles, commoners, and slaves. Marriage was preferably between persons of approximately the same status. Among both Haisla and Bellabella, cross-cousin marriage was "preferred".

The powers of chiefs varied. Apparently, chiefs among the Bellabella had more power than their congeners in other groups of the Northern Kwakiutl. They still gained it, however, by virtue of their positions as heads of kin groups.

Olson gives the following account of Haisla law-ways:

In a murder the kinsmen of the murdered man usually seek to even the score. This holds even within the clan and even in cases where the murder might be considered justified—as when the victim has committed adultery with the murderer's wife. The rule is a life for a life. Here Olson has the following footnote: "One informant stated he knew of only one murder. The guilty man went unpunished because there was no method of dealing with intratribal violence. He stated that adultery was strictly an affair between man and man." Some murders, however, are settled by payment of a blood-price. If the murderer cannot pay, his clansmen come to his aid. If payment is refused, the score is evened by killing the guilty party (preferably) or one of his clansmen. Sometimes this is accomplished by magic.

If two men quarrel and one is seriously injured, the other usually gives a feast, sprinkles eagle down, and makes a payment to the injured man. The case is considered settled, even should the latter subsequently die of his injuries.
It is related that during a secret society dance at Hartley Bay a noble committed adultery with the wife of a chief. The other nobles met and decided to punish them. They bound them together and threw them in the fire, then sung songs to drown out the cries of the two so that the commoners (i.e., nonmembers) would not suspect what was happening.

In intratribal war (i.e., clan against clan) husbands and wives who belong to the warring factions seldom disrupt their households. When prisoners are taken the spouse who belongs to the prisoner's clan usually persuades the other to set the captive free. Ransom is sometimes resorted to. In intertribal war a man who captures a clansman usually quietly frees him after a time. Go-betweens are sometimes used to settle quarrels or wars. They must belong to a neutral clan.

The feud-system revealed in this account appears to be a poorly developed classical one. In the final paragraph there are implicit suggestions of the operation of conflicting allegiances making towards pacification. The account of the action of the secret society in burning the two adulterers is intriguing, but it is difficult to know what to make of it.

If the Haisla feud-system was indeed a classical one, we should not expect to find a high degree of individual geographic mobility. Mention of such mobility is conspicuous by its absence. Olson does mention mobility in connection with the Bellabella, but this is a movement of groups and a migration of peoples. This is what he writes:

Most of these tribal-village groups moved from time to time within their areas. In fact, a certain restlessness seemed to characterize all the tribes and villages of the Northwest Coast from Seymour Narrows northward. Many legends attest this and most of those who have worked in the area agree that these legends contain considerable historic truth as regards these movements. Some groups changed names as they changed residences. This is true of several of the Bella Bella groups.
In this, the Bellabella resembled their neighbours to the north, the Tsimshian.

So far as the evidence of the Northern Kwakiutl points anywhere, therefore, it points towards the confirmation of the hypotheses of this essay.
IV
THE NORTHERN TRIBES
Tlingit, Haida, Tsimshian

MOST NORTHERLY of the peoples of the Northwest Coast, the Tlingit dwelt along the coast-line of southeastern Alaska from Yakutat Bay to Portland Canal. "In this rugged fiord region," remarks Jenness,⁴ "communication was entirely by sea, and the Indians made long voyages in their dugout canoes to trade sea-otter skins, native copper from the Copper River, and Chilkat blankets manufactured from cedar bark and the wool of the wild mountain goat, for slaves and shell ornaments that came up to them from the south." The islands of southeastern Alaska are so arranged that down the centre of the Tlingit territory there is a seaway sheltered from the winds and storms of the open Pacific by an outer line of islands. Just prior to European contact a group of Haida had conquered the southern part of Prince of Wales Island and driven the Tlingit out of that area. The Tlingit of the Taku and Stikine Rivers in summer often travelled further inland, and enjoyed trade relationships with the Athabascans who dwelt there.²

The Tlingit were divided into fourteen geographical divisions or "tribes." Each tribe had at least one winter village and a section of coast on which the people camped in summer or behind which they hunted in winter. The winter village was the basic tribal unit, though sometimes closely
neighbouring villages might be so linked as to constitute a tribe, and the "chief" of a village might extend his influence over neighbouring communities. The lists of the various settlements comprise a mixed bag, including permanent winter settlements, summer camps, and abandoned sites, and it is usually not clear which is which. I think I would by and large accept Niblack's account:

"Each village practically constitutes a tribe. There never have been any permanent leagues or associations of villages to constitute a nation with head ruler, although, for certain reasons of defense and offense, villages have so co-operated temporarily for mutual benefit or protection."

Niblack's description of the power of some chiefs who had extended influence over other villages, as temporary "suzereinty", is apt.

These tribal groups were also distinguished by minor dialectical peculiarities, a fact which suggests that they may have married within themselves more often than they married out.

In the summer, the tribal groups broke apart into their component clans and families and departed for their fishing and hunting grounds. Summer was also the time for long trading expeditions, sometimes lasting months. With the return of winter, the people returned to their villages and each clan occupied its own house.

Within the village or tribe, the fundamental social unit was the household. This was both a kinship unit and a local unit. It was specially named, and was the local division of a matrilineal "clan" which in turn had repre-
sentatives in several communities or tribes. The heads of the households in the village constituted the petty chiefs of the village, and the chief of the highest ranking household was considered the chief of the village. The house group was the economic unit, owning hunting and fishing territories, and one or sometimes more than one house in the village; it was the unit responsible for initiating feasts and potlatches, and marriages were between house groups.

The Tlingit were also divided into three exogamic matrilineal phratries: the Raven phratry, the Wolf phratry (known also among the northern Tlingit as the "Eagles"), and the Nesadi. The Nesadi, however, were so small a group that the Tlingit may practically be described as having a classical moiety system.

These phratries were subdivided into matrilineal exogamic units which are usually called "clans" in the literature. These clans were usually to be found represented in two or more villages, though no single village ever had representatives from more than a few.

Each of these clans had a name denoting its place of origin, a story of its genesis, and a history of its migration from its place of origin. These traditions suggested to Swanton that a good many of these clans were once subdivisions of other clans, and became separate from them as the Tlingit spread northward along the coast, in the familiar process of fission. Oberg calls them "pre-eminently the
political unit," but they lacked both chiefs and territories. Clan crests, indeed, were often identified with only the household or local division of the clan. In theory, the clan was the feuding unit, and the basic unit of legal enforcement.

The household was, as I have said, the local division of a clan, and generally speaking, the most important unit of Tlingit society. We should pause, therefore, to examine the composition of a typical house group. I take the following account from Oberg, whose description is probably the most detailed account of Tlingit households on record.

The structural principles manifest in such a typical Tlingit house group were six in number: i) phratral exogamy; ii) matrilineal descent and inheritance, such that a boy could not inherit rank or group-membership from his father; iii) jural authority held by males, such that a man's daughters could not inherit the office of household head or chief—the combination of matrilineal inheritance with this third principle left only a man's sister's sons eligible as his successors--; iv) avunculocal residence, whereby these nephews came to live with and be trained by their maternal uncle, whom they eventually succeeded; v) ties of affection between father and son which tended to lead them to stay in the same village; and vi) cross-cousin marriage, whereby a man married his father's sister's daughter or his mother's brother's daughter, who by Tlingit rules of descent were in a different phratry from his own. Furthermore, it often happened that a man's mother's brother's
FIGURE TWO: PREFERRED CROSS-COUSIN MARRIAGE AMONG THE TLINGIT.

Adapted from Kalervo Oberg, The Social Economy of the Tlingit Indians, p. 53. It will be observed that the women do not live in the household of their own phratry.

To follow page 86.
wife was his father's sister. (The resulting relationships are shown in Figure Two.) His wife, therefore, would be his mother's brother's daughter and his father's sister's daughter at one and the same time; and his son, accordingly would be of the same matrilineage as his father, though not the same as himself. But he would have the care of his brother's son, who would in turn marry in accordance with the same principles. Therefore a man's grandson would be of his own clan.

Such a method of intermarriage between two households of opposite phratries would have the effect of binding the two groups together by ties both of kinship and of affinity. It is worth noting, accordingly, that the Tlingit customarily gave potlatches to members of the opposite phratry, and that it was members of the opposite phratry who built a family's house and performed the necessary life-cycle ceremonies for the members of the family.\(^{15}\) The effect of these patterns of kinship and of economic cooperation would be to bind the two households together into one unit relatively isolated from similar units. Thus while one household alone would be necessarily exogamous, such a pair of households, considered together as a single system, would tend strongly towards endogamy.

The composition of the Tlingit house group in such a situation was what we would expect: a chief who was the genealogically most senior male of the group; his brothers and his mother's sisters' sons; his mother's brothers, if they were still alive; the sons of his sisters and of the
sisters of his mother's sisters' sons; and the sons of his daughters and of the daughters of his brothers and his mother's sisters' sons; then the female members would include the wives of the grown men, and the unmarried daughters.

If a girl, furthermore, married her father's sister's son, she would remain in the house of her father and mother.\(^{16}\)

Oberg concludes his description in the following words: \(^{17}\)

We can now sum up our study of the house-group with the following observation. Through the determining factors of descent, rank, marriage, and inheritance, we get a pairing of house-groups. These houses are of equal status and form close, intermarrying kin and property owning groups. The reciprocity existing between the paired house-groups of opposing phratries works out in the following manner: (1) the young men are exchanged and marry the young women in the house to which they go, (2) bride gifts pass back and forth between these houses, (3) the individual property sometimes passes between these houses, (4) ceremonial duties are performed by the members of one house for the members of the other at birth, marriage, lip, ear, and nose piercing, house-building, and at burial. For these acts ceremonial gifts are given. Opposition in ceremonial activities takes place between these houses.

From all this it will readily be seen that the house group (viewing it as a local group) or lineage (viewing it as a kin group) was the fundamental building block of Tlingit society. Through clan and phratral loyalties a person's social relationships might be extended to members of other house groups in the same clan or phratry. Such extension is a frequent occurrence among societies organized with clans (or more technically, "sibs")\(^{18}\) such as were the Tlingit. But in spite of this sentiment, the local divisions of the clans were by far the most important. For instance, while feuding was the affair of the clan, it was the local
division of the clan which initiated it. Further, clan solidarity was weakened by the system of rank which divided Tlingit society into different status levels, the upper of whom looked down upon and felt little common interest with the lower. House groups were again the significant units in this ranking system.

I have spoken above as if the local division of the clan was the lineage or house group. Strictly speaking, this was not so, for the local division of the clan was composed of a number of different house groups, each with its own house chief. Oberg writes, summarizing the village organization:

In a Tlingit village there are always members of at least two phratries. Furthermore, in a village there are local divisions of two or more clans. Each local division of a clan, in turn, is made up of a number of house-groups, and each house-group of a number of nuclear families. The village is a loose organization of, often bitterly contesting, clans.

The house-groups within one local division of a clan might marry with the house-groups of several of the other local clan divisions in the village. The house groups within the local division would themselves be ranked in relation to the rank of the local divisions and house groups thereof which they married.

Which brings us to the problem of rank in Tlingit society. In many ways rank cut across clan and village ties. Those of high rank looked down upon those of low, and marriage between persons of sharply disparate ranks was strongly discouraged. Both clans and households were ranked. The rank of a household was clearly a composite result of the household's wealth, size, and inherited status. The status
of an individual was determined by the size of the gifts he had given his wife's parents when he married her. The status of the clan or household was determined by the quantity of food and wealth given away at its last potlatch.\textsuperscript{23}

The pairing of house groups discussed above indicates how two high ranking households might intermarry and continually maintain each other's high status and power in the community. The nobility or \textit{anyeti} in the Tlingit village, Oberg says,\textsuperscript{24} "consists of the upper end of the two phratries, made up of the paired leading houses in the two highest clans."

We should not suppose that this social system was static. While its basic pattern persisted over time, the actual positions of the clans and villages vis-a-vis one another was continually changing. Niblack\textsuperscript{25} notes that clans, phratries, and subphratries fissioned and fused as they waxed and waned in power and wealth. Wealthy clans, with their crests, would become important, absorb others, and eventually decay.

As clans (that is, the local divisions of clans) grew in numbers, the class distinctions we have described would become more pronounced. The clan would then split, and one branch would depart for another region where it could establish itself by taking on a new name and crests. Oberg writes,\textsuperscript{26} "On being questioned, most Tlingit can tell one how these clans are related and what the specific dispute was that caused the break."
THE CHIEFS in a Tlingit village were the heads of the various house groups that made it up; the village chief was simply the highest-ranking and most influential of the house chiefs. Even the rank of chief is tied up with the possession of wealth, largely the ownership of slaves. According to custom this passes from uncle to nephew, but it happens frequently that instead of inheritance of the office, a new chief is appointed. In almost every place there are several chiefs, called amkau, one of whom is looked upon as the head. The power of the chief is very limited and the direction which it takes depends on the personality of the individual. Only in cooperative undertakings and in council is he a leader; in everything else every family head is entirely free to do anything which is not counter to custom and which does not infringe on the rights of others.27

Niblack28 presents a similar picture of Tlingit chieftainship. The chief was treated with deference only by his own household; his influence in the village depended on his rank, wealth, good birth, family influence, prowess in war, and personal qualities. The various chiefs of the tribe (village) were continually engaged in a struggle for power and influence, and the village would frequently be divided into several factions each headed by one of the rival chiefs.

The chief was the representative of his household in potlatches and inter-village trading expeditions.29

THE CLAN OR SIB, most especially its local division, was the basic unit of Tlingit law. "The loss of an individual through murder, the loss of property through theft, or shame brought to a member of a clan, were clan losses, and the clan
demanded revenge to an equal degree." As a natural consequence of this principle, the response to offences made by members of one's own clan would differ from the response to offences made by members of other clans.

Intra-clan murder, theft, and adultery were generally not punished. Clans punished their own members by death only when their actions brought shame on the clan. Witchcraft and incest were, however, punished by death, though it seems that the men of higher rank within the clan could act in these matters with a greater impunity than lower ranking members. Shamans were often used in crime-detection, and through judicious arrangements with the shamans, men of high rank (and, therefore, of wealth) could commit crimes and still escape punishment.

Offences by an individual against a member of another clan were treated as offences by one clan against the other, and brought into operation a detailed unwritten code of compensation. In murder cases, the offended clan demanded from the offending clan the life of a man equal in rank to the victim. If the murderer was of lower rank than the murdered man, he would often go free while a higher-ranking member of his clan died in his stead. The man selected for execution died willingly, killed by one of his own rank.

To die thus for the honor of one's clan, Oberg says, was considered an act of great bravery and the body was laid out in state as that of a great warrior. His soul went to Kiwa-Kawaw, 'highest heaven'.

Small differences in rank could be adjusted by the payment of property, but the general demand was for a life of equal
rank. If the victim was of low rank, a payment of goods would sometimes suffice as restitution. And sometimes, if the murderer was of low rank, he could be made a slave himself and handed over with other property as compensation. Also, if a man had died in the murderer's stead, the latter could be punished by his own clan by being compelled to pay to his fellows a lot of property.

A similar pattern applied in instances of theft and adultery. Oberg writes:

If the adulterer was of higher rank than the husband of the woman concerned, he would generally go free, while his clan as well as the husband's clan paid the injured man a quantity of goods. But if the adulterer was of equal rank or lower, he would be almost certain to suffer death. Theft, if important, would be punished by death. But here, again, the factor of status entered.

In connection with adultery, we should note that a Tlingit woman of high rank might have subsidiary husbands, provided they were of the same clan as her primary husband. This would imply, for instance, that for a woman of high rank, intercourse with her husband's brothers would not constitute adultery.

Wounding, accidental killing, and refusal to marry a brother's widow, were further occasions for the payment of indemnities. Any infringement by outsiders on a group's hunting or trading territory was met by a claim for indemnity or a retaliation by force. "Disputes over ownership of land, boundaries, etc., have been the cause of many feuds."

If the offender's clan refused to pay indemnities, feuding broke out, and would usually continue until an equal...
or nearly equal number of men of the same rank had been killed on both sides; peace would then be made, and some compensation given by the group which had lost the fewer men of rank.\(^4\)

We are also informed that quarrels between clans and households were frequently settled by "duels". These "duels" were formalized battles between groups of warriors representing the opposing sides. The warriors were armed in caribou hide and wooden helmets, and fought only with daggers.\(^4\)

4

IN The Law of Primitive Man,\(^4\) Hoebel gives the following psychological interpretation of Northwest Coast social conflicts:

A salient feature, along with elaborated rank order, of the Northwest Coast cultures, is egocentrism blown to the point of narcissism. The ego sense is strong but the ego is weak and vulnerable. It is easily injured and must be constantly reassured by means of external social gestures and symbolic acts on a grand scale: potlatch-giving or destruction of persons and property. Alternatively, legal settlements may also be sought, and even achieved. Individual offenses may be characterized as homicide, assault, negligence, etc., but in the native view they are basically all of a kind: defamation of character. The injured party is shamed, his (or his group's) reputation is tarnished by the insult; his social standing in the eyes of people is impaired. His overriding purpose is not to punish the wrongdoer but to re-establish his prestige. Intent therefore plays no part in Northwest Coast law. The effect is the thing and the effect must be wiped out by some counterbalancing act.

Such psychological observations as these are often more fanciful than factual; nor should this one be wholeheartedly accepted, even though there was much on the Northwest Coast in accord with such an interpretation. Yet it is hard,
upon reading the literature about the Tlingit, to avoid the impression that some such motivation underlay the operation of the Tlingit legal system. No doubt there were many Tlingit who were not touchy and sensitive to ridicule; and it seems likely that such touchiness was developed chiefly in the higher ranks of society; but enough Tlingit were touchy enough to give to their social relationships overtones such as Hoebel describes.

La Perouse, visiting the Tlingit of Lituya Bay during July 4-30, 1786, noted great touchiness and sensitivity to ridicule, and says, "... fear of or desire for revenge makes them constantly uneasy. I have seen them always with a dagger in hand, stand against each other." Gambling, to which the Tlingit were much addicted, he explains, was the great source of their quarrels.44

Krause, who visited the Tlingit country in 1881-2, remarks "almost endless enmities between individuals as well as tribes and clans." He writes that, "His great sensitivity and his strong sense of property rights are constant cause of resentment." But though the Tlingit was touchy,

A friendly settlement is generally the rule. After much threatening and long bargaining, an agreement is reached. ... Often the whole affair depends on high pressure methods, especially when exhorbitant demands are made of timid whites, but the whole matter is dropped quietly as soon as a decisive refusal is met.

If open fighting broke out, continues Krause, "in spite of the apparent eagerness to fight and extensive preparations, small losses were enough to bring about a decision."45
On the other hand, Niblack quotes two passages from Douglas and Petroff which suggest that some of this excessive touchiness to ridicule might have cloaked a desire to gain as much property from outsiders as possible, and any pretext was seized. Krause's remark on high pressure methods lends further plausibility to this notion. These are the passages in question:

(a) Douglas:

If unmarried women prove frail, the partner of their guilt, if discovered, is bound to make reparation to the parents, soothing their wounded honour with handsome presents. A failure to do this would cause the friends of the offending fair one to use force to back up their demands and to revenge the insult. It must not, however, be supposed they would be induced to act this part from any sense of reflected shame, or from a desire of discouraging vice by making a severe example of the vicious, or that the girl herself has any visitings of remorse, or that the parents think her a bit the worse for the accident, or her character is in any way blemished. Such are not their feelings, for the offender is simply regarded as a robber who has committed deprivations on their merchandise, their only anxiety being to make the damages exacted as heavy as possible.

(b) Petroff:

Wars are frequently avoided by an indemnity arrangement, and they go so far in this system of compensation that they demand payment for losses from parties who have been in no way instrumental in causing them. For instance, an Indian at Sitka broke into the room of two miners in their absence, emptied a demi-john of liquor, and died in consequence, and the relatives of the robber demanded and received payment from the unfortunate Caucasians. If a man be attacked by a savage dog and kills him in self-defense, he must pay for the dog to the Tlingit owner. A small trading schooner, while running before a furious gale, rescued two Tlingit from a sinking canoe, which had been carried to sea. The canoe was nearly as long as the schooner and could not be carried or towed, seeing which, the natives themselves cut the worthless craft adrift. When the humane captain landed the rescued men at their village, he was astonished by a peremptory demand for payment for the canoe, backed by threats of retaliation or vengeance.
This picture is not entirely consistent with the notion, also prevalent in Tlingit society, that if one was shamed, one could wipe out the shame by distributing or destroying property. These principles, however, probably operated each in somewhat different situations, so that they did not come into open contradiction with one another. But at any rate such distributions of wealth were possible only to chiefs and others of high rank. Low ranking persons did not have the resources to wipe out shame in such a manner, so perhaps they were perforce less worried about shame—they could not afford to be otherwise. Shame and touchy egos would then have been matters for chiefs, who being prominent in the society, would give to it the marked psychological overtone referred to by Hoebel. But this, unfortunately, is only speculation.

I think I would strike a compromise in evaluating the Tlingit in this respect: much of the litigation (if we may use that expression) was motivated by considerations of shame and honour, though perhaps not exactly as Hoebel outlines, but much litigation was motivated by the desire to dun one's opponent for as much as possible—and the two motivations are by no means incompatible.

The above discussion may have left the impression that the Tlingit were a rowdy group, always at each other's throat. Such an impression would be faulty: besides the remark of Krause, already cited, that friendly settlements were generally the rule, we must note Oberg's comment that murders
were "not excessive, until the advent of liquor."

SOUTH of the Tlingit country, on the Queen Charlotte Islands, lived the Haida, who spoke a language distantly related to that of the Tlingit. Forty to fifty miles to the north of Queen Charlotte Islands was Prince of Wales Island, southernmost of the Alaskan coastal islands. Shortly before the coming of European explorers and traders, the Kaigani Haida had attacked the Tlingit of Prince of Wales Island, and driven them from the southern part of the Island, where the Kaigani now live. Forty to fifty miles to the east of the Haida country lay what is now the British Columbia mainland and what was then the country of the Tsimshian.

The Haida social organization was in many respects like that of the Tlingit. Like the Tlingit, the Haida were divided into two exogamous matrilineal phratries, which were each further subdivided into twenty or more matrilineal exogamic sibs. Each of these sibs was associated by tradition and sentiment with a particular locality, though several sibs might be found in one village, or one sib might be found in more than one village.

The local division of the sib was further subdivided into households. A typical household consisted of the owner or house-chief, his wife or wives, his young sons below the age of ten, his unmarried daughters, a married daughter with her husband and children, a younger brother of the chief with
his wife and children, an unmarried nephew (sister's son), a married nephew with his family, possibly some other poor relative, and a slave or two. The household was associated with the moiety and sib of its male owner.

The housechief of the highest ranking, i.e., wealthiest and most powerful, household within the local division of the sib, was the chief of this local division. His position came to him by inheritance, his authority and influence through wealth, personality, and prestige. The local division or lineage was the group in which land and fishing rights were vested.

Chieftainship in household and sib was hereditary via the female line, the chief being succeeded preferably by the son of his eldest sister or by his younger brother. This rule of succession was modified, however, depending on the capabilities of the normal successor: if he already held an equally high position, or was, on the other hand, physically or mentally incapable, or lazy, or too poor, or of low repute, he would generally be passed over in favour of another.

The preferred form of marriage, as among the Tlingit, was between cross-cousins, usually between a man and his father's sister's daughter. This might be modified, however, if a young man was heir to a chieftaincy: in this instance, he would usually marry a daughter of the maternal uncle whom he was to succeed. The married couple normally resided with the bride's father, unless this person was dead, or the groom was a house chief.
Rank was important among the Haida. A person's rank depended on the sorts and numbers of potlatches his or her parents had given in their lifetimes. The child of poor parents might, however, be adopted by a wealthy relative, usually a paternal uncle, who would give potlatches for and so give higher rank to the child.51

An interesting feature of Haida and Tlingit society is the matching of the phratries. The two Haida phratries were called the Raven and Eagle. The two significant Tlingit phratries were the Raven and Wolf (or, sometimes, Eagle). But the Raven phratry among the Haida was equated with the Wolf-or-Eagle phratry among the Tlingit: if a man belonging to the Ravens among the Haidas visited a Tlingit community, he was considered to belong to the Wolf-or-Eagle phratry among the Tlingit during his visit. This was apparently because among the Haida the Raven and Bear clan-crests belonged to the Eagle moiety (a curious switch!) while among the Tlingit these were Raven crests: the Haida Eagles were therefore equated with the Tlingit Ravens.52 This matching of phratries and the common element of matrilineal social organization rendered intermarriage possible without violent disturbance of the habits of the persons involved in the marriage.

THE HAIDA HOUSE-CHIEF gained his position by giving a potlatch—either a house-building potlatch, given in order to
to get a new house erected and to claim the position of its chief; or a funeral potlatch, given by the successor to validate his claim to inherit ownership of the house and headship of its inhabitants. The house chief exercised a mild paternal authority over the dwellers in his house:

He directs the economic activities of the household, protects and cares for its members, and is treated with respect and a measure of reserve. His nephews (including his son-in-law) are his right-hand men, obeying his orders, assisting him in his economic activities, and manning his canoe on military and trading expeditions.53

The chief of the local division of the clan was the richest and most influential house chief of that clan in the village, and had authority over the other house chiefs of his clan in the village. He could count on their support in war and other large-scale enterprises, but he lacked recognized power to enforce obedience. The source of his authority was, therefore, his wealth, prestige, and personal qualities. He acted as trustee or custodian of the lands belonging to the clan, and by virtue of this position he was treated with marked deference and received from his clansmen small presents from time to time. His authority did not extend beyond the limits either of the local division of the clan or of the village to which he belonged. If a discontented house-chief was powerful enough, that is, had influence over enough followers, he might easily desert the village and found another with himself as chief. In this way, clans spread out and broke up into several localized sub-clans scattered over the country. As time went on, these sub-clans would develop into distinct and separate clans.54
The feud-system of the Haida was similar to that of the Tlingit. Murdock's account is both compact and detailed enough to be quoted in full:

Theft and assault are regularly compounded by property damages, graded according to the status of the injured party. For murder, whether through violence or sorcery, the clansmen \[i.e., sibmates\] of the victim seek blood-vengeance. If they succeed in slaying the murderer or another member of his clan, this terminates the blood feud, to be sure, but it still leaves a balance to be settled one way or the other unless the two victims happen to be identical in rank. The clansmen of the inferior must make a payment of property strictly proportionate to the difference in status. To avoid retaliation, however, the murderer flees to the house of his house chief, where his entire clan also takes refuge. The injured clan, armed and hostile, gather in front of the dwelling. The chiefs of neutral clans try to mediate between the parties. Discovering what compensation the outraged clan will accept in lieu of blood-vengeance—an amount determined precisely by the status of the victim—they communicate the information to the beleaguered house chief. With his own property, and with contributions from his clansmen and from the murderer's father, he raises the necessary sum, which is transferred to the injured clan and is later used to give a funeral potlatch for the deceased. A general feast is held, and the incident is closed. If the murderer enjoys a bad reputation or his clan is too poor to make settlement, he must pay the penalty in person. He dons the war helmet of his paternal grandfather, walks out of the house, and falls riddled with arrows. His kinsmen show no signs of grief but make preparations for the feast and dance of reconciliation. If a man borrows a canoe or a weapon from a member of another clan, and is killed or hurt while using it, the owner is liable for damages as though the injury were intentional.

It is interesting to note that this account implies that people belonging to different sibs lived close enough to one another (a) for friction and quarrels to be a real possibility, and (b) for a person, having committed a crime or a misdemeanor, to flee from the scene of his offense and take refuge in his home, which was in turn a place where his sibmates could easily (relatively so) also take refuge. We
should expect, therefore, two or more clans to co-inhabit a relatively small area and to interact in their daily life. This would occur (a) if a village contained members of more than one clan or sib, or (b) if villages were relatively close together. Alternative (a) obtained in historic times. I suspect that it also did in pre-contact times; but if it did not, as Murdock, for instance, says it did not, then alternative (b) necessarily obtained. For what the information is worth, the sites of the now-extinct Kunghit Haida ranged from ½ mile to 10 miles in distance between a site and the site next to it, the most usual such distance being 2 to 3 miles. These sites include winter village sites and summer campsites, but even so, they are not particularly close to one another. In this instance, alternative (b) was not fulfilled, and, accordingly, we must conclude alternative (a) to have obtained. This in turn casts doubt upon Murdock’s hypothesis that aboriginally each village was occupied by but one clan. The feud-system of the Haidas would not have worked were Murdock’s hypothesis correct.

Dawson remarks that offenders preferred to pay indemnities rather than be slaughtered:

The culprit generally prefers this mode of settlement to having an uncertain retribution hanging over him, and as the value set on property is great, and the disinclination to reduce the store of blankets—which may possibly be accumulating for a prospective distribution—excessive, the restraint is proportionately severe.

We should note also Murdock’s account of the effects of sib rivalries, as would emerge, for instance, in feuding, on the relationship between husband and wife. The wife, of
course, had to come from a different sib than that of her spouse; she would go to live with her husband's group. Hence if the two sibs fell out with one another, the wife especially would be involved in a conflict of allegiances. The wife's brothers and sibmates would be opposed to the wife's husband and his sibmates, the people with whom the wife lived. As long as matters were but strained, the wife could move freely between the groups involved and act as a mediator. (Murdock does not mention it, but cross-cousin marriage would render the husband's affinals as blood relatives (though not his lineage fellows), and would put further pressure on him to favour compromising the affair.) If, however, a feud did break out, the wife would usually cleave to her husband rather than to her brothers.

ALONG the banks and tributaries of the Nass and Skeena Rivers, along the sea coast between the estuaries of these two rivers, and on the offshore islands further south as far as Princess Royal and Swindle Islands, dwelt the Tsimshian.

Three elements of Tsimshian culture set them off most distinctly from their neighbours. The language is distinct and, to date, no relationship between it and any others in the area has been demonstrated. The Tsimshian have four exogamous kinship divisions in contrast to the dual divisions of the Tlingit and Haida, though all four phratries are not represented in every Tsimshian town. The Coast Tsimshian and Nisga elevation certain lineage heads to tribal chiefs whose prestige was greatly enhanced by tribal economic support and properties, and by tribute from all members of the local group regardless of clan affiliation. They did not take the further step of delegating the power of law enforcement to tribal chiefs.
The Tsimshian and the Chinook were the most politically advanced nations of the Northwest Coast. It is surely no accident that both these peoples should each control one of the major trade routes between the coast and the interior: for the Tsimshian, this was the Skeena; for the Chinook, the Columbia.

The Tsimshian peoples were divided into three mutually intelligible dialects: Nisga, spoken on the Nass River; Gitksan, spoken on the upper Skeena and its tributaries; and Coast Tsimshian, spoken on the lower Skeena, Douglas Channel, and the coastal islands. These linguistic divisions were also associated with other cultural differences. Most of our information concerns the Coast Tsimshian of the lower Skeena and adjacent coast.

The northern neighbours of the Tsimshian were the Tlingit, north of Portland Canal. To the west, across the waters of Hecate Strait, lay the country of the Haida. To the east, in the interior, were Athabascan-speaking peoples with whom the Tsimshian enjoyed extensive trade. South of the Skeena, at Kitimat on Douglas Channel and along Gardiner Canal, was the Haisla division of the Kwakiutl. Further south yet were the Bellabella Kwakiutl and the Salish-speaking Bella Coola.

One notable event of the Tsimshian year was the long eulachen run on the Nass River from late February or early March till sometimes as late as May. Garfield writes, "All the Tsimshian looked forward to olachen fishing at the mouth of the Nass, where they were joined by Haida and Tlingit"
fishermen and traders." This would bring these three northern peoples into fairly intimate relationship with one another. Again we must note the advantages for intermarriage that the similarities in social organization provided.

As with the other northern nations, the basic unit of society (if there may be said to have been a basic unit) was the land-owning, resource-exploiting lineage headed by its lineage chief. This might occupy one or more houses within the winter village. This lineage was also the localized division of a matrilineal exogamous clan or sib.

The lineages and clans were further organized into four matrilineal exogamous phratries. Among the Coast Tsimshian and Nisqa these four phratries were the Eagles, Wolves, Ravens, and Blackfish (or Killerwhales); the Gitksan equivalents were the Eagles, Wolves, Frog-Raven, and Fireweed. The moieties of the Haida and Tlingit were each equated with two Tsimshian phratries for the purpose of regulating marriage between these northern tribes:

<table>
<thead>
<tr>
<th>Haida</th>
<th>Tlingit</th>
<th>Tsimshian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagles...</td>
<td>Ravens.........</td>
<td>Ravens and Eagles</td>
</tr>
<tr>
<td>Ravens...</td>
<td>Wolves (Eagles)</td>
<td>Blackfish and Wolves</td>
</tr>
</tbody>
</table>

This organization into phratries was made manifest only in the rules concerning marriage; otherwise, clan and lineage were far more significant social units.

The clan or sib was a named subdivision of a phratry. Each clan had a legend of its origin, a history of common ancestors, and many crests, shared property, and privileges.
Clans within the same phratry had only this in common, that they could not intermarry. Nor, apart from the sharing of common crests and ceremonial privileges, was the clan particularly important:

In theory, all members of a clan were obligated to render mutual assistance and protection. The members were in fact scattered so widely over Tsimshian territory and beyond that many did not know of one another's existence. People who functioned as a group were only the members of that closely related segment of a clan which is termed a house group or lineage.

Which brings us back to the lineage. The Tsimshian called this unit a "house" and named it after the head of the group. A "house" would contain all the persons dwelling in the one or more households contained in the lineage and under the lineage head. There was another use of the term "house" to apply only to those persons actually related to the lineage head, i.e., actually part of the lineage proper. The second usage parallels the English usage of, for instance, "House of Windsor". In this second usage, most, though not necessarily all, of the "house" would be dwelling with the lineage head. "The extension of the term to designate a group of relatives seems logical and sets the non-kin members of the household, who had no ownership rights to the building, off from those who were relatives and to whom the dwelling belonged."

The same structural principles operated among the Tsimshian as among the Tlingit and Haida. Children were members of their mother's lineage, and spent much of their time in the houses of their mother's brother. This was
especially so for boys, who after the age of ten went to live with their maternal uncle whom they would in time succeed. Wives went to live with their husbands and unmarried girls usually lived with their fathers. As a result, girls spent most of their time away from the lineage to which they properly belonged (except, of course, in the case of cross-cousin marriages).

The most favoured marriage was that of a man with his mother's brother's daughter. In this marriage, the father of the bride was the uncle of the groom. This form of marriage seems to have been still relatively rare, but there were also a good many marriages between people sharing a common grandparent or great-grandparent. Such cousin marriages reinforced the ties that bound the lineages, consolidated their hereditary property, and extended the privileges of using the other's resources. A marriage was, when all is said and done, a contract between two lineages. Marriages "expressed personal friendships, political exigencies and interests in the maintenance of wealth and social position." 67

Jural authority, as usual, was mostly in the hands of the males. The Tsimshian, however, did occasionally recognize female chiefs; Garfield notes three Coast Tsimshian tribal chieftainesses. 68

The Tsimshian had a well developed institution of tribal chiefs. A tribe seems to have been composed of one or more villages, a village being "composed of clusters of dwellings
belonging to members of different lineages", and including members from various clans and phratries. But tribal chieftainship, Garfield thinks, grew out of older village chieftainship. This sounds as if some tribes at least were composed of several villages. Among the Tlingit, some village chiefs extended a temporary influence over neighbouring villages. It seems as if the Tsimshian, at least some of them, went further along this line and established more permanent chieftainships over groups of villages.

Quite in accordance with this greater development of chieftainship—we shall examine it in more detail in the next section—, was a greater development of social stratification. While for most of the Northwest Coast it is sufficient to speak only of three status levels—nobles, commoners, and slaves—and of chiefs as being only the first nobles, among the Tsimshian we may distinguish four status levels: chiefs and their relatives, lineage heads and their relatives, junior lines and distant relatives of lineage heads, and slaves—chiefs, lesser nobility, commoners, and slaves. By chiefs, I mean tribal or village chiefs rather than lineage heads; lineage heads are sometimes called lineage chiefs or petty chiefs, which for the most part is an adequate description, but is a usage to be avoided when talking about the Tsimshian because of the greater development of chieftainship among this people.

The topmost or chiefly class was composed of the (tribal) chiefs with the members of their lineages. This included
both maternal and paternal relatives because the chiefly class married within itself. To marry outside would be to cause one’s children to lose status, unless their 'uncle' potlatched liberally to regain them this status. Those members of the chiefly lineages who did not actually hold ranking names (they were presumably the more junior lines of the chiefly lineage) were known by a Tsimshian expression translated as "little nobility".

The lesser nobility comprised the lineage heads and their near relatives. These were senior branches of the lineages or houses, and their genealogical seniority gave them opportunities for participation in cultural activities not open to the junior branches. This class also included the offspring one of whose parents was of chiefly rank and one was not.

The rank of the people in the lesser nobility and in the commoners was by no means equal. The various houses differed in their status, and accordingly the lineage heads and other persons associated with these houses differed in status.

The commoner class was composed of those junior branches of the lineages whose members, because of their genealogical distance from the senior line, could not hope for positions of leadership and were unable to acquire property enough to initiate potlatches for themselves.

Lesser nobility and commoners could and did intermarry. In marriage, one chief concern was the relative ranking of the
houses about to be linked. Because of this intermarrying, it is also appropriate to describe these two classes together as a single "middle class".

At the very bottom of the commoner class was a rank of very poor people who had no lineage heads and no hereditary lands. They were described as "people without origin", and lived with and worked for the chiefs, from whom they received protection and subsistence.

Lowest of all were the slaves. Marriages between slaves and freeborn were forbidden.

THE TSIMSHIAN recognized three levels of political organization, and three levels of political authorities: lineage heads, village chiefs, and tribal chiefs. Lineage headship followed the pattern already described for the Tlingit and Haida. Village and tribal chieftainship, however, at least among the Coast Tsimshian and Nisqa, was more than being merely the leading lineage head of the village or tribe. The people of the lower Skeena, that is, the Coast Tsimshian, seem to have pioneered in the development of chieftainship, and it will be clearest to begin with a description of how first village and then tribal chiefs emerged.

Probably early in the eighteenth century, the dominance of the village by the head of one lineage group crystallized into village chieftainship. The village chief remained the hereditary head of his own lineage, which thereby settled permanently as the leading group of the village. As already
mentioned, members of the chief’s lineage who did not themselves hold high ranking names came to be known as Igu-walksek; or "little nobility." Presumably, this meant that the dominance of the village by one lineage and its head became permanent and hereditary.

Not long before 1800 the Tsimshian moved further down the Skeena and established permanent villages on the edge of the salt water. The villages on the Skeena were not abandoned. Chiefs in the old villages appointed from among their heirs chiefs who would watch over the new villages. Some of these older chiefs themselves took over new villages, and left the old villages in the care of their successors. These senior chiefs continued to exercise their authority over the newer chiefs, and in this way tribal chieftainship emerged, in which the tribal chief was regarded as the leader of his tribesmen regardless of where the latter lived.

The tribal chieftainships were patterned after lineage headships. Garfield writes:

Obligations which previously existed between lineage heads and kin were duplicated between tribal chiefs and followers, and property concepts formerly applied to lineages were extended to tribal chiefs. Lineages owned property; tribes also owned resource areas, homes, house furnishings and treasure valuables for their chiefs, who, within limits, administered tribal property for the glory of themselves and their subjects. Tribes provided their chiefs with slaves and luxuries such as copper shields, Chilkat blankets, copper ornaments and richly ornamented chests, dishes, and spoons. A part of everything acquired or made was presented to him, whether a catch of seals or fish, a choice cut of bear meat, or trade goods. He also collected tribute of trade goods from his tribesmen. . . .
The chief had no formal political authority, in spite of the fact that he wielded considerable influence. It was his wealth which gave him such power as he enjoyed:

He was given no power to either enforce or change customary law, nor to intervene in disputes between tribal members unless asked to use his persuasive powers to bring about a settlement. He could council, threaten, cajole, but not command any but the members of his own lineage. In actual practice, a tribal chief was not a man whose wishes could be lightly disregarded. He had great wealth and an illustrious name; he had patronage to distribute and slaves and young men at his command to work for him; he could mobilize an armed guard or a raiding party larger than was available to any lineage head. Chiefs could and did quell resistance by armed force when necessary.

The tribal chief was assisted by a council composed of the lineage heads of the tribe or village. The council organized tribal undertakings such as a chief's potlatch, the building of a chief's house, the funeral of a chief, and the inauguration of a new chief. They advised him on the choice of wives or successors, and decided whether or not the wealth of the tribe should be invested in potlatches, coppers, or slaves. Since the chief required the approval and assistance of the council before any extensive enterprises, the council thereby had a check on the chief's power. It should be noted that the council did not always exert its powers in this regard.

THE FEUD-SYSTEM of the Tsimshian was of the same kind as the other northern tribes. The responsible unit in the system was the lineage, i.e., the localized segment of a
sib, consisting of people living not only in the same house, but often in the same village or cluster of neighbouring villages. While there were sentiments of sib and phratral loyalty, the facts that sibs and phratries were spread out over a wide territory and that a person did not usually get to see the distant members of his sib and phratry, meant that these units could not function efficiently as the responsible units of a feud-system.

The killing of a fellow sib-mate was not defined as murder and there was no formal punishment for it—though it should be noted that many Tsimshian stories relate that a man's sons avenged his death if he was killed by one of his own sib-mates.

The killing of a person not of one's own clan was reckoned as murder, and brought vengeance in return upon the murderer's lineage, or, if none of his lineage were available, one of his sibmates would do. Tsimshian law-ways took no account of intent. Accidental killing brought the same sanctions as intentional murder. If a guest was killed while hunting or fishing with his host or on his host's territory, the host was liable in much the same way as if he had himself killed his guest. The injury of a person not of one's own clan followed a pattern similar to that for murder.

The code of indemnification of the Tsimshian was relatively complex. Like the codes of the Tlingit and Haida, it took into consideration differences in rank.

If the injured person was of higher standing than the
offender two persons from among the latter's relatives were killed or a large amount of property was demanded, the exact amount being decided between the groups involved. The rule was, a middle class man for a middle class one and a chief or a chief's relative for a chief. The injury or death of a woman was not compensated for unless her family was influential. A chief who killed a man of lesser rank was expected to compensate for the murder, but the relatives would make no formal demand for restitution. They could retaliate by attacking some lower rank relative of the chief, though this was apt to prove a boomerang and they would find themselves in debt to the chief for the difference in rank between the two men. Many long continued feuds have been carried on mainly because of the difference in rank of the men involved. No lineage with any pride would allow the matter to drop until they felt it had been equitably settled.

The presentation of a claim for indemnification had a formal pattern. The claim, in the instance of murder, would be presented only by a lineage fellow, usually the successor, of the deceased. For the claim to be presented by a remote relative, even of the same phratry or sub-phratry, would be to make the claim ridiculous, and it would then be ignored. Only persons of the same lineage as the victim had any legal claim to compensation. "The plaintiff presented the case for himself and the other house or lineage relatives of the deceased; the defendants dickered over the amount they owed and the crowd of spectators were the witnesses to the proceedings." These witnesses, in the event of questions arising in the future, could prove that the affair had been settled and that neither party had any more claims in the matter.

Personal insults and slights, and anything that could damage a person's dignity and reputation, were treated in the same way as a murder or a bodily injury. Humiliation at the
hands of others would be avenged and wiped out by inflicting injury or humiliation on those others. Injuries and insults suffered at the hands of non-human agencies, such as an accidental death without human intervention, were wiped out by giving a potlatch, destroying property, or inflicting an injury on another lineage.

Witchcraft was occasionally used as a method of revenge.  

THESE, then, were the political and legal systems of the Tlingit, Haida, and Tsimshian. How are we to evaluate them?

In the first place, all three societies clearly had classical feud-systems. After the commission of an offense, the injured side made claims for compensation: feud-indemnities in the strict sense definitely existed. At the same time, though chiefs, as for instance among the Tsimshian, might have somewhat greater immunity to retaliation, they did not yet regulate the right of private vengeance: the feud-system, therefore, was not yet decadent.

The presence among the northern tribes of conflicting allegiances and their job in helping to maintain order was explicitly noted by Bancroft as early as 1883. He wrote:

In this clanship, i.e., that of the Tlingit, some singular social features present themselves. People are at once thrust widely apart, and yet drawn together. Tribes of the same clan may not war on each other, but at the same time members of the same clan may not marry with each other. Thus the young Wolf warrior must seek his mate among the Ravens, and, while celebrating his nuptials one day, he may be called upon
the next to fight his father-in-law over some hereditary feud. Obviously this singular social fancy tends greatly to keep the various tribes of the nation at peace.

The pairing of house groups previously described would bind portions of two clans of opposite moieties very closely together, and these bonds would tend to counterbalance the ties of these portions or house groups with the remainder of their respective clans. Just such a situation as Bancroft points out would then be an ever-present potentiality. Murdock, as already discussed in the section on Haida law, has described the conflict of allegiances involved in the husband-wife relationship in times of feud. Garfield, in her account of the Tsimshian legal system, has related a number of case-histories; these show quite clearly the operation of conflicting allegiances. The evidence supports the proposition that conflicting allegiances, produced chiefly by rules requiring marriage outside one's vengeance group, created an important pressure in favour of compromising offenses by paying indemnities.

Since the northern nations had feud-indemnities properly so called, we should not expect to find among these peoples any extensive individual geographic mobility. What evidence do we find?

The evidence is rather negative and indirect. The ethnographers mention nothing at all like the sort of thing described for the Nootka and Kwakiutl. From this fact, it seems reasonable to infer that in determining the composition of groups and the affiliation of individuals thereto,
south of the ethnographers did not have to take account of constant visiting and moving in and out of the groups in question; and from this, we may in turn infer that such moving and visiting was not especially pronounced. But such negative evidence is hardly conclusive enough: perhaps the ethnographers, after all, did not ask the sort of questions that would have brought out such movements if they did occur. As long as this possibility remains, we cannot reasonably assert definitely that high individual geographic mobility did not exist; we can say only that its existence does not seem likely.

When we look at the social organization as a whole, however, the unlikelihood of high individual geographic mobility seems even greater. All three societies have formal and explicit rules of unilinear descent, rules that imply much more than merely nominal affiliation. With these rules are associated fairly fixed rules or practices of residence that tend strongly towards unilocality. High individual geographic mobility simply does not seem in accord with such an organization.

Other bits of evidence accumulate. The Tlingit placed a very high value on the pairing of house-groups. Such a valuation would tend to reinforce such pairing as did occur, and such pairing would reduce the number of other units with which a man might have kinship and therefore some rights to hospitality and visits. It would tend to favour the association of a person with a particular locality and none other.
This, also, is the impression, at least, that I get from a discussion by de Laguna on the Tlingit social self.

Another item of information concerns the Tsimshian. An inspection of a collection of Tsimshian narratives reveals a fair number of migrations as groups in response to various catastrophes, war, famine, etc. But movements of individuals, though occurring, are yet few and far between. Such that do occur are frequently the flights of survivors from massacres, hardly individual geographic mobility to prevent the outbreak of violence.

None of these bits of evidence is particularly strong in itself. Seen together, however, they warrant, I think, the conclusion as a reasonable certainty that a high degree of individual geographic mobility did not exist among the Tlingit, Haida, and Tsimshian. And this is in accord with theoretical expectations.
THE SALISH-SPEAKING PEOPLES
Bella Coola, Georgia Strait, Upper Stalo, Puget Sound, Klallam, Quinault

WE COME now to the sociopolitical systems of the Salish-speaking peoples of the Northwest Coast. These people fell into two major divisions: the Bella Coola, whose neighbours were the Haisla and Tsimshian to the north, the Bellabella to the west, the Heiltsuq to the southwest, and the Athapaskan-speaking Carrier and Chilcotin to the east and the farther south-east; and the Coast Salish proper, who lived in the country south of the Kwakiutl and Nootka as far as the Columbia river where the Chinook lived. Within the region of the Coast Salish proper, the peoples I wish to discuss are the Salish of the Georgia Strait area, the Upper Stalo, the Puget Sound Salish, the Klallam, and the Quinault of the western Washington coast.

Up to now I have used the words "tribe" and "winter-village community" as synononous. This usage has accorded with that of most of the writers describing the peoples we have just examined. But the writers on whom I rely for the Coast Salish data sometimes make a distinction between the village and the tribe: they use the word "tribe" to refer to a group of people usually comprising more than one village and distinguished from other groups by common dialect, a
sentiment of kinship variously expressed, and sometimes other small elements of cultural difference. The villages, also, were generally rather smaller than the villages of the northern nations, sometimes consisting of only one or two houses. (But to complicate matters, house types differed from those of the northern nations, and house sizes varied considerably, even within the same village.) This represents, I think, a somewhat more diffuse and less concentrated pattern of population distribution than that among the northern tribes—although the population per square mile was perhaps greater among the southerners than among the northerners. In describing the Salish, then, I shall not necessarily mean by "tribe" a winter-village community.

The Bella Coola

The Bella Coola people were divided into three major groups: those of the Bella Coola valley, those along South Bentinck Arm, and those at the head of Dean Channel. The latter two groups may also be called the Tál'io people and the Kimsquit people respectively. McIlwraith describes the Bella Coola together as a single tribe, in spite of the fact that it was the village that was the basic political unit, and gives his reasons for doing so in the following passage:

All spoke the same language. There were dialectical differences among the people of Bella Coola, Tál'io, and Kimsquit, but each group could understand the others. This differentiated them clearly from all neighbouring tribes.

A member of a secret society in any of the Bella Coola, Tál'io, and Kimsquit villages was accepted as a member in any other one. A person of another tribe, even if known to belong to a comparable society, was
treated as an uninitiated person.

The people of Bella Coola, Tal'io, and Kimsquit felt themselves to be akin through acceptance of the fact that their ancestors had been created together in the beginning of time.

In his description of Bella Coola social organization, McIlwraith distinguishes three major types of social unit, each closely involved with the other two: the ancestral family or minmint, the village community, and the ordinary family.

According to Bella Coola history, the nation was descended from about forty-five groups which came down from the world above in the beginning of things and each established a village community. The minmint comprised all those persons who traced their descent from one of these first groups of settlers. This descent might be traced either through one's father or through one's mother, and a person might accordingly claim membership in more than one minmint, usually in two or three but sometimes as many as eight. This ancestry was embodied in ancestral names, and the ancestral names in origin myths. "The ancestral family consists of those whose ancestral names, embodying definite prerogatives, are embodied in a single origin myth, That is to say, a child received shortly after its birth a name embodied in the origin myth of the ancestral family (minmint) of one of its relatives, usually its father or mother; this name should not be one then in use by another member of the minmint. A child might be given several of these ancestral names, each from the various minmints to which he was related."
A child to whom such an ancestral name had not been given would be without status in the community, and would not in fact be a member of a minmint.\(^3\)

Affiliation with a minmint followed bilateral principles. A child was a member of both his father's and his mother's minmints, and through them, of the minmints of his four grandparents.\(^4\) Viewed synchronically, therefore, the minmint may be regarded as a bilateral or non-unilinear descent group. But it must also be viewed as an institution stretching back in time. Looked at under this aspect, says McIlwraith,\(^5\)

it is in fact, though not admitted to be so by the Bella Coola, a uni-lateral grouping with patrilineal descent, which may, in both the most recent and most ancient generations, be marked by matrilineal descent instead. A man frequently uses prerogatives obtained through his mother, her mother, or even her mother's mother, but it is tacitly assumed that for many previous generations such rights passed in the patrilineal line. Sometimes this succession extended back to the beginning of time; in other cases, prerogatives were transmitted matrilineally for a considerable period after the settlement of the earth, before gradually becoming patrilineal.

With all due respect to McIlwraith, we must, I think, still regard the minmint as a bilateral group through time, though possessed of a strong preference for patrilineal descent. This strong preference is undoubtedly connected with the preference for patrilocal and virilocal residence.\(^6\)

The minmint was also the land-holding unit. Associated with each minmint were a number of hunting territories, fishing places, and berrying grounds. The claims of the minmint were contained in its origin myth, which recorded how the founding ancestors found and preempted the
grounds in question for themselves. An individual could of course hunt and fish or otherwise share in the resources of any and all of the minmints to which he belonged. And wives or husbands were allowed also to use the ancestral lands of their spouses.

The next unit distinguished by McIlwraith for the Bella Coola is the village community. The village community was intimately connected with the minmint in that the former, at least theoretically, consisted of the descendants, traced mostly in the patrilineal line, of the reputed first settlers to occupy a village site. The minmint was usually thought of in relation to villages. "A man belongs to the village where his first ancestor came to earth, though he is equally a member of other towns into which his ancestors may have married." This was in spite of the fact that it was of their ancestral families that people were most proud.

Migrations and abandonments of village sites took place often enough in the old days. Mythology recorded such as having occurred at the beginning of Bella Coola history. People would move to villages where they had relatives and seem always to have been welcome. If in such a manner two minmints came to occupy the same village, they would become even more closely related than ever before; the same would happen even if the two minmints were previously unrelated. Nevertheless; "The real inhabitants, those whose power is firmly planted in the village, are the reputed descendants of the first group of settlers, and accordingly a relative coming to dwell in a village usually endeavours to obtain a
name from the origin myth of the ancestral family occupying it and thus establish himself with the traditions of his new home." Such endeavours would be rendered relatively easy by the fact that affiliation with a minmint could take place through either parent.

Besides the ancestral family that made up the core of the village community, there would be other occupants: strangers who had fled from their own people and sought refuge among the Bella Coola; the offspring of illicit intercourse with slaves, and who therefore had not been granted ancestral names; guests; foreigners, such as the Carrier of the Interior, residing for the moment with Bella Coola; and slaves.

The chief function of the village was as a ceremonial unity: the village was the unit for putting on dances, and the leading men of the village customarily met together to discuss ceremonial matters. It was a political unit of sorts, in that if it was attacked, all the villagers tended to suffer equally. But, apart from this, it was a fluid and individualistic unit: most individuals tended to follow their own inclinations. There was, for instance, no compulsion for an individual to join a war-party that some of his fellow villagers organized.

The size of the villages varied, from as many as thirty or forty houses to as few as two or three. The houses themselves varied in size: an important chief might have a household including ten or more families, and his house would
would contain and be able to contain only about two or three families.

The third unit that McIlwraith distinguishes is the family, consisting basically of a man, his wife or wives, and his children, but sometimes enlarged by the addition of other relatives to form a sizeable extended family occupying a large house. A poor man's family would be limited to his wife and children, and perhaps his elderly parents. But a wealthy and (therefore) influential man would have a larger family. A very powerful chief's family would include his wives, his aged relatives, and perhaps some of those of his wives, his sons with their wives and children, and perhaps even his daughters with their husbands and children. And the family group might also include connections by marriage, such as a brother's widow. Thus the family or household might include members from more than one minmint. And at any rate, the wife's relatives, even if not living with her husband, nevertheless took great interest in the fortunes of the children. No family group, therefore, could be isolated and to itself alone.

The head of the family directed the economic activities of the group, and was assisted by his children in giving potlatches. As a child grew up, he was assisted in performing the various ceremonials by his parents and siblings, and also by his maternal relatives. The family group was also the unit which educated the children and prepared them for full adult life. Finally, we should note that if a father
acted too despotically, his children, especially the older, married ones, would simply move away; this put an effective check on his power.

The family group was also the unit of legal enforcement; discussion of this aspect will be reserved until later.

The kinship terminology of the Bella Coola was clearly that of a bilateral system. 11

The Bella Coola were divided into three status levels: nobles (or, as McIlwraith calls them, chiefs), commoners, and slaves. The nobles or chiefs were those persons who, by dint of much potlatching and other distributions of wealth, gained great prestige and influence. The commoners were those who had little wealth and therefore had distributed little. While the children of wealthy men had an advantage thereby over the children of poor men, in theory and to a good deal in practice, persons of ability and industry could elevate themselves to chiefly status. Lazy children of even the highest nobles would, by failing to accumulate and redistribute wealth, by degrees lose their status. This practice the Bella Coola saw as different from that of their neighbours, and often said, for instance, that the Bellabella considered foolish the Bella Coola practice "of each one endeavouring to make himself a chief." 12 This phrase is a short and pithy description of the Bella Coola custom.

The power of a Bella Coola chief was directly proportionate to his wealth and prestige, and very wealthy chiefs might be accorded almost despotic powers.
In selecting partners for marriage, the chief concern was for the welfare of the children who would result from it. It was important that a man chose a wife (and a woman a husband) marriage with whom would not demean the children through lack of ancient and honourable ancestry. The first rule, then, was to choose a mate of approximately the same social status or the same level of wealth.

Then, of course, one might not marry too close a relative. Marriage with a sister, an aunt, a niece, or any first cousin was forbidden.

Having eliminated those girls who are too closely related, or who are unsuited on account of the poverty of their parents, the father and mother can concentrate on others of about the same age as their son. The most desirable is a member of the ancestral family of one of the parents. This obviates the dangers and difficulties of marriage with a stranger, and any children will be born into the close-knit circle of related ancestors stretching back to the beginning of time. . . . Each ancestral family is jealously proud of its ancient traditions and prerogatives, and as some of these are transmitted at marriage, it follows that a mating within its ranks is desirable from a business standpoint. . . .

Since ancestral families have usually become localized in certain villages, there is a strong leaning to local endogamy, though this is not compulsory. The restrictions on marriage are of a bilateral nature, and the preferences are equally bilateral, with a tendency to become patrilineal, in accordance with the patrilineal tendency of the ancestral family as already described.

This strong tendency toward endogamy was counterbalanced by a practice of seeking wives from unrelated or from other tribes. This practice, engaged in especially by wealthy chiefs, was done in order to gain as part of the wife's dowry various prerogatives that the chief thought well worth the risks of marrying out for.

Two might also exchange women, as it were, over time in a practice called "return marriage". This would
have the effect of returning ancestral names given in marriage to the minmint that had originally given them. If it happened often enough, also, it would have the effect of binding the two minmints together, "until the prerogatives of the two families become so closely interwoven that a child will, indeed, be born into the ranks of related ancestors from both parents."\textsuperscript{14}

A significant feature of Bella Coola society was the "fluidity" of the system.\textsuperscript{15} The minmint had no accepted head, and there were no clearly formulated rules governing the transmission and inheritance of the ancestral name-prerogatives. The village was equally "fluid": there were as many chiefs in the village as there were wealthy and influential men. If a family group became unpopular or considered itself aggrieved, for whatever reason, it usually moved to another village. This "fluidity" was shown also in the customs regarding the taking of vengeance.

WE WILL NOW examine the Bella Coola patterns of authority and legal enforcement.

The first force of social control was public opinion. McIlwraith\textsuperscript{16} refers continually to it. We may expect that public opinion would prevent a fair number of the irritations of daily life from boiling over into irrevocable violence. In this job, the opinions of wealthy and therefore influential persons ("chiefs") would count for much.

The source of chiefly influence (namely, wealth) has
already been described. Ability and strength of character would in themselves count for much, but they would be manifested chiefly in the accumulation and redistribution of wealth at potlatches and lesser feasts. Our concern at this point is with the actual powers enjoyed by a chief.

A chief had no judicial or executive power. The deference and influence that he enjoyed depended solely on his prestige. McIlwraith says:  

"The advice of such a man is taken because of his ability and prestige, especially by the members of his own family. A few years ago, for example, when a certain Bella Coola died, his brother wished a kusitut name-prerogative of the deceased to pass to the dead man's daughter. The girl's mother's father, a numititi chief, objected, and his desires were followed, although the name in question was not connected in any way with his family. In small matters, too, people gladly carry out the wishes of a chief. Work around the house is done for him without thought of disobedience."

The extreme of chiefly power, an eminence rarely reached, was reached by a Bella Coola chief named Poties, who was far above the restraints that hindered lesser men:

The last great Bella Coola chief was Poties, who died between 1870 and 1880. His influence and power were so great that he was a virtual ruler, daring anything. If he requested a young man to take his food box home and the youth was slow to obey, Poties had no hesitation in killing him on the spot. Such great power, though unusual, is intelligible to the Bella Coola, since Poties gave far more potlatches than any of his contemporaries. Other chiefs have been known to attempt a similar arbitrary use of power, but have failed, since their prestige was not great enough to justify it. The fame of a mighty chief spreads up and down the coast, and protects him and the members of his family from being ambushed and slain in any sporadic foray. During an actual fight, however, a chief had to take his chances with the rest, but the comparative immunity was a great advantage.

The position of chief was not without its disadvantages. One who elevated himself too far above his fellows and acted
131.

'too arrogantly aroused envy in the hearts of others, and these others would then seek to kill him, by sorcery if not in a more open manner. 19

The family, not the minmint or the village, was the unit of legal responsibility. But the limits of this unit were by no means clearly defined, as McIlwraith's 20 account shows:

If a person is killed or wounded, revenge is the affair of his family. Just how many individuals are involved depends on the composition of the family. In the case of the killing of a child, living with his parents alone, none but the father would feel it incumbent to retaliate. If an adult person is murdered, his or her brothers feel and avenge the insult. But should an important member of the community be slain, an old man surrounded by a numerous family, it is the affair of all. Every effort is made to slay the murderer, but if he should escape from the country, the injured group is satisfied by killing one of his family. Here again the same inexact composition is found. A man's son, brother, or father are the only persons strictly liable, and even here the common sense of the Bella Coola outweighs their theoretical laws. A murderer's brother, living in another village, would not be held liable; but more distant relatives living with the offender and considered as his family are liable. It is very rare for a woman to be killed in a blood feud. A death is answered by a death; if two persons should be slain for one murder the family which has suffered the double loss endeavours to kill another of their enemies. In case of wounding, an effort is made to wound the offender, but if he should be killed his family would try to avenge him. More often, one of the offender's family takes the initiative of offering goods to the injured family, "to cure the wound." If the offer is accepted, and the goods delivered promptly, the matter is at an end. If a murder be committed within the ranks of the immediate family, for instance, if a brother kill a brother, revenge, if exacted, must be meted out to the actual offender. If requested to do so, the leading chief of a village may offer his advice, but it is always considered that revenge concerns only the immediate family.

Revenge is a topic which shows clearly the essential fluidity of the family. There are no well-defined degrees of relationship within which responsibility rests. Instead, everyone knows, in the open life of the commun-
ity, how many persons share the family life of the individual, and they alone are held to account, or they alone demand compensation.

One of the chief sources of disagreements seems to have been over the bestowal of name-prerogatives and rights in the land owned by a minmint. Sometimes, for various reasons, a person would grant to another not of his ancestral family a name-prerogative or a right to use the minmint's land; but others of his minmint would not agree with this gift, and when the receiver claimed it, a quarrel and violence would ensue.21

"Factions within the village seem to have been unimportant; individual jealousies were common, and often led to murder, but if a family became unpopular or considered itself aggrieved, it usually moved to another village."22 The use of sorcery in connection with envy of chiefs has already been mentioned; it would constitute another cause (as well as be an expression) of discord.

This, then, was the legal system of the Bella Coola. What may we say about it? First, there is some resemblance between the Bella Coola practice of "curing the wound" and the payment that the Kwakiutl chief Neqapenkem made to the chief Gexkenis whose arm (and dignity) had been wounded by Neqapenkem's brother Tsagayos. Neither happening can be called a full-fledged, proper instance of a feud-indemnity. It is significant that in both instances the initiative was taken, not by the aggrieved group making a claim, but by the offending group volunteering the goods as a peace-offering.
We do not, I think, see here feud-indemnities properly so called, but rather the precedent from which, in other societies, feud-indemnities probably arose and, among the Bella Coola and Kwakiutl, might in the course of time have arisen. The Bella Coola practice seems to have been more of a regular and generally accepted sort of thing; while Neqapenkem's action may have been more of an idiosyncratic pattern of behaviour; if this were so (and to argue so is to argue from lack of data in the Kwakiutl case), then we might consider the Bella Coola closer to a classical feud-system than the Kwakiutl—but not much closer. For murder, the custom was still a life for a life, and no compounding was possible.

The feud-system of the Bella Coola was therefore nascent. It lacked feud-indemnities, and Bella Coola chiefs, without judicial or executive functions, did not regulate the right of private vengeance.

Second, we find definite indications, if not quite as clear as we should like, of individual geographic mobility serving to reduce pressure on the feud-system to develop fully fledged feud-indemnities. Families finding it hard to get along in one village departed for another. "In the early days immigrants seem always to have been welcome; they added to the numerical strength of the village, and the original inhabitants enjoyed boasting to the newcomers of their descent from the first settlers."
The Salish of Georgia Strait

BARNETT distinguishes thirteen tribal groups existing in early historic times on the shores of the Strait of Georgia. Each tribe was marked off from the others by certain dialectical peculiarities, and each was composed of a number of fairly closely associated but not notably large winter village groups. In summer these various tribal groups broke apart into extended family groups and dispersed to fairly widely spread fishing and berrying grounds. Most notable of these summer movements of the tribes was the great July congregation at Lulu Island of people from Cowichan and Nanaimo on Vancouver Island and from Musqueam (Barnett: "Maskwiam") and Point Roberts (Barnett: "Tswasan") on the Mainland. 24

In spite of these various divisions, however, social organization seems to have followed much the same pattern throughout the region.

The basic social unit was the extended family, normally living in winter in one large house in the winter village. This house group was the land-holding, resource-exploiting group and the basic unit of social control—that very common pattern throughout the Northwest Coast. This extended family tended towards a rule of patrilocal residence, but not exclusively so, for sometimes a husband went and lived with his wife's family. The core of the household usually comprised the family head, his wife, his sons and their wives and children, his unmarried daughters, his brothers with their
wives and children, and his unmarried sisters. Often there would live in the household also widows, parents-in-law, orphans, "and other tag ends of families unable to stand alone." The family bore a name and enjoyed a set of ceremonial prerogatives which set it apart from other families.

Disaffected individuals or those without strong support were glad to identify themselves with an important family, and normally they were welcome. Since they usually joined a collateral branch of their own lineage or a family to which they were related by marriage, little adjustment of attitude or obligation was required. This process of accretion was offset by the contrary one of division or segmentation. Sometimes the realignment resulted from the ambitions and rivalries of brothers; but it was also the normal consequence of population growth. There are indications that the average village was composed of a number of related extended families, the collateral outgrowth of an original nucleus.

The rules concerning whom one could or could not marry followed bilateral rather than unilateral practices. First and second cousins should under no circumstances marry, and though third cousins might, some yet more distant relative was preferable. Marriage with a parent's sibling was regarded with horror. Some considered a wife's daughter by a former marriage eligible, but others did not. Most groups did not forbid marriage with a wife's sibling's daughter. Such a pattern of exogamy would tend to favour village exogamy, especially in view of the relatively small size of the villages. But village exogamy was not elevated into a rule.

A person should marry a person of approximately his or her own social status. This would also have the effect of leading a chief to seek a wife outside his own village.
Commoners would be more likely to find a wife of their own status within their own village than would a chief.

Barnett also describes another motive for marrying as widely as possible:

In marrying, a man's ambition was to gain as many desirable social and political connections as he could. In later days at least, this ambition manifested itself in an effort to obtain wives from as many villages as possible. By doing so, a man built up a variety of alliances with families in neighbouring groups that afforded protection and hospitality outside the territory of his local group. Furthermore, he laid the basis for the claim of "many homes," a claim upon which men prided themselves. It was especially desirable that one should have homes located a great distance from his paternal home, for a man had to be rich and well known to have his suit accepted in a distant village.

Barnett, however, wonders how widespread this practice was in ancient times. He thinks that the enforcement of peace by the Government and an enlargement of the zone of friendly contacts led to a considerable increase in the range of interfamily marriages. At the close of the eighteenth century, for instance, such hostility existed between the Cowichan and the Comox that a Comox man, seeking a Cowichan wife against the advice of his family, could not convince the Cowichan of his peaceful intentions when he arrived in Cowichan Bay and was decapitated and disemboweled there on the beach.

Three status levels existed among the Strait of Georgia Salish: chiefs or nobility, commoners, and slaves. Between slaves and freemen was fixed a sharp gulf. But a continuous gradation of rank extended from the lowest of the commoners to the highest of the nobility, and it was hard to
distinguish between the lowest of the nobility and the highest of the commoners.

It could not be otherwise, for rank depended, not alone upon birth in a certain family, but also upon the order of birth within it. Within any given family, the possession of valuable items and resources of wealth and of ceremonial prerogatives was the important criterion of status. As a rule, this correlated pari passu with order of birth, for in general all rights were inherited. A fifth son in an aristocratic family therefore ranked far below the first, and his first cousin far below him. Both approximated the common level and it would have been difficult to draw a line of demarcation between them and a respected commoner. Informants never attempted it. As a matter of fact, although they were quite conscious of rank in the abstract and of the behavior proper to the two grades of it, informants, when questioned about this or that individual or his father (except for heads of houses), were usually unable to rate any individual socially with respect to other individuals.32

Rank could be raised and was raised, but not very often.33 "Chiefs" among the Georgia Strait Salish were simply the headmen of the extended families that constituted everywhere the basic social units. They gained influence through their rank and prestige and through their observance of the rules of proper morality. There were no village chiefs as such. "If one man was accorded distinction or merit over all others, it was because he was the headman of the most powerful family unit within the aggregate, and for no other reason; and he had only so much power and influence as was tacitly accorded him by the other family headmen in the village."34

The headmen, however, had no power beyond the support of public opinion to enforce their judgments or decisions. But public opinion was powerful. Barnett says,35 spelling out the force of public opinion in detail:
Although the headman's advice was frequently sought, he had no power whatever to enforce his own judgments or even the majority opinions of his house associates. Any dissester was free to do as he pleased. Even when his action jeopardized the life, rights, or security of others, no formal group restraints were imposed on him. However, a number of factors held the nonconforming individual in check. These were the pressure of economic necessity, the threat of social isolation, ridicule, the withdrawal of moral support, and, occasionally, the fear of physical violence on the part of an aggrieved individual.

The pattern of intervillage conflict, whether properly called warfare or properly called feuding, was one of a series of reciprocal night raids. The pattern for raids undertaken in retaliation for an initial attack was as follows:

An attack . . . did not necessarily involve the whole village of the victims in the retaliatory move that was almost certain to follow at some future time. Only the kin of the murdered persons took up the issue and sought revenge. Their counterattack was similar to the original attack on them. If they knew who the leader of the murdering party had been, the attack was made on his house. Otherwise any victim would suffice to allay their grief and satisfy their desire for revenge. They avoided killing relatives in the village attacked if they had any there.

The killing of any victim if one of the murderer's kin could not be found is not, strictly speaking, a feature of a feud. It does show, however, how easily something which began as a feud might shift over into the character of a war.

I think, however, that this very similarity between the forms of violence in Strait of Georgia Salish feuding and warring, justifies the sociological or functional definition of the feud as a legal institution and of war as extra-legal. If we cannot distinguish them substantively, i.e., in themselves as forms of behaviour, then we must
distinguish them functionally, i.e., by the jobs they do.

The Georgia Strait Salish pattern of feuding and feud-indemnities is described by Barnett in the following account:

In the case of an ordinary murder, a settlement had to be made immediately. If the price demanded by the victim's family was not paid, retaliatory attacks and counterattacks by surviving relatives would follow which were not to be distinguished from the hostilities described above that have been denominated "warfare." Since the extended family of the murderer was collectively responsible, the head of the family immediately took charge. The close kin of the murderer were more liable than the others, but all were concerned and might be involved in the bloodshed that would ensue if a prompt settlement was not reached. If the father and uncles of the murderer were unable to pay the price demanded by the victim's family, the headman had to make up the difference. Negotiations between the two families were carried on through disinterested intermediaries who received nothing for their services. They were influential men and performed their temporary office for the sake of peace. The amount of the indemnity depended upon the status of the deceased, but there was no standardization of amounts. However, if an aristocrat killed a common man, he paid considerably less than for one of his own rank.

Accidental homicide called for payment no less than premeditated homicide. Feelings were not so outraged but a restitution was necessary before contact could be resumed.

Payments were also made to restore friendship in cases of conflict which did not result in murder. When two men fought, the assailant or the least-injured party took the initiative and sent a few (ten or twenty) blankets to his antagonist. The latter then returned a portion of the gift, the amount depending upon his feelings in the matter. However, if he behaved like a churl, he was likely to provoke ill feeling which might develop into murder through witchcraft or violence. If anyone witnessed a fight, both parties were obliged to call the people and give a face-saving excuse. Once, when a man at Nanaimo was felling trees, Westly's father [Westly was one of Barnett's informants] asked him for some of the fir limbs lying about. He was refused in insulting terms. He returned home and told his father, who went to the place where the man...
was working and whipped him with a strap. On the following day, Westly's mother, who was a distant relative of the man, took some blankets to him as a peace offering.

This, then, was the feud-system of the Georgia Strait Salish. It is of the classical type, though not perhaps a highly developed example. It differs, for instance, from the Bella Coola system in that it has obligatory-on-pain-of-violence payments to be made by the offender's group in case of murder. It bears some resemblance to the Bella Coola customs in that in case of a wounding, peace offerings are made by the offender (if he has not had the worst of the encounter), who takes the initiative in making the offering.

If the suggestions put forward in the chapter on the Feud and Primitive Law are correct, we should expect less individual geographic mobility among the Georgia Strait people than among the Bella Coola. The evidence for this is rather indirect. In the first place, individual geographic mobility was apparently not so pronounced among the Strait of Georgia people that Barnett found it necessary to mention it. In the second place, Barnett notes a good deal of intervillage distrust, if not outright hostility, in aboriginal times. "Beyond village limits," he writes, "aboriginally contacts tended to be few and mostly of an unfriendly nature."38 This sort of thing would be a significant deterrent to large-scale individual geographic mobility. The evolution of feud-indemnities in such a situation is not at all surprising.
The Upper Stalo

WILSON DUFF distinguishes seventeen different tribal groups of the Stalo, or Salish of the Lower Fraser, these groups varying in power, numbers, and importance. Among them he includes the Musqueam of Point Grey. The Lower Stalo people were much like the people of Georgia Strait in their social organization and customs, whereas the Upper Stalo—notably the Chilliwack, Pilalt, and Tait tribes—were quite distinctive in several ways. The description which follows refers to the Upper Stalo.

The Upper Stalo were divided into three levels of sociopolitical integration: the extended family, the village, and the "tribe".

The extended family was the basic social unit. It was both a kinship and a local unit. Duff writes:

The core of the population of each Upper Stalo village consisted of one or more extended families, each made up of a nucleus of males—a man, his brothers, their sons, grandsons, etc.—with their wives, children, and other dependents. This unit could be quite large, depending upon the number of wives, fecundity, and status of its main members. An important man would gather a large group around him, including nephews, sons-in-law (in some cases), and other more distant relatives.

Functionally, this was the most important and closely knit economic and social unit. It was the largest unit which was strictly exogamous. In it the children grew up, receiving their education from the grandparents.

The next largest unit was the village, composed of from one to several extended families. They were usually small and impermanent. They were usually exogamous units, though in the larger villages a man might obtain wives from
other families in the same village. The various families that made up a village were usually related, sometimes by blood, sometimes by marriage. The Upper Stalo lacked traditions of descent from mythical human or animal ancestors who were associated (and their descendants likewise, therefore) with particular locations.\textsuperscript{42}

The third social unit consisted of the tribe, a group of villages that had come to be thought of together so that they were given a common name. But this unit was not thought of either as important or as requiring clear definition, for what some informants considered separate tribes, others have considered merely as parts of larger tribes. The group with the least developed tribal consciousness was the Tait, of whom Duff writes:\textsuperscript{43}

This group could be considered either as one tribe, or as a large group of Upper Stalo who had no "tribal" concept. They had no real feeling of internal unity, nor did they have a mythological basis for unity as has some of the down-river groups. Nevertheless, the people down-river seemed to consider them as another tribe.

The Chilliwack were a good deal more developed. These people, writes Duff,\textsuperscript{44}

are said to have recognized one main leader of the tribe and to have clearly defined and actively defended their tribal territories. The facts that the Chilliwack formerly lived in a fairly isolated cluster of villages and spoke a separate and distinct dialect have no doubt contributed to the formation of their concept of tribal unity. It may be that some other Stalo tribes have in a similar manner developed some such concept of tribal unity.

Rank among the Upper Stalo, while as important there as elsewhere on the Northwest Coast, was somewhat less for-
mally organized than in other Northwest Coast societies.

Duff's statement of the principles underlying Upper Stalo rankings is short and precise:

The Upper Stalo measured social rank in terms of respect. Individuals and families differed in social rank because they differed in the degree to which they possessed the qualities which were admired and respected. Those who were most highly respected, the high born and the great and good self-made leaders, were called by the honorific term sie'm.

Wisdom, industry, generosity, humility, pacifism, age (which brought wisdom), wealth (both impressive and evidence of industry and generosity), and supernatural powers—all these conferred respect on a person regardless of his birth. It must be admitted, however, that high birth, which conferred much of these marks of respect-worthiness and which also ensured training in proper, respect-worthy behaviour, gave a man great advantage over those of lower birth. High ranking people married people of their own rank, lest the offspring be "spoiled" by marriage with a family of "bad blood" and a history of undesirable social characteristics. Since slavery also existed in the society, it is permissible to speak of the usual three status levels of society, i.e., nobility, commoners, and slaves, but we should remember that the distinction between the first two was not sharp and that the Upper Stalo themselves considered that any man could attain the high ranks.

The kinship system was bilateral, and the Upper Stalo traced kin relationships out for several generations. "As part of his childhood training, each youth was lectured long
and thoroughly on 'who his friends (relatives) were,' and naturally enough, each found that he had relatives scattered over a very wide area."

People sought to marry persons of approximately their own rank. High ranking people would often seek wives from families a considerable distance away. Such a marriage brought prestige as well as social and economic advantages of alliances with important families in distant villages. Marriages with first and second cousins were forbidden. This would make the extended family group effectively exogamous and would give small villages and small tribes the appearance of village and tribal exogamy. Most people married outside their own villages. People living near the edge of a tribal area and high ranking people often found wives in the neighbouring tribes.

Residence was usually, but by no means rigidly, patrilocal: "whatever they decided." For several reasons, the couple might choose to reside with the bride's people. Her parents might have no sons of their own, or might be of higher rank, or might need someone to care for them, or, as in the case of some Chilliwack women who married Thompson hunters, the woman might be reluctant to move far away from her home. A married couple might move around fairly frequently, residence among commoners being quite fluid. Among high-rank families, however, especially where a man had more than one wife, residence was more strictly patrilocal.

This passage on residence patterns notes a feature of Upper Stalo society that Duff found striking enough to mention several times, i.e., the great degree of individual geographic mobility. The Tait in pre-contact times had a "high degree of internal mobility ... which caused vil-
lages to split up, shift, grow, or decrease at fairly frequent intervals.\textsuperscript{50}

The whole Tait area in pre-white times was characterized by an internal fluidity of population. E. L. said that people had lived in a few places like Yale, Hope, and Langley "from away back," but that most other villages were moved around every few years. Roots, game, and firewood would become scarce in an area, and family groups would move away to other places where these were more plentiful. Or, he added, a man might move his family to get away from a trouble-maker, or to take a troublesome member of his family away from the rest of the people. Or a family might move closer to its kinfolk, or go up fishing and decide to stay the winter, or longer, close to kin. And, he pointed out, a successful man with several wives who moved to a new locality would soon establish a sizeable settlement there.\textsuperscript{51}

An important feature of the yearly round of activities was the visits paid to relatives. The most usual time for this was late fall, otherwise a slack period. Up-river people might at this time go down river to Musqueam relatives, and these visits might last all winter long or sometimes even become permanent residence there.\textsuperscript{52}

This frequent visiting to well-liked near and remote kin had a corollary in the great hospitality of the Upper Stalo.\textsuperscript{53}

The political and legal system of the Upper Stalo was, like the residence patterns, informal and fluid. Leadership and rank were based on the same principles. Rank has already been discussed. Leadership is described in adequate detail in the following passage from Duff:\textsuperscript{54}

Leadership, like social rank, was based on respect. The Upper Stalo felt that no man had the right to order them around, but they were willing to follow the leadership of a man they respected. Consequently, the positions of leadership in most affairs of any importance fell to men respected highly enough to warrant the term
Sie'm, sie'm became to a degree synonomous with "leader," and was the closest word in the vocabulary to "chief." The Indians were clear that there had been no chiefs—in the sense of men chosen to fill an office of leadership—in former times. To them "chief" means a man appointed by the Indian Superintendent to conduct the affairs of a reserve. For former times, they speak of "leaders" and "main leaders," the most important of whom were by definition sie'm.

All leaders were first and foremost heads of their family groups. Within each extended family there was no doubt one man who made the everyday decisions on matters involving the family. In multi-family villages, these heads were no doubt loosely ranked by prestige, with one man standing above the others and holding the most sway over the village as a whole. This man, who might be called the village leader, spoke, and the others listened; he suggested and exhorted, and the others took action. His power over his own kinsmen was considerable, since he had the greatest voice in controlling the family's property, names, and actions as a group. His power over unrelated families was less, depending on his personal reputation for wisdom in leadership. Yet apparently he did tend to develop a "habit of leadership" over the whole village and undertook certain duties as a village official. For example, if a young man and his family went to another village to claim a bride, the ranking sie'm of the village went along, and was the first man to speak on the young man's behalf. Or if a family visited their daughter in another village, taking gifts to repay the bride price, the sie'm would gather the people of the village and accompany them.

The sie'm was not a war-leader, and only on rare occasions would he fight. One of the things he was respected for was his pacifism. Each village, therefore, had a professional warrior (ska'ylcet) or two whose job it was to lead war-parties in conflicts with other groups. But the other people didn't like or trust the warrior: "'If he got mad, he'd kill.'" Indeed, the Upper Stalo were noted as a peaceful people, and fought little among themselves.55

It is hardly surprising, with such informally organized leadership, that the Upper Stalo should have had an un-
developed legal system. The great degree of individual geographic mobility has already been noted; Duff's account of Upper Stalo law and justice, which follows, clearly shows the operation of this mobility in the legal system:

Persons who disrupted the harmony of the community were exiled or deserted or, in extreme cases, killed. E.L. thought that large groups "could never hang together. There were always one or two persons causing trouble, especially women." The remedy was to take the trouble-makers away from the group. In one case at Ohamil, the husbands of two such women talked it over and moved their families away to "little places." "That is how the people came to live in little bunches all over the place." An alternate remedy was for everybody to move away, leaving the trouble-maker behind. "If a person made too much trouble, like that young fellow at Agassiz who killed people, his grandfather would call all the people together and they would move away and leave him. Sometimes, if they had to, they would kill him."

In one case described by E.L., killing was the method used. The great Yale sie'm lyi'k'witem had three ska'ylcet brothers, "who did a lot of killing for little things." One early spring day a Hope sie'm went up the river to obtain dried salmon from his cache above Yale. One of the brothers shot at him, whereupon he landed and shot the would-be murderer. "I guess lyi'k'witem was glad that trouble-maker was killed." Later, a party came down to Hope for revenge, and the Hope sie'm repulsed them by shooting another of the brothers. Later still, lyi'k'witem "gave some Hope people permission to do what they wanted with his (third) brother." Two of them went up-river and set up an ambush, breaking out several branches to give a clear shot. When lyi'k'witem and his brother went up in their canoe, the former noticed the broken branches. His brother stood up, with his gun ready, and was shot. "lyi'k'witem just told his pullers to keep on paddling. He knew that the business was done."

There is no mention of feud-indemnities whatsoever. Nor of peace-offerings.

The evidence is, I think, quite clear. If people could not get along with the group they lived with, they simply moved to another. With such "fluidity" we would not expect
to find feud-indemnities: nor do we.

5

The Salish of Puget Sound

THE BASIC SOCIAL UNITS of the Puget Sound groups were the family or house group, the village, and the tribe. The extended family group was headed by a chief or wealthy man and owned a large house in the village, which was occupied in winter but not in summer. Summer was the time that the people scattered to fishing stations and hunting grounds. Villages were relatively small, having usually three to five large houses and some smaller ones. The tribes varied in the number of villages that made them up. They were distinguished one from another by small differences in culture, including dietary habits and dialects. They seem usually to have had a head chief, who inherited his position from his father.57

Tribal exogamy, at least for the upper class of people, and patrilocal residence are stated as being the general marriage rules for the Puget Sound tribes.58 However, among the Puyallup-Nisqually in particular, the rule was not tribal exogamy but house group exogamy. "Since villages so often consisted of but one house, house and village exogamy were frequently synonymous. Yet in cases where the village contained a population large enough to occupy two or more houses over a period of a decade or more, marriages between the house groups were quite possible."59 Furthermore, among the Puyallup-Nisqually matrilocal and patrilocal residence were
about equally common; the kinship system was bilateral.  

Haeberlin and Gunther state that the Puget Sound Indians were divided into three status levels: nobility, who included the chiefs and their children and had greater wealth and more important names than the commoners; commoners, or poor people; and slaves. Marian Smith, in her account of the Puyallup-Nisqually, however, again presents a somewhat different picture. She distinguishes, first, three status levels: "high class", consisting of all those persons in the society who had some social niche by which their prestige and worth were measured—and this meant the majority of the people in the society; "no-accounts", consisting of a few people on the fringes of the society; and some slaves. Then she mentions a "nobility", consisting of the leaders of houses and villages; these, however, were just the men who "came first" and they were not recognized as a special status level.

Status, says Smith, was achieved through wealth and ability rather than ascribed by birth. The child of higher status parents, however, had a greater chance to gain worth—he was trained properly, and had good affiliations—than had the child of lower status parents.

Among the Puyallup-Nisqually the strongest and most important social unit was the village. This was a very tight and apparently stable unit. Smith describes this in a very important passage:

The village group, consisting as it did of persons who had been born and raised within the village and taken
up residence there as adults, formed an almost completely stable group. Such stability contrasts sharply with the frequent shifting of membership within the family and house group. Childhood training familiarized the individual with the village site and the village drainage, and established a feeling of self-reliance while within the range of that familiarity. The unknown was apt to be dangerous and until after puberty the acquaintance with the world outside of the village was very slight. It is true that summer camping expeditions extended the territory known to the child and widened his acquaintance with his extended kin group. But only the most friendly families met at these times and, since minors were excluded more or less strictly from participation in activities which united several villages, the geographical and social world beyond the narrow friendly circle remained largely unknown. Marriage either plunged the individual into a new village, with which he had gradually to familiarize himself and within which he might always feel strange, or it settled him more firmly into his own village. Although a few persons gained in time a knowledge of the wider world and assumed a certain cosmopolitanism, the larger proportion of the population retained a strict provincialism and were loathe to shift or alter their village affiliations.

Within the village there was a great deal of suspicion permeating the entire society and formulated in the religion. Persons moving into the village as the spouses of its members would be regarded with extreme suspicion, even if they became leaders, until their dying days. Such suspicion of foreigners bound the village together and made changes of village affiliation "very difficult." 65

Intervillage marriages, with the consequent increase of familiarity and extension of the kin group, was the recognized method of bridging and reducing the suspicion that existed between villages. "Marriages were 'treaties' and this word was often used by informants to describe them." 66

Since the main, if not the only, function of the extended kin group was safe conduct of life and property, a large part of the social significance of marriage lay in the fact that it was exogamous and served to ex-
tend the kin group over a wider territory and among a greater number of villages. Marriages consummated between individuals of distant villages assumed an almost political nature, being the basis upon which all intervillage relations were made possible.

As a child grew up, he would tend to identify with one or the other of his parents, and would adopt the culture and tend to identify with the village of that parent. Hence, though he had the possibility of affiliation with two villages, he would tend to emphasize his connection with but one of them, and this one would be where when he grew up he would establish residence. In another important passage, Smith says:

Individuals, therefore, may roughly be listed according to their village affiliations in three classifications: those who took on the culture of the parent whose village coincided with their own and who later lived within its province; those who followed the ways of the expatriated parent most closely and who later reverted to that parent's village; and those who felt no very close ties with their villages and were free either to remain throughout life without such ties or to take up wholeheartedly the affiliations of a spouse. Persons who did not, either before or after marriage, develop strong village affiliations lived, as it were, on the fringe of the culture. They received no training in special techniques and they were not allowed to participate intimately in the activities of the group. Individuals who married young and could readily adopt their spouse's village were highly valued. Every effort was made to keep their connection with their adopted group permanent. But persons who remained without close village ties, who married often, shifting residence each time, were in the position of "no-accounts". They were at the same time the most geographically mobile and the least socially acceptable.

Each of the Puget Sound tribes, according to Haeberlin and Gunther, seems to have been headed by a chief. It is related of the Snohomish that though they had two villages they had only one chief. This chief might be a warrior but
not a shaman. The position was hereditary in the male line, being handed down as a rule father to son; the succession was, however, subject to the approval of the people of the tribe. Besides the head chief, the Snohomish are said to have had four or five sub-chiefs; these were generally brothers or cousins of the chief. The chief was the representative of his tribe in intertribal affairs. He might call a tribal meeting at any time of the year. Any freeeman, but especially persons of importance, might speak at this meeting. If a warrior wanted to go off to war, he would usually ask the permission of the chief; but if the warrior was supported by his fellows, he could go whether or not the chief approved.

The Nisqually are said to have had a somewhat different system. The chief was elected by a general vote of the tribe, sometimes for a few years only, sometimes for life. He was assisted by a council of seven to thirteen men, who were also elected at a tribal meeting. "The council members did not live in one village but were scattered throughout the tribe. They met with the chief at some central meeting place." The various Nisqually villages each had leaders, but these were not necessarily members of the council.

This account of Nisqually chieftainship seems very suspicious to me, particularly since it is not borne out by Smith. She mentions no tribal councils whatsoever; the closest she comes to it is a suggestion that some villages perhaps had something like a village council; from
which women were excluded. She has the following brief description of the position of "chief":

A ... type of authority ... more nearly corresponding to a political position, was held by the expert in human affairs. This was the man who was the leader, the chief, of the village. He was a person who did not arouse personal antagonisms but rather reduced in his personal relationships the need for constant surveillance and suspicion. He also had the ability to smooth out differences between other people and to manipulate their actions so that such differences were less likely to arise. His persistent aim was peace and good will, an aim not easy of accomplishment among a people ruled by suspicions and personal animosities. His word carried weight because in his decisions he considered the well-being of others as well as immediate advantage to himself. He was tolerant and his viewpoint was characterized by foresight, experience, and knowledge of men.

Most of the data on the legal systems of the Puget Sound groups concerns intertribal or intervillage relationships. Concerning affairs within the village, Smith indicates that public opinion exerted a very strong control for the Puyallup-Nisqually. But what happened when public opinion failed? Smith describes secretive killings, but does not explicitly state that these were intra-village; it is my impression that they were. Compared with other forms of violent death, such as those of war, such secretive killings were of relatively low frequency. It was often many years before hatred and suspicion flowered into murderous intents and plans, and still many more years before opportunity arrived and the intention was consummated. In such circumstances, suspicion and counter-suspicion of murder could lead to a slow and very "secretive and subversive" blood feud. This feud might be diverted into
other channels, or, if personal animosities entered in, be made public in a public challenge. Such a challenge might then clear the air, so to speak, and end the feud. A man guilty of such a secretive murder might confide in his immediate family, who would aid to the extent of covering up for him. 74

A more open sort of feud occurred between villages. If they were unaffiliated, this had the character of a war as much as a feud; if peaceful settlement could not be reached, the grievance might be ended with a formalized battle.

Smith 75 describes wergild for the Puyallup-Nisqually in the form of a payment called abaliqů, meaning "to buy their good will."

... gifts of this type were the expression of strained relationships. Consciousness of guilt and fear of the injured party were synonymous among the Puyallup-Nisqually and under such conditions there can be no better description of abaliqů than that given by one informant: "When you take something to somebody so that you won't be afraid of them any more."

In its more formal aspects such giving constituted what is commonly called blood money. Payment prevented retaliation and possibility of feud. Unfortunately she does not indicate whether such abaliqů was expected or demanded by the injured party, or not--i.e., whether or not the payment in question partook of a peace offering or a feud-indemnity strictly so called.

The Puyallup-Nisqually distinguished between hostile actions made against affiliated groups and those made against unaffiliated or alien groups. 76 The latter, Smith calls "war";
the former, apparently, "feuds".

One form of war consisted of the formalized battles already alluded to. Smith's account is significant:

Concerted action on the part of a village or relationship unit might be taken against another such unit in order to force the settlement of a grievance. The only crime which seems to have called for such joint action was murder. And a show of hostility was the final step in the settlement procedures, undertaken only when the leaders had failed to arrive at a decision as to the amount of the property to be paid or when the amount, which had been agreed upon, was not paid within the period specified by the settlement agreement. Quite in contrast to a surprise attack, the meeting between the two groups was carefully arranged and planned in advance. Almost nothing could be obtained regarding the process by which settlement was arranged.

If the settlement misfired, however, in either of the two ways just mentioned, it was equivalent to a tacit declaration of war. The wronged must then demand settlement by a show of arms or lose face entirely. Both groups prepared, the one which had initiated settlement procedures to attack, and the other to meet them. Men were sent back and forth between the groups carrying messages as to the place and time at which the two forces might expect to face each other.

Successful settlement did not mean a loss of group prestige. On the contrary, it paved the way for marriage arrangements between members of the groups, a union of interest by which the prestige and strength of both would be increased.

Haeberlin and Gunther make brief mention of similar intertribal formalized battles for the Snohomish, Skagit, Skykomish, and Snuqualmi.

What are we to make of all this? We find low individual geographic mobility in spite of much inter-village marrying: once an individual made his choice, he stayed with it, unless he wished to become a "no-account" person. Marriages consequently were described as "treaties". We find payments involved with feuds, but it is not clear whether these pay-
ments should be described as feud-indemnities or as peace offerings; if the former, then we have a classical feud-system, but if the latter, then a nascent one. The association of a classical feud-system with low geographic mobility is what we are led to expect on theoretical grounds—but if the feud-system is nascent, then it is associated with low individual geographic mobility contrary to theory; and we cannot be sure that high geographic mobility inhibits the appearance of feud-indemnities.

A second look suggests that the situation as regards the legal community was different for the Puget Sound people from what it was for the Nootka, Kwakiutl, Bella Coola, and Upper Stalo, who all had nascent feud-systems coupled with high individual geographic mobility. Among the latter we could speak of a high degree of legal community. I do not think we can so describe the legal community of the Puget Sound Salish. Here the various transactions bore something of the character of affairs of war; the indemnities were often as much war-indemnities as feud-indemnities, if not sometimes more so. We see among the Puget Sound Salish a low degree of legal community, and hence what looks like a nascent feud-system but strictly speaking isn't one at all. The hypothesis that this enquiry is testing is applicable where the degree of legal community is high; if the Puget Sound tribes had a low degree of legal community, the hypothesis does not apply to them and they do not, therefore, falsify it. If they do show anything, I think, they
show that the hypothesis does not hold where the degree of legal community is low.

6

The Klallam

THE KLALLAM dwelt along the southern shore of Juan de Fuca Strait. Their major affiliations both culturally and linguistically were with the Salish of southern Vancouver Island; "although it seems that in every way their culture is much less developed." 79

The Klallam are to be considered as a single tribe having several winter villages (about thirteen or more) each consisting of a few house-groups (ten on the average). The houses varied in size, but seem on the average to have been rather smaller than those of the northern nations. 80

Marriage regulations differ according to the social standing of the individuals involved. People of high rank want their sons and daughters to marry outside of the tribe on account of the political ties that are established in this way. If, however, such a marriage cannot be arranged then it becomes necessary to marry a first cousin in order to avoid a union with a person of lower rank. Ordinarily it is not desirable to marry such a close relative; in fact, extra-tribal marriages are rationalized as being necessary to avoid marrying one of even remote kinship. If a mate from another tribe could not be secured then at least village exogamy is desirable. There are no sibs among the Klallam.

Poor people cannot afford to marry outside the village or tribe because they are not able to give the necessary feasts. They must make the best arrangement possible in their own village, avoiding parallel and cross cousins of close degrees if they can. 81

The Klallam were divided into three ranks: nobles, consisting notably of the chief, his immediate family, and
relatives, but depending more on wealth than on birth; commoners, consisting of poor people and freed slaves; and, formerly, slaves. The nobles and commoners lived apart: the latter used to have to live in a separate village away from the former, and this lower class village frequently acted as a "buffer in case of attack."32

During the annual cycle of economic life, people migrated from the winter villages to various fishing sites, berrying grounds, and hunting regions, but they usually moved as a village and did not break up into smaller units.33

The chief of a Klallam village was the wealthiest man in the village, the one who had given the most potlatches.

It is the man who can give potlatches who will be known to other villages and other tribes for his liberality. This fame makes the people of his own village recognize him as their leader, their chief, ssTal'm. A chief is not necessarily a warrior and does not have to go on war expeditions unless he is personally interested.34 Usually the chief's eldest son would be the one to succeed him. (Gunther does not state this, but presumably the chief's son would have to continue to validate his elevated position by giving potlatches, or else he would lose his status and become merely another family head.) The leading chief of the tribe was simply that village chieftain who had given the most numerous and the most lavish feasts and potlatches.

The chief might give advice or act as a peacemaker, passing judgment if asked. But he had no power other than the support of public opinion. In other words, he had influence but not authority.

The chief also functions when there is a demand for blood money made by members of another village or
tribe. When a part comes to demand reparation for an injury, the matter is generally referred to the chief who takes counsel with the immediate relatives of the person who committed the wrong. His opinion is valued but not always followed. If the visiting party demands too high a price the chief might help by collecting funds from his relatives in order to avoid war. If the demands for some reason cannot be met and the issue comes to war, the chief would call on neighbouring villages for help in fighting. If, on the other hand, a party of Klallam goes out to collect blood money, the chief generally accompanies them provided the person injured is important socially. The chief will accompany the expedition only to give advice, he will not talk with the opposite group, but leave that to the messengers who go along or to his speaker.

The feud among the Klallam is described as operating between villages—either between two Klallam villages or between a Klallam and a non-Klallam village; the pattern was the same. If a man from one village killed a man from another, the injured group immediately sent to the offending village and demanded blood-money. The guilty village then asked for time to consider the matter. If they decided to pay up, they might, if the family of the offender was not wealthy enough, be assisted by the chief. If they decided not to pay, they would prepare to resist attack. "The party coming to ask for blood money is always prepared to fight, should no settlement be reached." Such retaliation, however, would be likely to initiate counter-retaliation, which would in turn be countered and re-countered until one side was weary of the bloodshed and decided to settle the affair with an indemnity. The most dignified procedure, regardless of the rights and wrongs of the case, was to refuse to pay, and a man's fellow villagers might, if he was of any importance in the village, urge him not to pay and offer to help him
Tight. But, on the other hand, a man's fellow villagers might object to the trouble he was putting them to, and in an extreme case, might kill him either by witchcraft or by physical violence.86

Among the Klallam we find feud-indemnities associated with relatively low individual inter-group mobility. Certainly such mobility was not marked enough for the ethnographer to note it, and the indication that during the annual round of seasonal migrations people tended to move as a village group, is a strong indication that inter-group individual mobility was not high.

7

The Quinault

THE QUINAULT TRIBE dwelt on the coast of western Washington along the course of the Quinault river. "They considered themselves set apart from neighbouring groups largely because they occupied the fairly definite area of the watershed of the Quinault river and because their language differed in dialect from those of neighbouring tribes."87 There were in aboriginal times something like thirty-eight different villages scattered along the river; some were side by side one another, others were a few miles apart; some were "large"; of about eight to ten houses; while others were small and some consisted of no more than a single house. But all were distinguished by their own proper names.88

The basic social unit was the household or extended family, usually composed of from two to six nuclear families.
The household was headed by the head of one of the smaller component families who gained his position by reason of seniority, wealth, or prestige. His authority was chiefly a matter of personal influence. On his death, his authority would pass usually to his eldest son, or, if no sons, a brother, cousin, or nephew.  

There was considerable diversity in the makeup of the household group, but almost invariably the inmates were kinsmen, or kinsmen through marriage. A man and his married sons, a group of brothers, uncles and nephews, cousins, or combinations of these were the commonest relationships between the heads of families. Wives, children, parents-in-law, slaves, and hangers-on completed the household group.

The kinship system was bilateral, and the terminology provided for the recognition of relatives by marriage also along bilateral principles. The Quinault apparently used kinship terms in address more often than they did proper names.

The next larger social unit was the village, and it was considerably more important than the tribe. We might define the Quinault village as a group of households sharing a common salmon weir. As Olson writes:

To the casual observer the main evidences of human occupancy at such a village consisted in the houses themselves, the anchored canoes, and the salmon weir stretching fence-like across the stream in front of the village. To the inhabitants themselves the weir was the most important feature of the village. Upon its construction and maintenance depended the very existence of the villagers. Like the houses, it was built by community effort. It was owned by the community and maintained by community effort. At intervals along the weir were fishing platforms where the fishermen stood in manipulating the dip nets. Each head of a family (or each household) had his platform where he fished year after year and where his father had fished before him. The village "chief" usually controlled
the rights to the platform most favourably located, where the water was deep.

The chief of the village was simply the wealthiest of the house chiefs who lived there. If the village was small (one or two houses), however, its leading man would not properly be considered a village chief.\(^93\)

The tribe was little more than a cultural and linguistic unit. It was not a political unit. Notable, however, was the sentiment that all members of the tribe (or nearly all) were blood kin; together with the sentiment that one should not marry blood kin, however remote, this led to an "exceptionally large percentage of intertribal matings." Marriages, if not intertribal, were usually intervillage.\(^94\)

Ranking followed the familiar Northwest Coast pattern of three status levels:

In theory there were three social classes: nobles, commoners, and slaves. In reality (except for the slaves) these were subdivided and blended into each other. Anyone could properly claim kinship with members of the nobility and thereby make out a somewhat dubious case for his own good status. Wealth counted for almost as much as blue blood, and it was possible to raise one's standing through the acquisition of wealth. In time even lowly origin would be overlooked or forgotten. But slave blood carried with it a lasting stigma.\(^95\)

As with other peoples of the Northwest Coast, marriages took place between people of approximately equal ranks. While insistence on rank was not as notable as it was among the northern nations, marriages between nobles and commoners still occurred but seldom. Marriages between slaves and freemen were "unthinkable".\(^96\) Together with the rule that kinsfolk of whatever degree should not marry, the implications of which have already been mentioned, the concern for
rank would have tended to increase the proportion of extra-
tribal marriages.

As among the other Coast Salish groups, wealth gave in-
fluence among the Quinault. The village chief among the
Quinault was "the man who owned the largest house, who had
the largest number of wives and slaves and the greatest amount
of property." His influence over his fellow villagers was
"a sort of paternal authority"; people followed his advice
out of respect. Public opinion was more important than the
chief's advice, though because of the respect given him, a
chief's word would generally outweigh that of other indi-
viduals. The chief might often call an assembly in which
he would admonish the people of his village, especially the
young men. The most usual person to succeed a chief was his
eldest son, but other relatives often did so also. He had
no authority outside his own village.

As a political authority the chief was a mediator and a
peacemaker. Olson writes: In case of a quarrel between two men the chief might intervene, but his word did not carry authority in a real sense. If a man was a murderer or a persistent troublemaker the chief might advise the people that he could be killed with impunity; or he might even order his slaves to kill the offender. But in the latter case the chief had to make a payment to the relatives. In cases of blood-feud or those involving blood-price the chief acted as mediator, though the amount to be paid was determined by the injured kin or by the village "speaker." In cases of friction between tribes the leading men would try to reach an amicable settlement. Those who were guilty of fomenting trouble might be warned by the chief. If they persisted, the chief would publicly condemn them and their fellow tribesmen might then kill them without starting a blood-feud, though the relatives were in some instances compensated.
This leads us to the Quinault pattern of feuding. I quote Olson again, this time giving the greater portion of what he has to say about Quinault feuds and feud-indemnities:

The principles of weregild were quite consistently carried out. Murder (sl'kwih) usually involved a real blood feud, the relatives of the murdered man wreaking vengeance on the murderer. Only rarely would the relatives be molested. The murderer's relatives had no right to carry the feud further. In many cases the murderer or his kin might settle the affair by the payment of a blood price (slal'kthih). This was ordinarily higher for a noble than for a commoner and might be one to three slaves. . . . A man who had killed several was regarded as a public enemy and a designated man might be paid to put him out of the way. If a man killed the slave of another he must pay a slave or a money-equivalent to the owner.

Justifiable homicide was recognized, but involved payment nevertheless. A husband had the right to kill his wife's paramour taken in flagrante delicto. The kinsmen of the culprit could still demand payment but the price was less than for ordinary murder. If payment was refused the kinsmen did not have the right to kill in revenge.

Motive played but small part in the compounding of a crime. If a man killed another accidentally he must pay the kinsmen or be killed by them. The killer's relative could not continue the feud. In case of accidental injury the injured man must be compensated according to the seriousness of the injury. This was called sla'lakut (payment to make friends). If payment was refused the injured man perpetuated a quarrel until he was paid. Injuries which arose out of quarrels must likewise be compounded. The tribal or village "speaker" frequently acted as go-between for the parties in cases of both injury and homicide. His function was to avoid bitter blood-feuds and he might even set what he considered a fair price.

There was little sense of tribal solidarity, and the Quinault did not fight as a tribe against other groups. Even if a feud of a Quinault village was with a village of another tribe, the other Quinault village groups felt it none of their business. Slaves were obtained by trade, and there
are no accounts of them being taken in raids. The Quinault themselves did not distinguish feuds from warfare, and regarded fighting, at best, as a necessary evil, undertaken to avenge wrongs. 100

How much individual geographic mobility was there among the Quinault? Since they had feud-indemnities, we should expect such mobility to have been relatively low. Certainly, it was not pronounced enough for the ethnographer to single it out for special mention. Three other items of information suggest that such mobility was at most moderate. The first item has already been mentioned: that a family or household head had his station on the village weir "where he fished year after year and where his father had fished before him." 101 This is on the side of stability. The second item is a remark that an individual's yearly pursuits were his own business: "In such matters he was a law unto himself and his own inclinations must often have varied the annual round." 102 With this is a vague suggestion that an individual might in the course of his lifetime have wandered over the entire Quinault territory—not that he probably did so, just that he might have. This is on the side of mobility. The third item is a note that, "The duties of aid, of hospitality, of blood revenge, of not quite formal visits between relatives seem to have held between an exceptionally large number of persons." 103 The fact that the visits were "not quite formal" suggests that they were almost formal, and this in turn suggests that they were not overly frequent. Visits are on the side of mobility, but formality
in visits is on the side of stability. This item of information suggests, therefore, only moderate mobility. Putting all these bits of data together leads, I think, to the conclusion, still rather tentative, that individual geographic mobility among the Quinault was not high. This in turn permits us to say, albeit tentatively, that the Quinault sustain the predicted correlation of feud-indemnities with relatively low individual geographic mobility.
THE CHINOOK lived south of the Coast Salish country, along the lower reaches of the Columbia River from the falls known as the Dalles down to the mouth of the river. They were divided into several smaller divisions or "tribes". Of these divisions only two—the Lower Chinook of the river mouth and Shoalwater or Willapa Bay, and the Wishram of the Dalles—have been the subject of anything approaching extensive ethnographic study. It is these two that will be described in this description of Chinook society and law.

The basic political unit of the Chinook was the village. Franchere¹ wrote: "All of the villages form so many independent sovereignities... Each village has its chief, but that chief does not seem to exercise a great authority over his fellow citizens." While Franchere wrote in especial reference to the Lower Chinook, the same words applied to the Wishram. While each village was politically autonomous, however, especially able, wealthy, well-liked, or feared chiefs might exert influence over neighbouring villages.²

The village was further divided into households and families. But on this matter the data are fragmentary and uncertain. Houses varied in size, from small and skimpy shelters to large and permanent buildings. Spier and Sapir³ make mention of a village with "uncommonly large" houses, one of these measuring 160 by 40 feet; such houses were
exceptional. Villages also varied in size, from tiny hamlets with little more than one or two small households to villages with 21 sizeable houses. Each household was composed mostly of relatives, though sometimes an unrelated person with no other home might join it. Marriage was with but few exceptions patrilocal. The basic kinship system was bilateral, there being no heavy stressing of one line over the other, barring the general practice of patrilocal or virilocal residence. The highest ranking family head was the titular head of the household.

A person might marry anyone, excepting only that his mate was not a relative nor her status either notably higher or notably lower than his. If her status was lower, he would be demeaning himself and damaging the reputation and prestige of his family by marrying her, and his relatives would object; if her status was higher, her family would be having its reputation hurt and would accordingly object to the marriage. Marriages were generally arranged by the parents of the persons involved. These principles governing marriage led to village exogamy and, for the upper classes, tribal exogamy, as a general practice.

Tribes, the next largest group after the village, appear to have been fundamentally groups distinguished by the possession of a common dialect, and their component villages were usually adjacent one to the other. The "tribe" was otherwise without political significance.

Concern for rank and status was marked among the Chinook as among the other nations of the Northwest Coast.
distinguishes three status levels for the Lower Chinook: an upper class, a lower class, and slaves. A sharp division existed between freemen and slaves, but between "upperclassmen" and "lowerclassmen" there was an indefinite transition zone which Ray calls a sort of middle class. Ray's account is worth quoting extensively:

The strictest dichotomy existed between definitely upper and lower classmen but there was a wide intervening zone in which classification was far from exact. ... We might call it a middle class, but would be speaking loosely. To the native mind, this group consisted of the more successful commoners and the unambitious or remote of kin of the upper class. Movement from the middle group to the upper class through acquisition of wealth and strength of personality was not uncommon. Native formulation of the possibility, however, was always in terms of the movement from the lower class to the higher. The fact that in most historic examples the advances were made from this indefinite middle group does not alter the attitude. Such persons were merely further along toward the goal than unconditional commoners; their chances were greater though eligibility was equal.

The upper class was relatively small. It appears to have included chiefs and their families, prominent shamans, warriors, traders and others of high birth. To what extent leadership in these activities was a class prerogative and thus connected with birth is uncertain; war and trade probably belong here, shamanism definitely does not.

... Intermarriage between the two classes, though far from unknown, was strongly disapproved except under unusual circumstances. If a man in the middle ground had distinguished himself through accumulation of wealth or outstanding service to a chief he might be permitted to marry into the upper class and thus take the final step in elevating himself. Under other circumstances the disapproved union would lead to the degradation of the upper class member to the level of the lower, together with their children.

Commoners were free to amass wealth and gain prestige in any way which did not infringe upon the prerogatives of the upper class. They were permitted to hold slaves and to engage in trade. Many of them worked assiduously at menial tasks that an upperclassman would have considered a disgrace to his position.
When, as the result of such industry or through an approved marriage, a man was accepted into the upper class it was sometimes made the occasion of a feast or even a potlatch at the instance of the chief. At such an event the man's accomplishments were paraded and the audience was told that he should be treated as befitted a man of his talents and new station. . . .

These new members occupied, of course, the lowermost ranks of the upper class, in company with the less aspiring members born to the class and those most distantly related to the chiefs. One might continue to climb, slowly, as time went on, but it was rare or unknown for a commoner by nativity to reach the higher ranks of the upper class. It should be emphasized that ranking, except at the extremes, was highly informal and variable.

The status system of the Wishram was apparently similar to that of the Lower Chinook, but Spier and Sapir have only one brief paragraph: 8

Class feeling was strongly marked as elsewhere on the Northwest Coast. Three classes were recognized in addition to slaves, who stood outside the social structure. While these represented gradations of wealth, they were not primarily such since chiefs were not always among the wealthiest persons, and they in turn were not always chiefs. The highest class was presumably that of hereditary chiefs and their families. It may also have included war chiefs and shamans. How the middle and lower classes were distinguished is unknown. We may suggest that the middle class were those with some distant affiliation with chiefs. A lowest class individual was specified as poor, owning no slaves and little of anything else. It seems unlikely that the divisions were sharply set off. This would, however, not change the estimation in which most members of a class were held.

CHIEFTAINSHIP among both the Lower Chinook and the Wishram meant more than merely office and rank. It was a definitely political position. While similar in many respects, the patterns of chieftainship among the two groups were still sufficiently different from each other that it will be best
to describe them separately.

Each Lower Chinook village, Ray writes, had one chief only. The rule of succession was the eldest son of the chief's highest ranking wife, for a Chinook chief, wealthy and powerful, might have several wives whose ranks would differ by slight degrees. If the chief had no son, other relatives—such as a brother, a brother's son, or a sister's son—would take the position. In exceptional instances, a woman might be chief.

Ray's informants disagreed with Franchere's observation, quoted earlier in this chapter, that the powers of a chief over his people were "not...great." The chief had the privilege and the "distinct duty" of judging and peacefully settling quarrels, supervising economic activities, and directing all matters of war except those concerned with strictly military maneuvers. The chief selected the war chief, who was usually a relative of the former. In wartime, the chief stayed at home, for it was accounted a great catastrophe if he was killed or severely injured; therefore the chief never took part in battles.

The chief was always an upperclassman, and Ray's informants often took the chief as the epitome of the powers and privileges that an upperclassman might exert.

The chief had the right to appropriate property as he wished. Customarily, however, he would give an at-least nominal payment in return. If he exerted this right too often or too extremely he might face an attack from extra-
village relatives of the people whom he ruled. Ray adds:

Commoners regularly but informally presented gifts to chiefs, usually of food. The chiefs probably redistributed the goods among the upper class. In this way the commoners kept in the good graces of the chief and it is probable that summary appropriation... was by most chiefs directed only against those considered miserly.

The Chinook followed the custom of the levirate, whereby a widow married her husband's brother. But if this was for any reason impossible, the chief might give the widow to another upperclassman or himself take her to wife. And if he desired a particular woman as a wife for himself or for his son, he would not usually be refused; both fear of the consequences of refusal and the manifest advantages of marriage with the family of a chief influenced this.

Chieftainship was personal. Ray writes:

The political power of a chief lay definitely in the individual, not in the family to which he belonged. No common term of address existed; the title "chief" was applied to the individual only. Brothers were important in the council but not more so than other prominent upperclassmen. Sub-chiefs or dual chieftainship were unknown. Indeed, the chief was loath to delegate powers in any way except to the war chief in the specific circumstance of war. The council was highly informal and relatively unimportant...

A man was responsible only to the chief of the village in which he lived. As soon as a man shifted residence his political affiliations changed. When a man was visiting away from home he was liable to the chief of the village in which he was temporarily situated. This even applied, at least nominally, to a chief when in the village of another. In case of tiny settlements located intermediately between larger villages, each with its chief, strife sometimes arose between the chiefs as to where jurisdiction ended.

Among the Wishram, unlike the Lower Chinook, even a single village might have more than one chief. At least so
it seems. Spier and Sapir\textsuperscript{12} write, ". . . it is . . .

likely that several pre\textsuperscript{13}eminent individuals were simultaneously recognized as chiefs.\textsuperscript{7} At least our informants gave no hint that the number was confined to two, either in the group at large or in a single village."

Chieftainship among the Wishram was hereditary. A successor to the position would be a son, a brother, a grandson, or some other close relative. Women could not (at least in theory) be chiefs. Chiefs were not always the wealthiest people in their group, though they would of necessity have highest rank and a respectable amount of wealth.\textsuperscript{13}

Chieftainship here meant something more than office and rank. Chiefs seem to have had considerable power: their word was implicitly obeyed. Acting in concert the chiefs decided on the fines or death penalty for a murderer or adulterer. If there was trouble within the tribe, it was the function of the chief to declare what should be done. Whatever the decision, it must be obeyed. The chief was "the head of the tribe." Spier and Sapir are here apparently using the word "tribe" to refer to a group consisting of a single village or a cluster of villages.\textsuperscript{7} If a man killed another and the chief ordered that he was not to be brought to account, so it was. If then the murderer was avenged and the avenger known, the chief might decree that this man should be killed, and he was killed. All cases were carried to the chiefs for decision.

There was another side to this possession of apparently unlimited power: a chief was at least partly responsible for the behavior of his followers and it was certainly his obligation to make good a fine imposed on one of them, which the man was unable to pay.\textsuperscript{14}

There is nothing, at least so far as I know, like this power of the Chinook chiefs among the other nations of the Northwest Coast. After the Chinook, the Tsimshian were the most developed politically (chapter IV, section 8). But of
all the Northwest Coast peoples, the Chinook "chief" most closely approaches what we would understand by the word.

THE FEUD-SYSTEM of the Chinook very closely resembles the sort I have distinguished as "decadent". The Chinook chiefs, according both to Ray and to Spier and Sapir, clearly regulated the right of private vengeance.

Says Ray concerning the Lower Chinook: 15

It has been stated that the chief functioned as a judge and that it was his duty to keep peace in the village. Further details regarding the handling of crimes and torts are almost wholly absent. A quite formal institution of blood-money as settlement for serious torts existed, as reflected in customs connected with slavery. For lesser wrongs a system of fines assessed by the chief and payable to the injured person seems to have held sway. Beyond this little can be said.

With respect to slavery, Ray notes elsewhere 16 that inability to pay debts or wergild led to slavery of defaulter to creditor. This slavery might be either temporary or permanent, depending upon circumstances. According to one of Ray's informants, the murderer of a chief automatically became a slave. "Enslavement because of inability to pay blood-money seems to have been not uncommon." Such a slave might later buy his freedom; or sometimes the sentence of slavery was for a stated number of years only.

Spier and Sapir give a rather fuller account of law and order among the Wishram. Their account, with its details, is well worth quoting extensively: 17

Murders were not uncommon. Their origin was usually the jealousy of a man over attentions to his wife or,
where a death was laid to witchcraft, killings followed in attempts at vengeance. The relations of men to women not their relatives were distinctly circumscribed and a misstep which might be construed as constructive adultery was resented and punished. The evident purpose of bringing a murderer before the chief or council was not so much to fasten responsibility on the murderer nor to punish his act as anti-social, as to prevent the hazards of a blood-feud.

The circumstances that affected the penalty imposed by the council was in the first instance the evidence, which in the nature of the case was almost always circumstantial, as it was necessarily in cases of witchcraft. The second consideration was the rank of the murdered or rather the relative ranks of murderer and murdered. The third was a settlement satisfactory to all the principals in order that the matter should rest with this solution. There was little legal subtlety in these considerations; confession would not mitigate the penalty, and no other pleas were effective, unless we accept those of justification and accident, which were doubtless considerations. Inasmuch as the offender and his partisans were excluded from the discussion, there could be no effective argument on these counts. In short, the simplest of personal relations existed between the chiefs, the murderer, and the family of the murdered. This threw the disposal of the problem fully on the chiefs, whose dictates must nevertheless have been limited by public knowledge and sentiment.

Cases always rested on circumstantial evidence and public knowledge. An eye witness never testified, for his life was in danger if he did. It was more than likely that he next would die at the hands of the defendant's kinsmen.

The penalty imposed, and in fact the question whether one would be imposed at all, depended largely on who was murdered and to what family he belonged. It made a material difference whether he was of poor family or rich, himself a shaman, a war chief, a member of their families, or a man with many children, etc.

When a homicide was held to be without sufficient justification, the murderer was fined a large amount of property in canoes, furs, slaves, etc. If he was unable to meet the demand he was condemned to death by bowshot, the nearest of kin of the murdered being his executioner. The fine is blood-money, fixed here by the dictates of the chiefs, save in the case of shamans and war chiefs who were powerful enough
to fix the amounts of wergild themselves and to collect it, not by direct negotiation of the principals as elsewhere. It does not seem that the chief or chiefs shared in any part of the fine paid. When a murdered man left several children, the compensation was fixed in proportion to their number. The desire was to achieve a settlement satisfactory to the feelings of the aggrieved who was then supposed to be content. Yet at times a bitter feeling remained, their promises to consider the matter closed were broken, and taking vengeance into their own hands, they retaliated by killing the murderer or one of his family.

Much depended on the rank of the murdered. A murder among people of the lowest class was not the concern of the chiefs; the solution was usually blood vengeance. Those of the middle class were protected by the chiefs; the fine was of middle value and there was not much chance of their being condemned to death. A chief was in duty bound to make good the blood money of a follower unable to pay, at least where it was owed a member of another tribe (or group?). But a murder in the high class was attended by a heavy imposition or by certain death. At times the amount demanded was so great that five or six families were involved in producing it.

Such was the legal system of the Chinook, and especially of the Wishram.

This feud-system was clearly what I have called decadent. The chiefs could and did regulate the right of private vengeance, and assess fines which, since the ultimate sanction was the blood-feud, might be called wergild but which also partook of the character of awards for damages. Characteristic too of this stage was the inequality before the law correlated with differences in rank. The Chinook feud-system, however, was still in the early stages of decadence; the chief was not so powerful that he was able to curb strong shamans and war-chiefs, who, so the account tells us, could fix the amounts of wergild that they proposed to collect and were strong enough to collect it.
Intergroup relations both among the Chinook and sometimes between them and their neighbours were marked most notably by the institution of formalized battles. Formalized battles were invoked as a means of settling inter-village disputes that could not be settled more peacefully or were the source of constant and persistent friction, such as might arise from inter-village murders, witchcraft, insults, or abductions. Both Ray, for the Lower Chinook, and Spier and Sapir, for the Wishram, quote Franchere's account of formalized battles among the Lower Chinook:

"Before commencing hostilities they give notice of the day when they will proceed to attack the hostile village. . . . They embark in their canoes, which on these occasions are paddled by the women, repair to the hostile village, enter into parley, and do all they can to terminate the affair amicably; sometimes a third party becomes mediator between the first two, and of course observes an exact neutrality. If those who seek justice do not obtain it to their satisfaction, they retire to some distance, and the combat begins, and is continued for some time with fury on both sides; but as soon as one or two men are killed, the party which has lost these, owns itself beaten and the battle ceases. If it is the people of the village attacked who are worsted, the others do not retire without receiving presents. When the conflict is postponed till the next day (for they never fight but in open daylight, as if to render nature witness of their exploits), they keep up frightful cries all night long, and, when they are sufficiently near to understand each other, defy one another by menaces, raileries, and sarcasms, like the heroes of Homer and Virgil. The women and children are always removed from the village before the action." 18

Among the Lower Chinook, these battles, wrote Franchere, were fought on the water in canoes.

Such formalized battles are evidence suggesting an incompletely established legal order which included the communities between whom such battles were fought.
How, then, do the Chinook data bear out the hypotheses of this enquiry? The Chinook feud-system is the only one of the decadent type reported from the Northwest Coast. Chinook chiefs were the strongest of all chiefs on the Northwest Coast. The Chinook legal system fits nicely into the typology outlined in chapter one, section two, of this essay.

Data are lacking in the sources consulted concerning the frequency of feuding and the operation of conflicting allegiances in peace-making. Accordingly, I can say nothing as regards the hypotheses connected with these themes.

This brings us to the central hypothesis of the enquiry, i.e., that concerning the presence or absence of high degrees of individual geographic inter-group mobility. Was there any such thing among the Chinook?

Neither Ray for the Lower Chinook nor Spier and Sapir for the Wishram mention anything like a high degree of individual mobility. The Chinook were great traders, and we might expect them accordingly to be mobile. But this was not so. Ray's account implies that people came to the Chinook for trade rather than that the Chinook travelled abroad. And for the Wishram, Spier and Sapir state flatly that, "The role of the Wishram as traders was entirely that of stay-at-homes; there is no evidence that they ever went abroad to trade. They were wholly middlemen." From the interior, people came to The Dalles for trade. Along the river between the Coast and The Dalles, goods appear to
have been passed along by a series of exchanges rather than brought by long trading trips. The Chinook sat where they were, and trade and wealth came to them.

The exchanges involved in marriages present a pattern consistent with this. The sources mention no visiting such as Drucker described for the Nootka. Marriage connections involved relatively frequent visits and gift exchanges on the occasions of births and so on, but these were relatively formal affairs. 21

The institution of formalized battles is suggestive as an indicator of the probably fairly low level of individual geographic mobility. Among the Indians of Puget Sound, for instance, we found the existence of formalized battles together with a definite devaluation of mobile individuals and a relatively low degree of individual geographic mobility. There, too, inter-village relations partook of the character of war, at least in the greater part, and a supra-village legal community seemed very incompletely established. May we infer for the Chinook, from the very definite reports of formalized battles and the absence of reports of high individual inter-group mobility, that a somewhat similar situation obtained there? It seems not unlikely, particularly in view of the stay-at-home character of their trading.

If, therefore, we decide that high individual geographic mobility was absent among the Chinook, we find what we should expect from the hypothesis: feud-indemnities present (even
though in a decadent feud-system), and high individual spatial mobility absent.
IN NORTHWESTERN CALIFORNIA lay the southernmost portion of the Northwest Coast culture area. The centre of this area lay about the lower Klamath river, the land of three small nations: the Yurok, who lived along the Klamath downstream (and so northward) of the point where this river was joined by the Trinity, and also along a brief stretch of coast adjacent to the mouth of the Klamath; the Karok, who lived along the Trinity; and the Hupa, who lived along the Klamath above its junction with the Trinity. Kroeber, in his monumental Handbook of the Indians of California, gives "precedence of civilizational intensity" to the Yurok, and places the centre of this culture—insofar as such a centre may meaningfully be placed—at the Yurok village of Weitspus, where the Trinity meets the Klamath.¹

The following description refers specifically to the Yurok, but may be taken as descriptive also of the Karok and Hupa, for these latter present the same picture as far as the social phenomena considered in this enquiry are concerned.

The habitations of the people stood either on the river or, for the coast Yurok, on the shore of the ocean.

All land back in the hills away from the houses served only for hunting deer, picking up acorns, beating in seeds, and gathering firewood or sweat-house kindlings, according to its vegetation. The most productive tracts
were owned privately. They were occasionally camped on, though never for long periods. All true settlements formed only a long winding lane; and along this waterway Yurok life was lived.  

The coast Yurok could and did, if they saw occasion to, venture out into the open ocean; but they rarely saw reason to, and did their fishing chiefly at the mouths of streams or standing at the edge of the surf.  

Their hamlets ("towns" in the literature) were of various sizes, some being inhabited only from time to time, by a single small family or group of relatives. Weitspus, already mentioned, had twenty-three house sites and was one of the largest settlements. Kroeber estimates the former population of the Yurok as having totalled some 2500 souls.  

The distinction of status levels which characterized the rest of Northwest Coast culture was reflected among the Yurok by the distinction between rich people and poor people. Slaves there were, but few; they became slaves through failure to pay indemnities in restitution for their misdeeds. Or a poor man might sometimes give one of his children or a female relative as a slave in lieu of blood-money.  

Rich people were the heads of kin groups, and therefore had the power to call on their relatives for services. A house was inherited by the son of the house-head. "The brother is said to have received it only if there were neither adult sons nor daughters."  

The Yurok married where and whom they pleased, in the home village or outside, within their nation or abroad. The only bar was to kindred; but the kin of persons connected by marriage were not considered kin. The wife's daughter as well as her sister were regarded suitable partners. The smaller villages were so often.
composed wholly of the branches of one family that they practiced exogamy of necessity. That such exogamy had not risen to native consciousness as something desirable in itself is shown by numerous endogamous marriages in the larger towns.°

Important in arranging marriages were considerations of wealth, on which social status depended. Kroeber writes:°

In marriage the rank of husband and wife and children depended on the amount paid for the woman. People's social status was determined not only by what they possessed, but by what had been given by their fathers for their mothers. Men of wealth made a point of paying large sums for their brides. They thereby enhanced their own standing and insured that of their children. A young man of repute preserved the tradition of his lineage and honoured the person and family of his wife in proportion as he paid liberally for her. A poor man was despised not only for his lack of substance, but for the little that he gave for the mother of his children, and for the mean circumstances surrounding his own origin. A bastard was one whose birth had never been properly paid for, and he stood at the bottom of the social scale.

The pursuit of wealth among the Yurok was "extraordinary." They thought and dreamed wealth day and night.° It was prominent in their legal code and, as already indicated, in their status system.

The Yurok had nothing approaching a system of government. Men of wealth had influence because of their wealth, and they had wealth largely because they were household heads, which fact was itself another cause of influence. But to speak of them as having political power would be somewhat of an exaggeration. This will, I think, be evident from the description of Yurok law, which follows in the next section.
Handbook. It is already so concise and clear that I can think of nothing better to do than quote it in full:

These are the standards by which the Yurok regulate their conduct toward one another:

1. All rights, claims, possessions, and privileges individual and personal, and all wrongs are against individuals. There is no offense against the community, no duty owing it, no right or power of any sort inhering in it.

2. There is no punishment, because a political state or social unit that might punish does not exist, and because punishment by an individual would constitute a new offense which might be morally justified but would expose to a new and unweakened liability. An act of revenge therefore causes two liabilities to lie where one lay before.

3. Every possession and privilege, and every injury and offense, can be exactly valued in terms of property.

4. There is no distinction between material and non-material ownership, right, or damage, nor between property rights in persons and in things.

5. Every invasion of privilege or property must be exactly compensated.

6. Intent or ignorance, malice, or negligence, are never a factor. The fact and amount of damage are alone considered. The psychological attitude is as if intent were always involved.

7. Directness or indirectness of cause of damage is not considered, except in so far as a direct cause has precedence over an indirect one. If the agent who is directly responsible can not satisfactorily be made amenable, liability automatically attaches to the next agent or instrument in the chain of causality, and so on indefinitely.

8. Settlement of compensation due is arrived at by negotiation of the parties interested or their representatives, and by them alone.

9. When compensation has been agreed upon and accepted for a claim, this claim is irrevocably and totally extinguished. Even the harboring of a sentiment of injury is thereafter improper, and if such a sentiment can be indirectly connected with the commission
of an injury, it establishes a valid counter-liability. The known cherishing of resentment will even be alleged as prima facie evidence of responsibility in case an injury of undeterminable personal agency is suffered.

10. Sex, age, nationality, or record of previous wrongs or damages inflicted or suffered do not in any measure modify or diminish liability.

11. Property either possesses a value fixed by custom, or can be valued by consideration of payments made for it in previous changes of ownership. Persons possess valuations that differ, and the valuation of the same nonmaterial property or privilege varies, according to the rating of the person owning it. The rating of persons depends partly upon the amount of property which they possess, partly upon the values which have previously passed in transfers or compensations concerning themselves or their ancestors.

One doubtful qualification must be admitted to the principle that the Yurok world of humanity recognizes only individuals: the claims of kinship. These are undoubtedly strong, not only as sentiments but in their influence on legal operations. Yet a group of kinsmen is not a circumscribed group, as a clan or village community or tribe would be. It shades out in all directions, and integrates into innumerable others. It is true that when descent is reckoned unilaterally, a body of kinsmen in the lineage of the proper sex tends to maintain identity for long periods and can easily become treated as a group. It is also conceivable that such patrilinear kin units exist in the consciousness of Yurok society, and have merely passed unnoticed because they bear no formal designations. Yet this seems unlikely. A rich man is always spoken of as the prominent person of a town, not of a body of people. In the case of a full and dignified marriage, the bond between brothers-in-law seems to be active as well as close. Women certainly identify themselves with their husbands' interests as heartily as with those of their parents and brothers on most occasions. These facts indicate that relationship through females is also regarded by the Yurok; and such being the case, it is impossible for a kin group not to have been sufficiently connected with other kin groups to prevent either being marked off as an integral unit. So, too, it is clear that a married woman's kin as well as her husband retained an interest in her. Were she killed, the father as well as the husband would therefore be injured; and there can be little doubt that something of this community of interest and claim would descend to her children. Kinship,
accordingly, operated in at least some measure bilaterally and consequently diffusively; so that a definite unit of kinsmen acting as a group capable of constituted social action did not exist.

This attitude can also be justified juridically, if we construe every Yurok as having a reciprocal legal and property interest in every one of his kin, proportionate, of course, to the proximity of the relationship. A has an interest in his kinsmen X, Y, and Z similar to his interest in his own person, and they in him. If A is injured, the claim is his. If he is killed, his interest in himself passes to X, Y, Z—first, or most largely, to his sons, next to his brothers; in their default to his brothers' sons—much as his property interests pass, on his natural death, to the same individuals. The only difference is that the claim of blood is reciprocal, possession of goods or privilege absolute or nearly so.

It may be added that this interpretation of Yurok law fits very nicely the practices prevailing in regard to wife purchase. Here the interest in a person is at least largely ceded by her kinsmen for compensation received.

It is men that hold and press claims and receive damages for women and minors, but only as their natural guardians. The rights of a woman are in no sense curtailed by her sex, nor those of a child by its years; but both are in the hands of adult male trustees. Old women whose nearer male kin have died often have considerable property in their possession. The weakness of their status is merely that they are unable to press their just claims by the threat of force, not that their claim is less than that of a man.

It may be asked how the Yurok executed their law without political authority being in existence. The Yurok procedure is simplicity itself. Each side to an issue presses and resists vigorously, exacts all it can, yields when it has to, continues the controversy when continuance promises to be profitable or settlement is clearly suicidal, and usually ends in compromising more or less.

No distinction of principle existed in the native mind between murder and war. It is rather clear that all so-called wars were only feuds that happened to involve large groups of kinsmen, several such groups, or unrelated fellow townspeople of the original participants. Whoever was not drawn into a war was as careful to remain neutral as in a private quarrel. When settlements came it was made on the sole basis known: all damage was compensated. Every man slain or hurt was
paid for according to his value, all captive women and children restored, burned houses were paid for, seized property handed back. It seems that actual payments for the aggregate amounts due were made by each side instead of the lesser value being deducted from the greater and the net difference alone paid. This practice was perhaps necessitated by the fact that Yurok money with all its refinement of measurement was not really standardized in the same sense as our own, no two strings, generally speaking, beings of exactly the same value. In any event the greater financial drain bore on the winner.

When blood money was offered, the exact length of each string was shown by a rod of the precise dimension. This stick was kept by the payee, and subsequently measured against the row of dentalia. To the ends of the rod were lashed little tabs of buckskin, to make possible its being held between the fingers that clasped the string of shells. This device enabled the precise value of each string to be determined during the period when contact between the principals in conflict, or even handling of the property of one by the other, would have been precarious.

This account clearly shows the Yurok feud-system to have been unmistakably of the classical type. The description does not expressly state the motives underlying claims for indemnification, but we may be pretty sure, from references in principle nine, and from the account of Yurok society in section one, that resentment and desires for vengeance were coupled with the extreme desires for wealth that distinguished the Yurok. We then have a clear demonstration of the effect, already suggested in section four of chapter one, of wergild on the frequency of feuding, or at least on the readiness to feud.

One major hypothesis of this enquiry concerned the presence of conflicting allegiances. The description again does not expressly distinguish these, but it is, I think, pretty clear from the discussion of claims involved in kinship
that such conflicting allegiances did occur. And they oc-
curred evidently in a pattern very like that described by
Gluckman for the Nuer, which I have taken as a type example.
The possibility of unrelated fellow townsmen being drawn
into a prolonged and intensive feud was a possibility in
both groups. And with such a possibility comes also the
possibility of conflicts between a man's (or woman's) al-
legiances to kin and to locality.

3

WAS THERE a high degree of individual geographic or inter-
group mobility among the Yurok and their neighbours? We
should not, according to the hypothesis put forward in this
enquiry, find it so.

And we do not. The Yurok and their neighbours are
among the world's most pronounced stay-at-homes. Kroeber
writes: 10

The national horizon of the Yurok was as confined
as that of most northern Californians. Adjacent tribes
were visited at ceremonies and to some extent wives
were purchased from them. Of those next beyond, there
was only the dimmest knowledge; and farther, neither
rumour nor legend nor interest. At that distance, there
was only the end of the world, or a strange unsighted
ocean, and perhaps things that no one wanted to see.
The Yurok did not venture into the unknown and felt no
desire to. Nor did they welcome strangers. If any came,
it must be for a bad purpose; and they were put out of
the way at the first opportunity. A man of substance,
wealth, or character did not stray or nose about. He
remained at home in dignity, or traveled where rela-
tives of old or hereditary friends welcomed him. If
ever he went farther, it was with their introduction.

And, again: 11

The ... Yurok and allied tribes of California ... feel most comfortable in a tiny, snug world—one that
a man with wings could fly round in a night. In their cosmology they set the ends of the earth, where the sky keeps descending to meet the horizon, only some fifty or sixty miles beyond their own last villages. At times they encounter members of tribes from beyond, and know something of their cultures; but they prefer to ignore this knowledge, and in the fantasies of their mythology and ritual they draw the boundaries of the human world closer in. About where their own highly characterized culture ends is where they like to believe the land of the immortals and everlasting dances begins ---the Ultima Thule across the sea.

With such a world-view we should not expect mention of high degrees of individual geographic mobility (though such would always remain a possibility), nor do we find it. I think we may safely conclude that high individual geographic mobility was absent from the social life of northwestern California, and that consequently feud-indemnities appeared of necessity if the culture was to prove viable.
CONCLUSIONS

1

THE PURPOSE of this enquiry was to find out why the Kwakiutl and Nootka did not have feud-indemnities, while other nations of the Northwest Coast did. The hypothesis to be tested was this: that a high degree of individual geographic mobility among the Kwakiutl and Nootka prevented the development there of feud-indemnities, while the other societies that had feud-indemnities did not have a high degree of individual geographic mobility.

Having thus introduced the problem, the enquiry went on to discuss the nature of the feud and primitive law, presented a number of notions, and examined in greater detail how high individual geographic mobility would prevent the development of feud-indemnities.

The first of these notions was a classification of feud-systems into nascent, classical, and decadent. The classical feud-system possessed feud-indemnities but lacked chiefs who could regulate the right of private vengeance. The decadent feud-system was a classical system plus such chiefs, and the changes consequent upon their presence. The nascent feud-system was like a classical system minus feud-indemnities.

The second of these notions was the hypothesis that the presence of feud-indemnities in a legal order of the feuding type provided on the one hand a motivation for feuding and at the same time provided a means of stopping a feud...
honourably if it became too sanguine and threatened to disrupt the social order. A society with frequent feuding but without feud-indemnities was not, I suggested, a viable social order: it would soon break apart into units between which obtained, not feuding, but war. Consequently we would expect feuding societies to fall into either one of two rough classes: feuding relatively frequent with feud-indemnities present, and feuding infrequent with feud-indemnities absent.

The next hypothesis concerned the creation of conflicting allegiances by divergent rules of marriage and kinship affiliation, such that the local or residence unit did not coincide with the vengeance unit, and the effects of such conflicting allegiances in motivating people to seek peaceful methods of settling disputes and avoiding open conflict. The operation of conflicting allegiances was illustrated by means of the legal system of the Nuer of the former Anglo-Egyptian Sudan. In consequence, if this hypothesis was true, we should expect to find conflicting allegiances among societies with feud-indemnities; societies without feud-indemnities, however, might or might not be societies with conflicting allegiances.

If the Kwakiutl and Nootka proved to be societies without conflicting allegiances we should have thereby an explanation why they did not have feud-indemnities. But if they did have conflicting allegiances, the problem of why they had no feud-indemnities would still be unsolved. This led to the hypothesis about high individual geographic mobility.

The feud-indemnity is, so went the hypothesis, a means of
rendering the feud a more efficient method of social control by providing a means whereby the feud can be stopped before it goes too far and tears the society apart. It will not, however, be adopted by a society unless there is need for it. If social disputes rarely reach the feuding point (where indemnification would be demanded in a classical feud-system on pain of violence, or where in a nascent feud-system violence would simply break out), there would be no need to develop feud-indemnities—no urgent demand for the members of the society, even if they were familiar with the institution as a custom of neighbouring peoples, to adopt it themselves.

High individual geographic mobility would constitute such a means of inhibiting disputes and social tensions before they reached the feuding point. In such a social order, an individual need not spend all or even most of his life with one social group. If, therefore, he was involved in trouble with one social group, he could simply leave for another social group, not returning to the former until tempers had died down and tension eased. Moral pressures would also play a part in curbing tempers and forcing some of the principals in an argument to depart the community for another either temporarily or permanently, though by themselves moral principles would not be sufficient to prevent violence.

In kin-based societies such individual geographic mobility would be rendered much easier with a bilateral system
of kinship affiliation, and we might therefore expect a high degree of geographic individual mobility more often in bilaterally organized societies than in unilateral ones. This connection being only a matter of more or less likelihood, we still have no certain assurance in the matter.

THE NEXT SIX CHAPTERS described the social, political, and legal systems of most of the nations of the Northwest Coast: the Nootka, the Kwakiutl, the Tlingit, Haida, and Tsimshian, the Salish-speaking peoples, the Chinook, and the northwestern Californians. They were described in fair detail in order that the reader might have sufficient data to judge for himself whether or not the hypotheses in question were sustained.

The classification of feud-systems as nascent, classical, and decadent seems to be justified. Nootka, Kwakiutl, Bella Coola, and Upper Stalo were nascent; the Chinook were apparently decadent; the others were classical. Since the classification is based on the presence or absence of feud-indemnities and on the powers of chiefs in these societies, and both of these phenomena appear to have significant implications for social structure, the classification is more than merely verbal, and does not obscure either significant differences or significant similarities between the societies in question.

The evidence seems to indicate that feud-indemnities in those societies which had them did constitute an important mo-
tivation for making claims and threatening feuds. But whether or not feuds were more frequent in the societies with feud-indemnities than in those without, is not too clear. It is my impression that they were, and that while there was much threat and counter-threat occurring in "litigation" in the societies with feud-indemnities, there was also a good deal of actual conflict. Drucker's suggestion that the concept of feud-indemnities focussed attention on injuries and slights seems to have something in it. But feud-indemnities were also a form of wealth, and the claiming of indemnities seems likely to have been, at least in the minds of some individuals, a way of getting wealth. Both motivations, i.e., face-saving and wealth-getting, probably played a part. But of all the hypotheses presented, this one remains the least satisfactorily established.

Conflicting allegiances, created most notably through marriage rules, seem to have played an important part in all the societies described. This is made explicit in the instances of the Nootka and Haida, but is implicit in all the rest. The hypothesis that where there are feud-indemnities there are also conflicting allegiances, seems therefore to be verified. The presence of conflicting allegiances in those groups without feud-indemnities, however, suggests that conflicting allegiances are probably a theme of very wide range and application in society, manifested in a great many more things than simply feuding. In this
connection, we may note that Gluckman, from whose book *Custom and Conflict in Africa* the concept is taken, discusses conflicting allegiances not only in the feud, but also in connection with political authority, family structure, witchcraft, religious rituals, and the colour-bar.

The primary hypothesis of this enquiry, i.e., that concerning high individual geographic mobility, has, I think, been confirmed. The Kwakiutl, Nootka, Bella Coola, and Upper Stalo had high individual geographic mobility and lacked feud-indemnities. The Tlingit, Haida, Tsimshian, northwestern Californians, Chinook, and the remainder of the Salish had low to moderate geographic mobility, and also had feud-indemnities.
INTRODUCTION


3) See Bibliography.


5) Philip Drucker, Indians of the Northwest Coast, p. 40.

6) Ibid., p. 108.


9) Ibid., p. 55.


12) Following the precedent in Drucker, op. cit., p. 6, I shall use the word "nation" to refer to the various groups on the Northwest Coast that spoke a common language or common dialect, resembled each other more closely than they did their neighbours of different speech, and lived in contiguous areas.

I: THE FEUD AND PRIMITIVE LAW

1) p. 76.

2) Ibid., p. 77.

3) See, for instance, the definitions and etymology of the word "law" in The Concise Oxford Dictionary.

4) The Law of Primitive Man, p. 28 (italics in original)
5) Ibid., p. 29.
8) This distinction parallels that made by Russell, op. cit., between "traditional power" and "naked power".
9) Which was, after all, Hoebel's idea in proposing his definition: cf. his second chapter, "What is Law?"
sequent of this position, of course, is to define "primitive" as meaning "non-court" or "non-state".
12) Thus family feuds, such as that between the Hatfields and the McCoys of the Kentucky and Virginia hills, arise in areas where the central government is not strong enough to keep the peace, and the inhabitants must resort to self-help.
14) This is essentially the position adopted by Schneider, op. cit., and by Middleton and Tait, op. cit. See also A. R. Radcliffe-Brown, "Preface," in Fortes and Evans-Pritchard, *African Political Systems*, pp. xix-xx, who makes a similar distinction between feuds and wars. We should note, however, that for Radcliffe-Brown, the feud is not an instrument of primitive law, and feuding relationships are not legal relations.
18) Audrey Butt, *The Nilotes of the Anglo-Egyptian Sudan and Uganda*, p. 140; Max Gluckman, *Custom and Conflict in
Africa, pp. 8-9.

19) Such a one is recorded in Franz Boas, "Ethnology of the Kwakiutl," pp. 1363-1380, as "Neqapenkem's War against the Sanetch."


21) Ibid., p. 320. A. S. Diamond, Primitive Law, p. 302, footnote, has also suggested that the feud "affords a reason for paying the customary sanctions, which it also helps to build up."


27) This "superior power of the negative instance" (This phrase, I believe, originated with Francis Bacon.) has led Karl Popper, in The Logic of Scientific Discovery, to single out falsifiability as that property of a theory which gives it scientific value and separates it from merely metaphysical notions.

II: THE NOOTKA

1) James G. Swan, "The Indians of Cape Flattery," Smithsonian Contributions to Knowledge, 16:8 (1870), pp. 55-7. The Makah themselves, according to Swan, believed they had been at Cape Flattery from the beginning of the world. Swan, however, from a comparison of several of their traditions with those of other Nootkan groups, inferred them to be of Nitinat origin. Albert Irvine, "How the Makah Obtained Possession of Cape Flattery," Indian Notes and Monographs, n.s., 6 (1921), pp. 5-11, moreover, gives an account of how a group of Nitinat conquered Cape Flattery and became the ancestors of the Makah.


3) Ibid., p. 220. (4) Ibid.

5) Ibid., p. 221. (6) Ibid., p. 279.


9) Ibid., p. 301. (10) Ibid., p. 244.
III: THE KWAKIUTL


4) "The Kwakiutl of Vancouver Island," in Margaret Mead, ed., Cooperation and Competition among Primitive Peoples.
Goldman's account of Kwakiutl law is based on lectures by Franz Boas.


7) pp. 835ff. See also Boas, Contributions, pp. 59ff, 71ff.


10) Boas, Kwakiutl Culture as Reflected in Mythology, p. 66.

11) See note 7 above.


13) For instance, the nearly complete extermination of the Tlaaluis division of the Lekwiltok by a Bellabella raiding party, and the union of the few survivors with the Kueha. Curtis, op. cit., p. 113.

14) Peter Camden Pineo, Village Migrations of the Modern Kwakiutl.


16) Boas, Contributions, p. 91.


20) Boas, Contributions, pp. 91, 99, 105.

21) Dawson, op. cit., p. 79.

22) Boas, "Ethnology," pp. 1333-40; Contributions, pp. 311ff, 331.
24) Boas, Contributions, p. 259.
28) Boas, Contributions, pp. 94-5.
30) Ibid., pp. 1377-8.
32) This proposal implicitly asks and answers the question as to how feud-indemnities should be defined. It will also be noted that in the account of feud-indemnities in section two of chapter one, "The Feud and Primitive Law," the injured group is described as demanding indemnification.
35) "Haisla," pp. 169-70; "Bella Bella," p. 324. Concerning the list of Haisla clans, however, it should be noted that Boas, op. cit., p. 328, gives the following: eagle, beaver, raven, killer whale, salmon, and wolf.

IV: THE NORTHERN TRIBES
1) The Indians of Canada, p. 328.


5) Ibid., p. 251.

6) Swanton, op. cit., p. 398.

7) Krause, op. cit., p. 85.


10) Swanton, op. cit., p. 348.


14) Ibid. (15) Ibid., p. 36.

16) Ibid., pp. 28-29. (17) Ibid., pp. 36-37.

18) "Sib" is the term suggested by Murdock for unilineal kinship groups holding a belief in common ancestry even though the exact relationships have been forgotten or are not known. Cf. George Peter Murdock, Social Structure, pp. 46-7.

19) Oberg, Social Economy, p. 29.


22) Ibid., p. 39.


32) Swanton, op. cit., p. 449; however, notes that the man to be executed would often try to stab one of his would-be slayers before he was killed.
33) "Crime," p. 147.
34) Ibid., p. 147; Social Economy, pp. 47-8.
35) Swanton, op. cit., p. 449.
38) Niblack, op. cit., p. 291.
40) Niblack, op. cit., p. 335.
41) Krause, op. cit., p. 169.
42) Ibid., p. 172; Niblack, op. cit., p. 342.
49) The following four paragraphs on Haida social organization are taken chiefly from George Peter Murdock, Our Primitive Contemporaries, pp. 235-8. The chapter on the Haida in this reference is Murdock's own summary of his own field work among the Haida.
50) Ibid., p. 250. (51) Ibid., p. 245.
54) Ibid.
56) Ibid., p. 235; "Rank and Potlatch among the Haida," p. 16.

58) Report on Queen Charlotte Islands, 1878, p. 121.

59) "Kinship and Social Behavior among the Haidas," American Anthropologist, n.s., 36 (1934), pp. 371-2; Social Structure, p. 73.

60) Viola E. Garfield, "The Tsimshian and Their Neighbours," Part One of Barbeau, Garfield, and Wingert, The Tsimshian: Their Arts and Music, p. 4. (henceforth cited as "Tsimshian").

61) Ibid., p. 13.

62) Ibid., pp. 19-20; Tsimshian Clan and Society, p. 173.

63) Garfield, Tsimshian Clan and Society, p. 231.


65) Ibid., p. 22.


68) Ibid., p. 28.

69) Garfield, Tsimshian Clan and Society, p. 175.


72) The greater part of this description of the evolution and the authority of Tsimshian chiefs is taken from Garfield, "Tsimshian," pp. 32-7.

73) Garfield, Tsimshian Clan and Society, p. 177.

74) "Tsimshian," p. 35.

75) This account of the Tsimshian feud-system is taken from Garfield, Tsimshian Clan and Society, pp. 257-60.

76) Ibid., p. 258. (77) Ibid., p. 259.

78) Ibid., p. 271.
v: The Salish-Speaking Peoples

6) Ibid., pp. 118-119. (7) Ibid., pp. 130-32.
8) Ibid., pp. 138-43. (9) Ibid., pp. 140-1.
22) Ibid., p. 141. (23) Ibid., p. 140.
27) Ibid., p. 184.
28) For instance, one Sanelch village had but seven large houses. One Cowichan village was made up of one big house only. A former village of the Comox at Cape Mudge had twelve houses. Ibid., pp. 19, 21, 25.
35) Ibid., p. 244. (36) Ibid., pp. 269-70.
37) Ibid., pp. 270-1.
38) Ibid., p. 267. See also pp. 182-3.
40) Ibid., p. 12. (41) Ibid., pp. 84-5.
45) Ibid., p. 80. (46) Ibid., pp. 82-4.
47) Ibid., p. 76. (48) Ibid., pp. 81, 85, 92, 95-6.
49) Ibid., p. 79. (50) Ibid., p. 30.
51) Ibid., p. 40. (52) Ibid., p. 76.
53) Ibid., p. 90. (54) Ibid., p. 81.
55) Ibid., pp. 81-2, 96. (56) Ibid., p. 89.
58) Haeberlin and Gunther, op. cit., p. 7.
59) Smith, op. cit., p. 42. Haeberlin and Gunther, op. cit., p. 50, give the following account:

"Marriage among these Puget Sound tribes, as is so frequently the case, was a contract between two families. Theoretically there was a difference between the marriage regulations of the upper and lower classes, in that the upper classes practically insisted on tribal exogamy, while the common people had to be content to marry within their own group. Before the coming of the whites, the Nisqually never married within their own tribe, and not even into another village of the tribe. This regulation theoretically applied to everyone, but was only rigidly
enforced in the upper classes where infringement was fined. The fine was apid to the girl's relatives, and after such amends they would frequently consent to let their son-in-law live with them."

Which is as much to say that tribal exogamy was not in fact at all rigidly insisted upon.

63) Ibid., pp. 47-55. (64) Ibid., pp. 40-1.
65) Ibid., pp. 41, 36, 42. (66) Ibid., p. 43.
70) Ibid., p. 59. It should be noted that Gunther considers this account of Puget Sound chieftainship "oversimplified".
71) Smith, op. cit., p. 35. (72) Ibid., pp. 49-50.
73) Ibid., pp. 35-6. Haeberlin and Gunther, op. cit., have nothing at all to say on social control within the tribe.
79) Erna Gunther, Klallam Ethnography, p. 182.
80) Ibid., pp. 178, 183, 186-90.
85) Ibid., pp. 262-3. (86) Ibid., p. 266.
87) Ronald I. Olson, The Quinault Indians, p. 89.
88) Ibid., pp. 17-19, 93-94.
89) Ibid., p. 92. (90) Ibid., p. 93.
91) Ibid., pp. 90-91. (92) Ibid., p. 94.
93) Ibid., p. 95. (94) Ibid., pp. 90, 93, 106.
95) Ibid., p. 89. (96) Ibid., p. 106.
97) Ibid., p. 95. (98) Ibid., p. 96.
99) Ibid., p. 116. (100) Ibid., p. 117.
101) Ibid., p. 94. (102) Ibid., p. 25.
103) Ibid., p. 89. The italics are mine, not Olson's.

VI: THE CHINOOK


8) Spier and Sapir, *op. cit.*, p. 211.


11) Ibid., p. 57.


VII: NORTHWESTERN CALIFORNIA


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