

LAND AND LIVESTOCK IN NAVAJO CULTURE AND SOCIETY

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In order to understand fully the roles of land and livestock in traditional Navajo culture and society it is first necessary to present a brief view of the broader social and cultural contexts in which land use and animal husbandry take place. Like the Hopi and other Indian groups, Navajo culture is highly integrated. One aspect of the culture cannot be studied or understood in isolation from other aspects of the culture.

1. NAVAJO WORLD VIEW

The world view of the Navajo evolved through four previous stages or underworlds. (In various accounts, the number of stages may be enumerated differently. To the Navajos, the number of stages is not as significant as the concept of development and the account of the important events that occurred.) The ancestral creatures that inhabited these underworlds were the forerunners of the Navajos today. These first beings were conceived in ignorance and lived in a simple and dark world. Their knowledge of how to live well increased as a result of the application of intelligent thought and planning to experience. As they evolved through successive underworlds, their intelligence increased and their knowledge expanded. The worlds they occupied correspondingly became more complex and more beautiful. In this process they learned how to maintain harmony and how to restore harmony when disharmony occurred. They learned by various means, including ritual and practical arts, to organize and control their environment.

A flood in the third world forced the inhabitants of that world to emerge to a fourth and then a fifth world. At first the fifth world was bleak and barren. Before it could be made suitable for human habitation, it had to be transformed into beauty and harmony (hózhó), and it had to be imbued with fertility and fecundity.

Those who emerged from the underworlds are known to the Navajos as Diyin Dine'é, usually translated as Holy People. Among these Holy People were two beings known as First Man and First Woman. Upon arrival in the fifth world, First Man and First Woman brought the Holy People together in a great sweat house, a shelter used both for purification and prayerful reflection. Using their thus expanded intelligence, they organized and transformed the fifth world into the beautiful and harmonious patterns that exist today. Through thought, prayer and song, the nameless, formless and meaningless world became imbued with identity, form and meaning. The world accordingly became alive with color, dimension, gender, order, sensitivity, animacy, and most importantly, hózhó (beauty and harmony).

This wonderful world was not to be without aspects of disorder and disharmony, however. Coyote came in at various points and messed up the plans and patterns of the Holy People. Also, previous sexual abuses and aberrations caused monsters to be born, and these monsters had to be destroyed before the Earth Surface people (i.e., the modern Navajos) could be created. Also, these abuses, as well as the destruction and death caused

by the monsters, had caused the loss of power and the capability of reproduction and rejuvenation.

Hope was renewed, however, when Talking God came upon a beautiful baby girl, whom he named White Shell Woman. This infant was to become the most respected, honored and emulated diety in the Navajo pantheon. She grew to maturity quickly, and when news of her first menstrual period spread, a ceremony of blessing, beauty and celebration was enacted. This ceremony was known as the Kinaaldá, and it is re-enacted and re-celebrated every time a young Navajo maiden reaches puberty. Through this ceremony, White Shell Woman -- later named Changing Woman and Earth Woman -- became imbued with the capacity for reproduction.

Changing Woman was soon brought into conjugal union with Father Sun, and this union conceived and brought forth the Twins, Born for the Water and Monster Slayer. The Twins discovered who their father was, and from him got the weapons necessary to kill the monsters. After a rite of purification, known as the Enemy Way, was performed, harmony and beauty was restored to the world, and with these returned the fundamentally important capacity of reproduction and rejuvenation.

Changing Woman became the soul or inner form of the earth, and also became known as Earth Woman. Today she controls the reproductive cycle of the Earth. In the spring, when the Earth is rejuvenating, Changing Woman is a young maiden. As Changing Woman grows and develops, summer comes on. When Changing Woman matures, the Earth becomes mature, as in the

Autumn. When Changing Woman becomes old and gray, winter comes to the Earth's surface. In the spring, changing Woman rejuvenates and all the Earth experiences a rebirth.

Changing Woman created the four original clans of the Navajo. From these four original clans spring all the sixty or so clans that exist among the Navajo today. After the creation of the Earth Surface People, the Holy People took their places as the inner forms or in-standing wind souls of various parts and dimensions of this new and wonderful world.

The world created and transformed by the Holy People for the Navajos was demarcated by sacred mountains. The sacred mountains had existed in the underworld and soil from these sacred mountains had been saved and brought up to the upper world by First Man and First Woman.

Man with a Moustache, a singer and priest in the Navajo religious order, tells part of this story in Navajo Historical Selections (Young and Morgan 1954). First, he tells how the Sacred Mountains were put on the earth, from which the Navajos would gain their identity, their sense of place and their capacity for thought.

First Man took the mountains he had picked up, a song was heard, and he put Sierra Blanca Peak in its proper location, over in the East.

'Let this Mountain be placed far away; let it lie far away, so our thoughts will be long,' he said. He set Sierra Blanca Peak in its position, and it was of White Shell. Then Mount Taylor was set in its position, and it was of Turquoise. These two mountains were put in their positions, and both Hashch'e'Éłti'i and

Hashch'éoghaan (two supernatural beings or divinities) took their place in them. Then San Francisco Peak was set in position. It was placed in the west, and was of Abalone. Hashch'e'éxti'i and Hashch'éoghaan took their places in it. La Plata Mountain was set up in the north. It was adorned with Jet, and Hashch'e'éxti'i and Hashch'éoghaan took their place in it.

So in the form of these Sacred Mountains was our Mother made for us. ... In the midst of these four Sacred Mountains that were placed, there we live. With that, we who are The People are the heart of the world. These Sacred Mountains that were placed for us are the boundaries of our domain...

I am a medicine man, so I have some of the soil from these Sacred Mountains. These were established from White Shell, Sheep, domestic Animals, Maidens and Youths. In accord with that do we live. Those of The People who possess livestock possess it by virtue of the power derived from the soil of the Sacred Mountains. And we who are medicine men, this is our way. We have the Mountain Prayers and the Mountain Songs.

It is said that Black Mountain [the Female Mountain] lies in a clockwise position, with the one known as Navajo Mountain as its head, and Marsh Pass as its neck...

Over there on the other (eastern) side the Male Mountain, the one called White Fir Point (Chushgai Mountain), also lies in a clockwise position. The one called Chushgai is its head and Beautiful Mountain is its tail.

(Young and Morgan 1954:13). He then goes on to explain how the mountains are the guide by which Navajos conduct every aspect of their lives, all of which is inextricably bound with their basic religion.

It is true that our prayers hinge upon these which are the Chieftain Mountains. These Sacred Mountains were established along with the domesticated animals and sheep. Today we

hold our land along with these Sacred Mountains. Alien people are contesting our right to possession of those things which were established on earth for us. We were placed here on earth along with them, and we were coeval with them. Earth Woman is our Mother; Mountain woman is our Mother; Water Woman is our Mother. The Darkness is our Mother, and it is she who puts us to sleep. It is the Dawn who awakens us from sleep. The sun is our Father. It is he who tells us; 'Go now and busy yourselves with something. Go make your living.' White Shell Woman, even though she is not here, tells us, 'Live well. Pray with me, keeping me holy. Through that shall you live beautifully, my children.' These are the things that she told us in the beginning, as she pointed out the earth, the mountains and the water to us. Upon that we based what we are now saying....

(Young and Morgan 1954:14). Finally, he describes, through attempting a comparison with the Anglo Americans, how the sacred mountains mark the land within which the Navajos maintain their identity, thought and action, and how these are inextricably tied to the land.

It is said that, a long time ago, before we were born, the white people and our old folks made a treaty. This treaty was made to the end that these Encircling Mountains would always be ours, so that we could live according to them. The right to these was given to us, so that all Navajos might live in accord with that which is called Mountain Soil, and the pollen of all the plants. All Navajos live in accord with them. With these sacred things everything was stabilized and our wealth increased....

... The white people all look to the Government like we look to the Sacred Mountains. You, the White people, hold out your hands to the Government. In accord with that (the Government) you live. But we look to our Sacred Mountains: to Sierra Blanca Peak, to Mount Taylor, to San Francisco Peak, to La

Plata Mountain, to Huerfano and to Gobernador Knob. According to them we live -- they are our Washington (Government). All of us live in accordance with them.

We have our Blessing Way prayers, and our Blessing Way songs. In accord with all these things the Navajo people live. It was through the medium of these things that they possessed their livestock. ... the land within the circle of the Sacred Mountains is ours.

(Young and Morgan 1954:17). These words of explanation and passion were spoken around 1950. Dr. Robert Young, a non-Navajo linguist, and William Morgan, a Navajo linguist, recorded them in Navajo and also translated them into English.

Having established the sacred domain of the Navajo and having briefly discussed how this holy land came to be, let us discuss some of the principal concepts and orientations of Navajo life and culture. Each culture projects a particular construction of meaning and purpose onto the universe, and this particular thematic construction colors and molds all experience within it.

The Navajo theme envisions the universe to be the scene of a grand cosmic concert in which the primary orientation is directed toward the maintenance or the restoration of hózhó. Hózhó encompasses the English notion of beauty, but it is a concept that is much broader than that. For the Navajo, hózhó includes the intellectual notion of order, the emotional state of happiness, the physical state of good health, the moral proposition of good, and the aesthetic dimensions of beauty and

harmony. What is thus often glossed here and in other literature on the Navajo as 'beauty' is much broader in its semantic and conceptual domain.

Navajos do not look for beauty; they find themselves engulfed in it. When it is disrupted, they restore it; when it is lost or diminished, they renew it; when it is present, they celebrate it. The Navajo say, in their own vernacular: shí hózhó, or 'with me there is beauty;' shii hózhó 'in me there is beauty;' shaa hózhó 'from me beauty radiates.' Navajos express and celebrate this 'beauty' in speech and prayer, in song and dance, in myth and ritual, and in their daily life and activities, as well as in their graphic arts. This integration is well expressed in a prayer pattern found frequently in the Blessing Way ceremony, shown below in its English rendition:

With beauty before me, I walk.
 With beauty behind me, I walk.
 With beauty above me, I walk.
 With beauty below me, I walk.

From the East beauty has been renewed.
 From The South beauty has been renewed.
 From the West beauty has been renewed.
 From the North beauty has been renewed.
 From the zenith in the sky beauty has been renewed.
 From the nadir of the Earth beauty has been renewed.
 From all around me beauty has been renewed.

Although Navajos experience beauty in all dimensions of their life, they frequently celebrate it in artistic creation. Artistic expression and creation take many avenues. Linguistic avenues include song, speech, poetry, and oral literature. The graphic arts include principally weaving, sculpture, and sand painting. Today many Navajos also engage in various modern

forms of painting and drawing. The non-artist is a rarity among the Navajo.

Navajo culture is thus not just a food-gathering strategy. It enriches experience by placing human life in a meaningful, purposeful, and aesthetic context. As with most origin stories and theories, the world of the Navajo was prepared for human habitation from its nameless, formless, meaningless condition. Style, form, and sensibility are added to this domain by humans and the Holy People. Accordingly the universe came alive with color, dimension, direction, gender, order, sensitivity, and most importantly for the Navajo, harmony and beauty. Artistic creation thus becomes a celebration and a renewal of this primordial achievement of ancestral beings within their natural environment. The artist or craftsman who takes his or her materials from the natural world and creatively transforms them into personal expressions of primordial themes knows a celebration of, and a communion with, the natural world that totally escapes the participant in modern industrialism.

The traditional homeland of the Navajo has more than economic meaning to the Navajo. It also has social, religious, intellectual and aesthetic meaning to them, and all these meanings are highly integrated in Navajo culture. As highlighted in the quotes by Moustache above, these meanings take their form and place within the circle of the Sacred Mountains. The Sacred Mountains and the land within them are the basis of Navajo life

and culture. The People and the meaning, beauty and survival of their culture are inseparably linked to this sacred domain.

2. NAVAJO SOCIAL ORGANIZATION

Social Categories

The social universe of the Navajo is labeled dine'é, or 'people.' This universe is divided into two categories: diyín dine'é, or 'holy people' and nihookáá dine'é, or 'earth-surface people.' Earth-surface people are also often referred to as 'the ones with five fingers.' The earth-surface people are again divided into two categories: t'áá diné (Navajos) and ana'í (non-Navajos).

The matrilineal clans of the Navajo are based on the mother-child bond, the child becoming a member of his mother's clan. Because the clans are exogamous, the child's father must necessarily be of a different clan than the mother. The child is said to be 'born for' his father's clan, while in essence he is born 'in' or 'of' his mother's clan. As undifferentiated categories, the child considers all those of his mother's clan to be 'mothers' and all those of his father's clan to be 'fathers.'

Types of Solidarity

Ego refers to everyone who is in his clan or is in a clan to which he is related by the term shik'éí, or 'my relative(s),' those to whom I am related according to k'é. k'é means kindness, love, cooperation, thoughtfulness, friendliness, and peacefulness. (k'é is a noun, also used as a verbal

prefix. When the noun-forming enclitic -i is added to make -k'éí, the resulting stem means 'those to whom one is related according to k'é.' The following table illustrates the relationship graphically.

Shik'éí 'My Relatives'

Paternal Grandfather's Clan 5 Considered: Paternal Grandfathers	Maternal Grandfather's Clan 6 Considered: Maternal Grandfathers
Father's Clan 2 Considered: Fathers	Mother's Clan 1 Considered: Mothers
Born for Father's Clan 3 Considered: Siblings	Born for Mother's Clan 4 Considered: Children or cross-cousins

K'é is the ideal and the ethic that orders not only all social relations but the Navajo's relationships toward the non-human environment as well. The relationship and the attendant ethic holds especially true for those who are related to one another by close bonds of kinship.

K'é is one of two main kinds of solidarity that hold the Navajos together as a society. The other associated kind of solidarity can be characterized as reciprocity. The former might properly be called kinship solidarity and the latter non-kinship solidarity, for reciprocity is the pattern of social relations among those not related by k'é.

The primary bond of k'é in Navajo culture is found in the mother-child bond, which is the closest and strongest of all relationships in the Navajo social system. Motherhood in Navajo culture is defined in terms of the reproduction and sustenance of life, and it is expressed in affection, care, kindness and unsystematic sharing.

The primary bond of nonkinship or affinal solidarity in Navajo culture is found in the husband-wife relationship. The husband-wife relationship is a contractual one that involves exchange, one form of which is the bridewealth that the husband's kin group provides for the wife's kin group. This relationship can be very strong, but it is often very fragile, particularly in its early stages.

The main differences between these two relationships is that the mother does not expect the same in return when she gives life, sustenance and care. She continues to love even when she may be despised, and continues to give when her gifts are not appreciated. In reciprocity, on the other hand, when a husband is irresponsible or immoral, a wife usually sends him away. If a wife is barren, a husband usually goes elsewhere. In other words, if either sees the relationship as without merit to himself or herself, it will likely be dissolved. The relationship is supposed to be advantageous to both parties through reciprocal patterns of love and cooperation.

Patterns of Residence

The residence group is the fundamental unit of Navajo social organization. It is organized around a mother, a sheep herd, a customary land-use area, and sometimes agricultural fields, all of which are called mother. The residence group is both a social and an economic unit. It is a cooperative unit organized, structured, and integrated by the symbols of motherhood.

The personnel of the residence group are organized around the eldest mother. All rights of residence within the group are ultimately derived from the head mother of the unit. Residence rules are based on the primary bonds of kinship (mother-child) and affinity (husband-wife). A Navajo may live wherever his mother has the right to live. In addition, a Navajo may live wherever his or her spouse has the right to live. Thus residence rights are acquired from one's mother and one's spouse.

All residence rights are ultimately derived from a matrifocal head. The husband of the focal mother resides in the unit on the basis of his marriage; the spouses of the children reside in the unit by virtue of their marriages; the head mother's paternal grandchildren reside in the unit by their right to reside with their mother, by their mother's right to reside with her husband, and by her husband's right to reside with his mother.

When a young couple marry, they can live at either spouse's natal unit. There is a preference and an expectation that they will live at the wife's mother's unit, but if circumstances so dictate they may live at the husband's mother's unit. Examples of such circumstances would be that the wife's natal unit was overcrowded or the husband's natal unit was in need of assistance.

The initial choice of residence of the married couple does not cause them to forfeit their rights to live at the unit that they did not choose. Some couples switch their residence back and forth between the wife's and husband's natal units several times before finally settling at one place or the other. This switching back and forth may continue as long as the mothers of both spouses are alive.

In the past when the focal mother died (or sometimes after both the leading or focal mother and her husband had died), the unit usually divided into several new residence groups with her daughters and daughters-in-law becoming the head mothers of new units. These new residence groups will often consist of what were household or nuclear-family groups. As time passes the children in these new residence groups will get older, marry, have children, and maybe even grandchildren. Thus the constitution of the residence group in terms of numbers of persons, families, and generations will vary according to its developmental stages.

In the late Twentieth Century normal fissions in the developmental cycle of residence groups have often become impractical if not impossible. The scarcity of land and the rapid increase of population are the long-term causes of this condition. One adaptation to this situation that many Navajos are taking is to reside outside the traditional residence groups and live in mercantile and industrial towns bordering the Reservation by means of wage work. Such people usually maintain close ties with their natal units and contribute some of their wage income to these extended family units. The extended family units, for their part, make available livestock and farming production in the event that the wage earners experience unemployment or require a ceremony. Thus, these wage earners maintain close ties with their natal units without depending heavily on their limited resources for a livelihood.

Most residence groups usually consist of more than one household. Normally every married couple in the residence group has its own household, which they share with their children if they have any. Often mature women with children, but without husbands, will have their own households. A household can be identified as the group that eats and sleeps together (under the same roof). Household groups tend to merge in the winter and disperse in the summer. This is mostly due to the great difficulty of acquiring sufficient firewood to heat numerous separate households, and the need to have make water and shelter available to livestock. Hogans and houses within the same residence

group are normally located within several hundred feet of each other.

Economic Organization

Traditional residence groups are also organized around a sheep herd. Members of a distinct residence group put their sheep in a common herd and share in the tasks of caring for the herd. At the residence group level, then, social groups correspond to the groupings of sheep into herds. When the distance between houses does not clearly indicate which households form distinct residence groups, the matter can be clarified by ascertaining who puts their sheep in which herd.

The sheep herd is an important symbol of social integration within the residence group. The sheep herd is a cooperative enterprise of the individual owners. Nearly everyone in the unit has some sheep and therefore has an interest in the welfare of the herd. Children are given lambs to begin building their flocks as soon as they are able to share in the tasks of caring for the sheep, and this is usually around five to seven years of age. It is in the sheep herd, more than anywhere else, that the divergent interests of the individual members of the units are converged into this very meaningful and cooperative endeavor.

The identity, welfare, and status of the residence group is closely linked to the size and well being of the sheep herd. Community members judge the character and qualities of those within the residence group on the basis of size and

appearance of their sheep herd. No one will be respected in the community or recognized as a leader if his family's herd gives the appearance of improper care and attention.

Traditionally, an individual's identity and social position are also closely linked to his sheep, and to a lesser extent to the ownership of cattle and horses. Most often the person who wields the most power and influence within a residence group is the person who has the most sheep in the herd. Sheep are also an important aspect of the way in which an in-marrying affine is integrated into the residence group of his spouse. The in-marrying affine may bring none or only a few of his sheep to his wife's home at the beginning of their marriage, leaving the majority of his sheep in the herd of his natal group. Later as children come and his marriage becomes more stable, he will bring more or most of his herd to his wife's home. Sometimes it might not be until after 10 or 20 years of marriage that a man will finally have placed all his sheep in his wife's herd (Shepardson and Hammond 1967:90). Having fully tied his identity and loyalty to his new residence group, the in-marrying affine is likely to begin to have more influence over the affairs of the group and may soon become its leader. From this it may be concluded that a person's status within, and loyalty to, a particular residence group or groups largely correspond to the location and position of his sheep in a particular herd or herds.

Sheep are also a means of incorporating children into the life and communal economy of the residence group. The children's receipt of lambs as the nucleus of a future herd is an earned right because it comes when they get old enough to share in the tasks of caring for the herd (Shepardson and Hammond 1966:90). Thus, children have a direct interest in the welfare of the herd, just like their parents. It is in this corporate enterprise or institution that the child learns the meaning, necessity, and the nature of group or communal life. They are initiated into this group at a young age when they are told by their fathers or grandfathers that the work they have begun will be their lives, and it is this experience, more than any other, that forms their social personality. In this light it is not hard to understand why the Navajos bitterly resented attempts by the United States Government in the 1930's to reduce their sheep. Their main complaint was 'How will we raise our children when you take away the sheep?' (John Collier, personal communication).

Even before 1868, agriculture was an important part of the Navajo subsistence. In order to compel the Navajos to surrender, in fact, Col. Christopher (Kit) Carson destroyed thousands of acres of agricultural fields and fruit trees. After their return to Navajoland from Fort Sumner Navajos were given some sheep and cattle with which to subsist, but they also continued traditional patterns of subsistence farming.

Political Organization

In the traditional Navajo social or political organization, there was no clearly defined group larger than the residence group. In some areas residence groups that in the previous generation were one unit formed a larger unit sometimes referred to loosely as the 'outfit,' but the outfit did not achieve any really important corporate recognition or have important functions. It was used primarily as a means of recruiting assistance for major ceremonies, for settling internal disputes and for uniting against external foes.

Until the early part of the Twentieth Century there were loosely defined local groups organized around a local headman, or naat'aanii. This local group was usually mobilized only for the purpose of dealing with outsiders. This meant both offensive and defensive warfare and negotiations with other Navajo groups, other Indian tribes, and non-Indians. It was the leaders of such groups who negotiated and signed peace treaties, even though they could speak only for their own group.

It is not likely that the Navajo ever had any important central political organization before the development of the Navajo Tribal Council. There have been reports that the Navajo once had 12 peace chiefs and 12 war chiefs who met together annually in a naachid ceremony. The last such ceremony reputedly occurred around the middle of the Nineteenth Century but little is known about it or about the peace and war chiefs.

A Tribal Council was organized in 1923 for the purpose of signing oil leases, and it has gradually grown in importance and acceptance as the valid central government of the Navajo Nation.

3. LAND USE PATTERNS

Like other Native Americans, including the Hopi, Navajos never thought of land as private property that could be exclusively owned, bartered, sold or purchased. Like the sky and the air, land was a basic source of life to all the creatures who lived on and in it. It was mother earth, and human beings gratefully sustained their lives from the resources their Mother provided. Earth Mother's resources are shared, however, with all other living creatures. Each is to take only what he or she needs to sustain life.

A custom of both the Hopi and the Navajo was that if a hunter killed a deer, the hunter would say a prayer to the spirit of the deer asking its indulgence, explaining the hunter's need for the meat. An offering would also be provided to the spirit of the deer. A similar pattern was followed before one would fell a living tree. The cultural implication here is that greed is out of place in a highly interdependent world, and its manifestation would bring misfortune and ruin upon those who practiced it. The conceptual notion was that the world was as cooperative concert, not a contest oriented toward the survival of the fittest.

Changing Woman and the other Holy People prepared the domain within the circle of the sacred mountains to be the

homeland of the Navajos. This does not mean they were given private, exclusive title to the land, or had the right to alienate from it either their own people or outsiders. No such concept existed in Navajo or Hopi culture. It only meant that this is the domain in which they should make their homes and sustain their lives. This was to be done in concert with other beings and creatures who were sustaining their lives in the same domains.

Although land was not something one could exclusively own, use rights to particular areas, territories and domains were recognized and honored. These use rights were vested not in individuals but in extended families in the case of the Navajo and in matrilineages in the case of the Hopi. Heads and leaders of these units may talk as though they controlled use rights to certain territories, but they had no right to divest their extended family or their matrilineages from their use rights to certain domains.

Use rights were of various types and were not necessarily exclusive. The principal types of use rights were (1) residence, (2) farming, (3) grazing, (4) hunting, (5) gathering, and (6) visits to shrines and sacred places. Because one group used a particular domain for stock grazing, this did not exclude another group from using the same domain for gathering, or vice versa. Only where another type of use would infringe upon a prior type of established use right would the possessor of the prior right have the right to exclude the latter's additional

use of the same domain. Let us examine each type of use right in detail.

Residence constitutes such an extensive use of a particular domain that it effectively excludes anyone else from using the same domain for anything else. In traditional Navajo society, it was always thought to be inappropriate for any family from another extended family or residence group to establish a household within shouting distance of an established residence. It was also considered inappropriate to establish a residence within someone else's established grazing area. It was permissible to establish a residence within someone else's hunting or gathering domains, however.

Use rights had to be continuous in order to be maintained. If some family resided in a particular area, using it for residence and grazing, and then abandoned it, their rights to that area would be lost and a new family could come in and establish the same use rights to it. If the original family came back later and tried to reclaim their use rights, the issue would normally be decided by a local headman (now also either a local grazing committee at the chapter level or a Tribal judge) on the basis of how long the land was abandoned and how long the second family had used the land without complaint by the original family.

Farming was another use of land that tended to exclude all other uses of the same land. It certainly would have been considered inappropriate to build a house or graze sheep inside

another's cropland, but grazing could be done around another farm if it did not infringe on the farm and was not destructive to the farm or the crop. Most of the time, however, the grazing rights around a farm were held by the same family as the one who was doing the farming.

Grazing rights were established by prior and continuous use and need. It was considered greedy and inappropriate for any family to try to claim a larger domain than they really needed for their herd. Rights to a particular grazing area did not give one rights to exclude others from traveling across the domain, hunting or gathering in the domain, or even driving their herds across this domain to get to water, go to a sheep dip, or move one's herd to another seasonal grazing area. It did allow one to exclude others from using the same domain for customary grazing or for residence, for a protracted period of time.

Hunting and gathering territories were much less exclusive than areas used for residence, farming or grazing. However, where particular family groups used the same area nearly every year to gather pinion nuts, it was considered inappropriate for another family to try to use the same area for the same purpose. Hunting territories would also fit into this category, although they were generally not as well-defined. Except for the gathering of firewood and herbs, hunting and gathering were generally done outside the areas customarily used for residence, grazing and farming. Within a grazing area, the

user had exclusive rights only to the vegetation used by his stock. Others may gather other vegetation for use as soap, medicines, foods and dyes.

Both the Navajo and the Hopis had sacred places and shrines. When these places were known to the other group, they were respected and honored by both groups.

4. CONCLUSION

The traditional concepts regarding land and its use held by the Navajos were very similar to those held by other Native American groups. They were most dissimilar to the ideas of paper title, land ownership and use held by Europeans and Americans of European descent.

Navajos and Hopis have lived in the same broad domain in relative peace and harmony for several centuries. Although there have been a few skirmishes involving small groups from each tribe and resulting in some deaths, neither tribe has tried to conquer the other or tried to take over the other's homes and fields. Both groups have thus respected the other's rights to be in this domain. These were the laws and practices governing Navajo behavior in 1934 and prior to that time. To adjudicate properly this case, an understanding of these aspects of Navajo and Hopi culture would seem to be important and vital.

BIBLIOGRAPHY

- Shepardson, Mary and Blowdwen Hammond
1966 Navajo Inheritance Patterns: Random or Regular?
Ethnology 5(1): 87-96.
- Witherspoon, Gary
1983 Navajo Social Organization. Handbook of North American
Indians, 10:524-535. Smithsonian Institute.
- Young, Robert W.,
1954 Navajo Historical Selections. Washington, D.C.:
Bureau of Indian Affairs.