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Hopi Trouble Cases: Cultivation Rights and Homesteads

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Abstract. Five recent cases of Hopi disputes over cultivation rights and building sites are considered. Although conflict over cultivation rights can be resolved by traditional means, conflict over home sites cannot. There is evidence that such conflicts are becoming increasingly disruptive.

THIS PAPER PRESENTS the results of a study of Hopi disputes concerning cultivation rights and land for building houses. There is a large body of ethnographic literature on the Hopi; this cannot be summarized here. Titey (1944) provides an excellent guide to the earlier writings, while Thompson (1950) emphasizes recent culture change.

According to recent estimates of the Bureau of Indian Affairs Agency at Keams Canyon, there are some 5,400 Hopis, 4,400 living on the Reservation. The resident population lives in four principal areas: First Mesa, Second Mesa, Third Mesa, and Moenkopi. At First Mesa, there is a community of over 1,200 Hopis. Second Mesa's three villages contain some 900 people, while Third Mesa's four villages comprise nearly 1,600. Moenkopi, 70 miles to the west of First Mesa, has a population of about 700 Hopis. The cases presented below come from First and Second Mesas; the bulk of the study was done at First Mesa, where I was in residence for ten months, from July 1965 to August 1966. An excellent picture of this community is given by Dozier (1954).

Disputes among Hopis over cultivation rights are rare; ideally, there should be none. A good man would not press his rights in a disputed field. An informant was asked to say what would happen if an interloper planted a field in which one had traditional rights:

In olden times, if a man knew the trouble he was going to be into, he just won't say anything . . . They said that if you fight over a piece of land, it cuts your children's, or maybe your own life short.

However, when agricultural land is used for other purposes, such as for home sites, disputes do occur. A difference of opinion may arise as to how much land was granted, or as to how the land should be used. Buildings erected on a property increase its value, giving the

owners second thoughts about the wisdom of granting squatter's rights. Several cases of such disputes are considered below.

It may seem odd to discuss rights in land for homesteads together with cultivation rights. However, desirable building sites on the margins of Hopi villages are often on farm lands owned by clans. Where the builder's clan owns a suitable plot, no problem occurs. Even where another clan's permission is needed, often no difficulties arise. In some cases, however, bitter quarrels may break out. What starts as a difference over a cornfield may come to involve a whole village. It will be seen below how land for a church was claimed by members of three clans, drawing an entire community into the conflict.

Cultivation rights. It is first necessary to say a word about the rules governing cultivation rights. Traditional Hopi land tenure is in the classical matrilineal pattern. A married man farms land held by his wife's clan. Commonly, he will share his wife's father's usufruct. A Shungopovi man explained as follows:

Usually, a man's father-in-law will give him part of his field. He'll say, 'We'll divide my field' or 'We'll add something to it and divide it.' However, if the man wants to have his own farm, he goes to the leader of (his wife's) clan and asks him for some land out somewhere which no one is using. If he gets permission, he plows it, and that becomes his field to use.

Disputes over cultivation rights in this system are rare. If they arise, they probably become expressed as a marital dispute, perhaps ending in divorce. In that case, a man has the privilege of returning to his own clan's fields.

However, it is important to recognize that another pattern of landholding exists. The Governor of New Oraibi denied that lands are owned by clans in his village. Another Oraibi man concurred: "From here on over (west), there aren't any clan holdings." As Watson (1945: 69-71) argues, the demand for land at Third Mesa, caused by erosion and population increase, has pushed farming far beyond the clan lands of Old Oraibi (see Titev, 1944: fig. 5). Oraibi's colony villages — Hotevilla, Bakabi, and Moenkopi — practice individual ownership of farms. At First Mesa, also, there is a tendency to clear new fields beyond the area of traditional clan ownership. These include lands which belonged to the abandoned village of Awatobi (Forde, 1931: 365). Hopi agricultural lands are

not extensive; there is probably room for further expansion of farming, as it is necessary. In 1953, there were only 160 acres of irrigated gardens and 6970 acres in dry farming (Kelly, 1953: 102).

As might be expected, the individually owned fields mentioned above are not inherited matrilineally. New Oraibi's Governor stated the rule for Third Mesa in this way:

... The things that belong to women, like houses, are passed through the female line. The things that belong to men, like farms, are passed from a man to his sons.

A third pattern of landholding occurs, although it is uncommon. In some cases, a married man may farm his own clan's land. A Shungopovi man explains his situation as follows:

... A man is supposed to use his wife's clan land. In my case, I used our own clan's land, because there are only three of us (in the clan), and my wife's clan doesn't have much land.

Apparently a man married to a non-Hopi will make similar arrangements if he wishes to live in his natal village.

As Forde (1931) pointed out some time ago, Hopi land tenure permits considerable flexibility in practice, although rigidly matrilineal in principle. Such flexibility is required to accommodate the unequal growth in descent groups, as Goodenough (1955) has shown. As I have noted, Third Mesa has already moved a long way toward bilaterality and individual ownership of land. And one sees a trend toward bilaterality in land tenure at First and Second Mesas, especially in distant fields. Whether these trends will require formal adjustment in the rules of inheritance and landholding is difficult to say at this writing.

Inter-clan disputes. As I have noted above, disputes within a clan over cultivation rights are rare. The availability of lands beyond the clan holdings, among other factors, tends to reduce such disputes. Conflict between clans does sometimes occur, however. Two such cases are cited below.¹

The first expresses, in mythical terms, a current dispute:

Our lands are out by that black butte that they call the Giant's Chair. There's a ruin out there too. It used to be the Water clan's village, before

¹Brandt (1954: 179) gives two further examples of conflicts over cultivation rights; the clan and village of the complainant is not specified, however.