

**MARRIAGE AND DIVORCE PRACTICES
IN NATIVE CALIFORNIA**

By

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Facsimile Reprint by

**Coyote Press
P.O. Box 3377
Salinas, CA 93912**

<http://www.CoyotePress.com>

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INTRODUCTION

The subject of native marriage and divorce practices in California is well-documented. Almost every ethnographer who has worked with native Californians has taken care to solicit information pertaining to marriage and divorce customs. In addition, notes on the subject appear in the diaries and journals of early explorers and Spanish missionaries. Since most adults in aboriginal society were married, information on the subject was readily available to interested anthropologists. As a result, much information on marriage and divorce is recorded in individual ethnographies and various early accounts. Kroeber (1925:839) and Spier (1930:280-281) have provided some helpful generalizations on the subject, but little effort has been made to conduct a state-wide survey of marriage and divorce practices. The purpose of this paper is to present such a survey, in which many aspects of marriage and divorce are discussed on a state-wide basis.

In preparing this paper, the author has encountered certain factors which must be taken into account. These factors relate to the reliability of the sources used in writing this study. Several problems in credibility arose which could be traced to either the informant or the ethnographer. These errors are not always recognizable and thus are a source of mistakes in this paper.

For example, an informant might idealize the past in his accounts or he may exaggerate his role in a situation in order to impress the ethnographer. More error might be introduced if the informant integrated white practices or ideals into his accounts. For example, Drucker elicited information from a Diegueno woman who was such a devout Catholic that she denied that divorce was ever permitted, even aboriginally (Drucker 1937b:27, 49). In some cases, the authors of reports express doubts as to their informants' reliability.

The ethnographer himself is not exempt from these tendencies. In addition to general errors introduced through lack of perception and judgment, personal prejudices also tend to affect the presentation of ethnographic material. In addition, white influence may have altered native practices significantly; these practices are sometimes mistakenly represented as aboriginal.

In addition to topics directly related to married life among California Indians, the author also presents native attitudes toward premarital sex and pregnancy, as well as illegitimacy, in an attempt to offer a suitable background for the material presented in the remainder of the paper. With the same purpose in view, a short discussion of love magic and related beliefs is also included.

In order to present the reader with a fuller concept of marriage beliefs and ideals, a section of this paper deals with native criteria employed in choosing a spouse. These requirements included personal attributes such as industriousness, and other considerations such as wealth and social standing. An analysis of kinship restrictions and clan and moiety exogamy is also given. In addition, language and distance factors are presented.

Following a short discussion of bride purchase as it applies to California marriages, a discussion of marriage customs is presented on an areal basis. These areas are admittedly ill-defined, due to the lack of available data or the presence of conflicting information. The examples given are by no means all-inclusive, but simply serve to acquaint the reader with marriage practices via specific examples from throughout California. This section includes marriage arrangements involving nubile couples, child betrothal, and elopement.

The section devoted to married life naturally follows. These passages include native practices regarding postmarital residence, menstrual practices and the couvade, and behavior towards one's relatives-in-law. Ideals and concepts related to hospitality, treatment of one's spouse, child-raising, and marital fidelity and infidelity are also presented.

Polygyny, a practice of most California groups, is also given attention. Multiple marriages are discussed with respect to status, wealth, bride payment, household harmony, and uxorial residence.

Although a complete study of marriage and divorce customs should include a survey of marriage as it is represented in mythology, the author did not attempt to make such a survey. Some mythological material is presented here but not as a result of exhaustive research.

A segment of this paper deals with its second major topic, divorce. The causes and methods of obtaining divorce are discussed. Some references are made with regard to the areal divisions set forth in the preceding section on marriage arrangements and observances.

Mourning practices following the decease of one's spouse are covered, as well as remarriage of widows and widowers. The levirate and sororate were widely practiced in California and a discussion of those customs is related here.

A short section of this paper is devoted to transvestism and reported marriages for both male and female berdaches.

The final section of this paper is devoted to white contact and its

effect on native marriage and divorce practices.

CRITERIA EMPLOYED IN CHOOSING A SPOUSE

When asked to name the qualities desired in a spouse, native informants gave basically the same qualifications regardless of group affiliation. In fact, these traits, with a few exceptions, are applicable in most societies, including our own. These criteria are best summed up in Bean's study of the Cahuilla (Bean 1972a:91); the ideal spouse was described as being cognizant of kin obligations and respectful of elders. He or she was competent and industrious in economic activities: in a man this implied physical strength and skill in hunting; in a woman, this involved diligent working habits, cooking ability, and child-bearing potential. A man was more desirable if he was to inherit a political or ceremonial role in the community, or if he showed promise of becoming a shaman. In addition, family repute was an important consideration.

Of the Cahuilla, Hooper (1920:353) states: "The man who was the best hunter was held in very high esteem. The woman who could do the most work in the shortest time was the ideal woman."

Marital ideals were naturally reflected in myth; a Wiyot myth relates that Eagle was dissatisfied with his second wife, Deer, who was a bad cook (Reichard 1925:175).

The Atsugewi placed great emphasis on industriousness, which was considered a prerequisite in acquiring a mate (Garth 1945:560). Men reportedly watched unmarried girls as they came home from gathering roots, and chose to marry those who collected the most roots. One Atsugewi informant is quoted as saying that a good woman was "worth big money. She would rustle and get more food than a man would" (Garth 1953:163). Garth also maintained that lazy individuals had a hard time getting mates, and that some never married (Garth 1945:560). Holt reports a similar attitude among the Shasta: "A lazy man doesn't get a wife, because anyone who has a daughter worth buying doesn't want a man of that kind around." This opinion was universal in California.

There is no definite information regarding the average age of individuals at marriage, since Indians did not keep track of age. Some estimates seem high, for example, thirty to thirty-five years for men and twenty years for women (Loeb 1926:280, Pomo), or twenty-five to thirty for men and twenty to thirty for women (Foster 1944:184, Yuki). A more reasonable estimate for age at marriage is two to three years after puberty for women and a few years older than that for men.

Individuals of the same degree of wealth and social standing tended to intermarry. Wealthy or prominent men made a point of finding suitable wives for their sons. Likewise, the Hupa maintained that a bastard was of the lowest social standing and that he could marry "only with his kind" (Goddard 1903:56). Among some groups, however, there existed no apparent social distinctions to bar marriage (Engelhardt 1924:68).

Yurok women who became doctors before marriage were desired as wives because of their lucrative powers. Waterman and Kroeber tell of a father who half-married his shaman daughter so that her wealth would remain under his control (Waterman and Kroeber 1943:3). Even then, he was able to exact a higher-than-normal half-payment on account of his daughter's earning power.

Girls who were virgins were desirable as wives because their behavior indicated that they would make chaste wives and would be faithful to their husbands. Promiscuous girls were sometimes beaten by their parents (Foster 1944:185, Yuki; Goddard 1903:55, Hupa). Immoral girls commanded a lower bride price than the average (Kroeber 1925:32, Yurok). Dixon reports this attitude among the Shasta: if a girl was immoral, her parents were usually glad to get rid of her. The man who married her was not asked to pay any great sum. They were both looked down upon (Dixon 1907:463).

One exception to this general opinion existed among the Yumans of the Colorado River area. A woman's premarital sexual experiences did not carry the disapprobation which was common elsewhere in the state (T. Kroeber and Heizer 1968:45).

As a rule, mates were not chosen on the basis of physical beauty (Goldschmidt 1951:377, Nomlaki). "A man who chose a wife on the basis of beauty was considered foolish and shallow. 'They said he didn't marry the woman, he just married her looks'" (Holt 1946:322, Shasta).

Dixon states that a woman's parents might send their daughter to a man who was known to be a good hunter. This custom was reported for the northeastern Maidu (Dixon 1905:241), Chimariko (Dixon 1910:301), and Shasta (Dixon 1907:462-463). Among the northeastern Maidu, direct payment was never expected of the man; a man could have as many wives as he could acquire and maintain (Dixon 1905:241). For the Shasta and Chimariko, however, this practice could not have been a matter of providing a wife wholly gratis. This would have been unheard of, since the children resulting from the union would be considered illegitimate. Rather, payment was not foregone but merely deferred, since the girl's parents knew that the man was reliable and competent (Dixon 1907:462-463; Holt 1946:322). It was considered a great insult to the woman and her family if the man refused her. A man who was adept at making a livelihood had little trouble in obtaining a wife, even if

he was unable to pay the bride price until later. It is interesting to note that the distribution of this practice coincides with the distribution of a particular anthropologist; it is possible that Dixon looked for this trait while others merely overlooked it. It seems likely that the custom had a wider distribution.

Distance was naturally a factor in spouse selection. Intermarriage usually took place between those groups which had frequent contact. That is not to say that distance was an insurmountable factor. As Strong states of the Desert Cahuilla: "The situation in general was very similar to that of our own society, where people that are in contact with each other tend to marry while those farther away and less well acquainted do not, but there was no rule against such unions should chance or personal inclination defeat distance" (Strong 1929:74).

Chiefs and important men may have gone farther than ordinary men to find acceptable wives (Drucker 1937a:247, Tolowa; Holt 1946:323, Shasta).

Sometimes men were compelled to go beyond their own villages to locate wives, usually due to a real or imagined blood relationship between the inhabitants of the village. Conversely, others could marry within their own villages; for example, Yurok men "were more likely to marry a girl the nearer her house stood to theirs -- provided she was not recognized kin" (Waterman and Kroeber 1934:7). This practice reflects the Yurok's much-accentuated provincialism.

It is more probable that marriages with other groups resulted from the existence of friendly ties than that intermarriages created good relations. Some groups thought it well to marry outside of their village or group to maintain peaceful and friendly ties (Garth 1953:54, Atsugewi; Goldschmidt 1948:445, Southern Wintun). One reason for marrying a woman from a distant village was that she was less likely to return home after a quarrel (Driver 1939:404). On the other hand, some avoided marrying outside their group because wars would cause divided families (Foster 1944:185, Yuki). The Pomo did not commonly marry outside their own villages, usually due to prevalent wars and the fear of poisoning. Families who acted as messengers and emissaries to other villages were an exception to this rule (Colson 1974:17).

Another matter to consider is that of language differences. This is particularly true in California due to the diversity of languages spoken in the state. For example, Yokuts commonly married individuals of other Yokuts tribes whose dialects were different. As a result, many Yokuts were bilingual, or at least spoke several dialects (Kroeber 1925:493).

Bean reports that the Cahuilla occasionally married with the Yuma, Luiseno, Diegueno, Serrano, Chemehuevi, and Gabrielino (Bean 1972a:93). This is not intended as evidence that language did not create a barrier with respect to spouse choice; it simply implies that the problem was not an

insuperable one.

With respect to marriage, romantic love was a luxury in which the Indian could not afford to indulge: romantic love affairs were indulged in, but were not considered a basis for marriage. Native marriages were, of necessity, built on more practical considerations. That is not to say that native couples did not love one another, but love per se was never offered as a reason for marriage; it was recognized, however, that a marriage was more successful if the couple loved one another (Goldschmidt 1951:377). Since the majority of unions were arranged by parents, love was usually not taken into consideration; a vigilant father was more likely to be interested in a young suitor's hunting ability.

In addition to personal, social, linguistic, and geographic considerations, kinship restrictions also played a role in obtaining a spouse. These limitations ranged in character from prohibitions against marrying traceable blood kin to clan and moiety exogamy.

The primary restriction was that against marrying recognized blood kin. This rule was universal in the state, save a few exceptions which are discussed below. Among the Luiseno, members of one's family by adoption were considered true kin and also were not eligible for marriage (Sparkman 1908:214). However, this was not true of all California groups. The Tubatulabal disapproved of sister-exchange marriages on the grounds that it was "too much like marrying relations" (Voegelin 1938:144).

Marriage among cousins was usually proscribed, particularly since one's own cousins were often considered to be as closely related as one's own siblings (Lowie 1939:309, Washo; Nomland 1935:160, Sinkyone). The most common belief regarding such marriages was that deformed children would result (Foster 1944:185, Yuki). The Wintu believed that children born of such marriages would have crossed eyes (DuBois 1935:56). The Atsugewi lacked kin terms for children resulting from marriage between cousins; they contended that these children were likely to die young (Garth 1953:163). The Mattole thought that children born of cousin marriages would be berdaches, crippled, or feeble-minded (Driver 1939:403).

One exception to the rule against marrying recognized kin occurred among the Tolowa, who might marry maternal relatives to strengthen family ties. One's paternal relatives were considered to be too closely related to marry (Drucker 1937a:247). It is interesting to note that Kroeber reports that the Tolowa kinship system placed emphasis on separating relatives through the father from relatives through the mother (Kroeber 1937:14).

Driver reports that marriages took place between kin among the Yurok,

Karok, Tolowa, and Hupa (Driver 1939:402-403); however, this only occurred due to extenuating circumstances. Among the Yurok and Hupa, marriages between relatives might occur if pregnancy resulted from an incestuous affair. The Karok allowed marriage to take place if the two relatives had had sexual intercourse; if they married others instead, the related pair would have to pay a fine for speaking to one another. When incestuous relationships occurred among the Tolowa, it was felt that the damage had already been done and so it would not hurt if the couple married.

Both clan and moiety exogamy were practiced in California. A lengthy explanation of these social systems is beyond the scope of this paper as well as the ability of the author, who will merely state the distribution of these institutions where they served to regulate marriage. Clan exogamy was practiced by the Mohave, Diegueno, and Yuma (Olson 1933:362, 404) of southern California. The Yokuts, Miwok, and possibly the Salinan observed moiety exogamy (Olson 1933:362, 404). The Western Mono had a form of social organization which resembled moieties in many respects except that they were not exogamous (Kroeber 1925:588; Olson 1933:405). Both clan and moiety exogamy have been reported for the Cupeno, Serrano, and Cahuilla (Olson 1933:405). Strong (1929:288-291) suggests that the Luiseno once had moieties due to the traces of dichotomous social organization which he observed in their society. Subsequent work by White (1963:162) also supports this theory. The Luiseno also possessed exogamous clans (Gifford 1926:396; Strong 1929:279). As stated in Luiseno myth, "All the people in each place were related and had the same name. They could not marry with others who had the same name, but the boys' parents always went away and picked out wives for them" (Strong 1929:285).

Some speculations have been made regarding how strictly moiety exogamy was adhered to, even before the advent of the whites. Luiseno moieties disappeared, apparently, before white contact (Strong 1929:291). Gifford states that moiety exogamy was not consistently practiced by the Miwok, even previous to white influence (Gifford 1916:162). Merriam reports that moiety exogamy was practiced by the Miwok, but goes on to state that if a marriage was moiety endogamous, the couple was laughed at (Merriam 1967:344). Therefore, moiety exogamy may have been an ideal, but it was not invariably practiced. Even though Strong felt that moiety regulations were weak with regard to marriage, Bean argues on the basis of his work that moiety exogamy was "probably taken with great seriousness and was a major factor in determining marriage choice. Present-day Cahuilla report that it sometimes arises as a problem in spouse selection even today" (Bean 1972a:85; 1972b:xv).

Strong does, however, note that moiety exogamy was an important factor in regulating Desert Cahuilla marriages, and that in theory, these rules would extend to marriages with the surrounding Cupeno and Serrano. However, he

could cite no aboriginal cases to support this theory. He notes that neither the Cupeno nor the Serrano had this sentiment with regard to marrying out of their own groups (Strong 1929:73-74).

Another exception to the rule against marrying blood kin was that of cross-cousin marriage, marriages between cousins who were children of siblings of the opposite sex. Cross-cousin marriage insured one of having a mate in the opposite moiety. Cross-cousin marriage has been reported for the Miwok (Gifford 1916:162-163). However, Kroeber has stated that marriages between first cousins were regarded as incestuous by some Miwok, who preferred to marry a removed cousin or some other distant relative of the opposite moiety (Kroeber 1925:459). White states that kin terms among the Luiseno strongly suggest cross-cousin marriage, but that any mention of the practice by White prompted a negative reaction from his informants. He attributed this protest to influence from Christian incest taboos, which prevent marriages between cousins (White 1963:170).

Gifford suggests that moiety exogamy may have extended to berdache marriages, but only one such instance was recorded (Gifford 1916:163).

If couples ignored the above rules and failed to observe kinship taboos or clan or moiety exogamy, no positive action was taken by either their relatives or community to prevent the union. Apparently, the only censure the couple received was in the form of ridicule. For example, if a Miwok couple's marriage was moiety endogamous, they were "laughed at" (Merriam 1967:344); likewise, marriages between close kin among the Tubatulabal were the subject of much gossip (Voegelin 1938:44).

PREMARITAL SEX

A short discussion on premarital sexual experience might be in order here. It is intended to offer background information on native attitudes toward sex in general.

In some groups, young women were carefully watched until marriage (Goddard 1903:56, Hupa). Girls who disobeyed their parents' admonitions were sometimes beaten (Goddard 1903:56, Hupa; Foster 1944:185, Yuki; Driver 1939:346, Wiyot Tolowa, Yurok, Chilula). Promiscuous girls had difficulty in attracting husbands, since it was believed that they would make unfaithful wives. An immoral girl demanded a lower bride price because she was not a virgin. Among the Western Mono, a woman who was allowed to go out by herself, not necessarily having sexual intercourse, brought no bride payment. A woman was paid for only if she had always stayed at home with her family

(Gifford 1932:31).

One exception to the prevailing attitude towards premarital chastity existed among the Colorado River tribes. Among the Yuma, although sexual activity by unmarried women was not encouraged, it did not carry the stigma associated with it elsewhere in the state (T. Kroeber and Heizer 1968:45). Mohave elders did not instruct their children to be celibate but "urge them to enjoy themselves while they may" (Kroeber 1925:747).

If an unmarried woman was raped, her male relatives might react by killing the man responsible (Goddard 1903:56, Hupa). Atsugewi informants reported variously that the rapist may be killed or fined, but one informant maintained that nothing would have happened to the man since the girl should have stayed at home (Garth 1953:164).

In case of seduction, the man may be compelled to marry the girl. In the northwestern area of the state, the man may have to pay damages to the woman's family (Driver 1939:346, Tolowa, Wiyot). If the girl's seducer was already married, he may be killed by her relatives (Essene 1942:30, Kato, Lassik).

Wintu couples who had illicit sexual relations were often ridiculed into getting married by the village headman (DuBois 1935:54).

If the girl became pregnant, her family may demand that the seducer marry her. In northwestern California, the man must pay damages (Driver 1939:346, Tolowa, Karok, Yurok, Wiyot, Hupa, Chilula, Sinkyone, Mattole, Nongatl). If he took his illegitimate child, he must pay for the child in addition to a fine (Kroeber 1925:28, Karok, Yurok). If the man desired to marry the woman, he may have to pay the bride price as well as damages (Driver 1939:346, Tolowa, Karok, Yurok, Wiyot, Hupa, Chilula). Kroeber suggests that half-marriages were a means of patching up illicit love affairs (Kroeber 1925:29).

If a pregnant woman remained unmarried, she may attempt to abort herself or she might kill her illegitimate child. If a Hupa girl died during an attempted abortion, her relatives strangled the girl's paramour in view of her corpse (Goddard 1903:55). If the woman died in childbirth, the man responsible may have to pay the blood-money to compensate for her death (Driver 1939:404, Karok). In northwestern California at least, a bastard was of the lowest social standing, since his birth was never properly paid for.

The Shasta called illegitimate children xatsid (grass). "They weren't

raised right, they didn't know what they ought to know, you couldn't trust them. Children that are children are talked to all the time by their grandparents and their own parents, and told what to do and what not to do. These others just grew up like grass. They never had a chance to make anything of themselves" (Holt 1946:322).

The prevailing native attitude toward premarital chastity is summed up in the advice given to Luiseno girls during their adolescence rites: "Do not run around, but marry in the right way" (Strong 1929:297).

LOVE MAGIC

Love potions were employed universally. These were obtained from medicine men. The user might employ a charm in various ways, often by touching the person one wished to affect with the substance. These were used both in seeking mates and by those who wished to regain the interests of their spouses. Other procedures, such as songs, spells, and formulae were also utilized. A few examples of these methods follow.

Among the Atsugewi, speech between young men and women was frowned upon. If a young man desired a woman, he might sing to her from an elevation near the village; a woman might also sing to a particular man. The song was supposed to make the intended hearer long for the singer (Garth 1953:165).

Garth also reports a surer form of love magic, in which the person procured a hair from the head of the one he or she desired. The hair would be used with the result that its owner would become captivated with the individual who made the spell. It required the help of a guardian spirit to use this kind of love magic. The practice was not approved of and was compared to drugging the victim. The effects of the spell, if their cause was recognized, could be removed by a shaman (Garth 1953:165).

A Yana woman might recite a formula to cause a certain man to think of her (Sapir and Spier 1943:273).

It has been reported for the Yuki (Foster 1944:185) and the Atsugewi (Garth 1953:165) that it was half-seriously believed that, having reached puberty, the first person of the opposite sex whom a boy or girl cursed would also become the object of his or her love.

Love charms and formulae were chiefly used by those who wished to have extramarital affairs.

BRIDE PURCHASE

Kroeber (1925:839) notes that bride purchase, in a loosely defined sense, was universal in California, with the exception of the peoples east of the Sierra Nevada (Stewart 1941:404, Northern Paiute, Washo) and on the Colorado River (Kroeber 1922:291, Mohave). All other California groups practiced some form of bride purchase, ranging from a negotiated business transaction to an unstipulated gift or period of labor to be performed by the groom for his father-in-law. All of these practices can be included within a broad definition of "bride purchase," although the related customs may differ considerably.

Bride purchase was practiced in its most acute form in the northwestern part of the state, where the bride price was carefully determined and exactly stipulated; divorce was accompanied by full or partial repayment.

In the remainder of the state, the groom's payment was simply a matter of custom, or as Kroeber puts it, "an affair of manners rather than morals" (Kroeber 1922:292). Bride purchase was not a negotiated transaction, nor did the payment for the bride affect social status, as in the Northwest. Among some groups, only the wealthy made a practice of paying for their wives, but this alone did not determine status (Kroeber 1925:179). The bride payment may include beads, game, or labor tendered the woman's father. Some groups contended that the presentation of game was not considered payment; rather, it was given to prove the man's all-important ability as a provider (Beals 1933:370, Southern Maidu). In case of divorce, gifts were usually not returned.

The families of the bride and groom may also exchange gifts. This custom was observed either before or after the marriage, and commonly included several exchanges. If several exchanges took place, the gifts gradually decreased in value and frequency. Southern Maidu gifts reflected the role of the family member who was to be married: the man's family gave game, and the woman's family gave baskets and acorn meal (Beals 1933:370; Faye 1923:36). Gifts were often of equal value but the husband's family commonly gave more. As Loeb states of the Pomo, "Marriage among the Pomo was arranged by the customary exchange of gifts between the two families... A certain degree of wife purchase entered into this formality, for the man's family had to give more than it received in return. This variety of purchase was customary in all Pomo social transactions, and the giving of return presents as an act of courtesy should not be allowed to conceal from the investigator the true nature of the Pomo economic structure" (Loeb 1926:277). On the other hand, Foster states regarding the Yuki custom of gift exchange,

"The amount of property that changed hands was commensurate with the economic position of the parents, and the idea of bride price was not involved" (Foster 1944:184). From either viewpoint, gift reciprocity was an expression of goodwill between the families involved. As Kroeber states, "The Hupa both bought and gave at marriage, but the buying was in conformity with the law, the donations a matter of custom" (Kroeber 1925:146).

MARRIAGE ARRANGEMENTS AND CEREMONIES

Considerable variation existed between groups in regard to the fashion in which marriages were arranged and the union accomplished. With great hesitation the author proposes three major areas in the state with regard to marriage practices: northwestern California, southern California, and California proper. An example or examples of customs from each area will be presented via a description of a particular group or groups from within that area. Variations in customs from those presented in the specific accounts will also be cited.

The author does not intend to imply that the information given here in all-inclusive for the respective area. Rather, the purpose of these examples is to present the reader with a general impression of the different practices associated with marriage arrangements.

THE CALIFORNIA AREA PROPER

The various arrangements which prevailed in the California area proper are fairly represented among the Maidu. Marriage customs of the Maidu divisions encompass the variations in formality and bride purchase which existed in this area.

Among the Southern Maidu or Nisenan, the couple would agree to the union between themselves. The man then asked his parents to approach her parents. If all agreed, the pair was considered betrothed. The parents exchanged gifts, including shells and beads, for one or two years, and at least one feast was given for the couple. During the engagement, the couple was taught their respective marital duties, hunting, housekeeping, and treatment of spouse.

The man also presented gifts of game to his future wife's parents. The gifts were not considered payment; rather, they attested to the man's ability to provide for his wife.

The union was consummated under rather interesting circumstances. The couple slept apart for several nights, and each evening the man was allowed to sleep closer to the woman. When they came within touching distance, the marriage was consummated. Permanent postmarital residence was patrilocal, though at first the couple would alternate residence from time to time (Beals 1933:370-371).

In the Sacramento Valley area of the northwestern Maidu, the man sent a friend to the girl's house with shell money. The money was presented to the girl's father. Her family discussed the gift, and kept it if the amount was sufficient and the man acceptable. If the girl's family did not favor the match or if the amount was not large enough, the gift was returned. The girl's father may give the beads to his brother, demanding an equal amount for himself. The girl's consent was considered necessary; the man may seek her approval before sending the gift to her family. If the girl agreed, the man came and lived with her family for several months, hunting and fishing for his father-in-law. The couple then went to live permanently with the man's parents (Dixon 1905:239-240).

In the foothill region of the northwestern Maidu, the man sent no money. If a man wanted to marry a certain woman, he would visit her home and speak to her father. During these conversations, no suggestion would be made of the man's interest in the woman. Following a week or so of these visits, the man would turn his attentions to hunting and fishing. He made regular visits, presenting his catch to the woman's family without entering the house. Acceptance of the gifts was a sign of encouragement. When a proper amount of game had been given, the man would enter the house again. A bed was prepared for the pair, and they were thus married. The couple would stay with the woman's family until they were capable of managing by themselves (Dixon 1905:240).

The northeastern Maidu required no initial payment or gifts. The man simply visited the woman's family and stayed all night. If the woman allowed him to sleep with her, they were married. If she did not want him, she stayed up all night. The woman's conduct was usually dictated by the wishes of her parents. If accepted, the man stayed and hunted for the woman's family for several months, after which he returned with his wife to his father's house. For the next few years, the couple periodically visited the wife's family for short periods of time, during which the man hunted for his parents-in-law (Dixon 1905:240-241).

A Wintu woman might take the initiative by going to the man's home and helping his mother do household work. This was equivalent to the interest implied by the man's supplying game to the woman's family. Her parents may urge her to do this (DuBois 1935:54).

The marriage customs outlined above are generally similar, merely differing in the degree of formality observed. The basic aspects of the union were the same: payment was made for the woman, whether in shell money or presentations of game. Payment may be required prior to the marriage or may be deferred until later, as among the northeastern Maidu. In addition, families often exchanged gifts before or after the marriage. The couple's parents commonly arranged the union, or at least their approval was required. The woman's consent was usually essential, although elsewhere, particularly in formal marriages between prominent families, she may not be consulted. A Patwin (Southern Wintun) woman might ask her parents to get a particular man for her (Kroeber 1932:272); however, the initiative was usually taken by the man's parents. Postmarital residence was temporarily matrilineal following the union, after which permanent patrilineal residence was established.

Among the Yokuts and Western Mono, permanent postmarital residence was commonly matrilineal (Aginsky 1943:429). Kroeber finds this practice among the Yokuts "remarkable in view of the fact that all of the Yokuts reckoned descent paternally with reference to exogamy and totemism" (Kroeber 1925:493). Gifford also makes a similar statement regarding the Western Mono: "In spite of the patrilineal transmission of moiety division membership ...the Northfork Mono family was strongly maternal...the wife's relatives rather than the husband's formed the balance of the household" (Gifford 1932:33). Many groups had no fixed rule with regard to postmarital residence, and the couple settled according to personal preference and the availability of space.

NORTHWESTERN CALIFORNIA

The marriage practices of the northwestern area of the state are best described in the customs of the Yurok. The Yurok knew two types of marriage transactions, "full-marriage" and "half-marriage."

In full-marriage, two kinsmen of the groom represented him in the transaction. The bride price was deliberated and precisely fixed. The amount agreed upon varied according to the wealth and social standing of the families involved, as well as the talents and achievements of the woman in question: "A girl who respected herself didn't laugh and she didn't talk before men...That was the kind of girl worth lots of money" (Holt 1946:322, Shasta).

The social standing of the man, his wife, and their future children depended on the price paid for the wife. Thus a wealthy man desired to pay

well for his wife, in order to heighten his own status and guarantee his children's high standing. A rich man would buy a wife for his son; otherwise, the young man's father and his paternal uncles would help him to raise the purchase money. Young men usually lacked enough personal wealth to obtain wives without assistance.

The bride was brought to her husband's father's house, or to her husband's house, if he had a home of his own. If the bride's family was wealthy and respectable, she brought much property with her: baskets of dentalia, otter skins, small treasures, canoes, deerskin blankets, and the like. The content and size of this "dowry" was not specified in the original bargaining; the Yurok contended that a rich father thus returned part of the bride payment of his own volition. Nonetheless, these "gifts" must be returned in full if the couple divorces, in addition to the transacted bride price, unless there were children (Kroeber 1925:28-29).

In "half-marriage," the man paid about half the usual amount for a wife. Kroeber states that the price in a Yurok half-marriage was somewhat less than half the full price (Kroeber 1925:28). The man lived in his father-in-law's house and was under the jurisdiction of his wife's father. The couple's children belonged to the wife's family, and any blood money or bride payment tendered for them belonged to the wife's family (Waterman and Kroeber 1934:1). Waterman and Kroeber (1934:5) estimate that one out of every four Yurok marriages was of the half type. They also cite possible factors which might cause a man to resort to half-marriage (Waterman and Kroeber 1934:2-3). Foremost, a man may half-marry from lack of wealth and social standing, especially if he lacked a family and home of his own (Driver 1939:403, Karok). A rich man's son may even be forced to half-marry if his father did not approve of the match and refused to contribute to the bride price. The father may later renege and pay the balance of the price so as to render it a full-marriage in order to guarantee the social standing of his grandchildren. A father may allow his son to half-marry because the former was too greedy to help his son to accumulate enough property to enter into a full-marriage. However, fathers were usually inclined to go far to secure their sons' and grandchildren's status in the most suitable fashion.

A woman's family might want to half-marry their daughter for the following reasons. If the woman's parents had no sons, they might desire to half-marry their daughter so that they would have a man at home to help them (Waterman and Kroeber 1934:2, Yurok; Driver 1939:403, Karok, Chilula). A shaman's father may prefer to give his daughter in half-marriage; considering that shamanistic ability tended to "run in the family" (Spott and Kroeber 1942:158), this was a shrewd move of the part of the woman's father to keep a profitable profession in the family. In the above two examples of half-marriage, upon receiving the half-payment, the father publicly

stated, "kitoksimek' netsnä'u," or, "I shall respect my son-in-law." This meant that he would not order the latter about, and that the son-in-law would have a share in his own daughter's bride payment (Waterman and Kroeber 1934:3).

Half-marriage has also been recorded for the Chilula, Karok, Mattole, Nongatl (Driver 1939:345), Wiyot, and Shasta (Klimek 1935: Table 5). Half-marriage occurred rarely and was considered dishonorable by the Tolowa (Drucker 1937a:247). No apparent stigma was attached to half-marriage by the other groups cited, except resultant loss of social standing in a society where one's status was derived from the amount paid for one's wife.

As indicated by Kroeber (1925:29-31), no marriage could properly take place among the Yurok without payment. Two men could exchange their sisters to one another as wives, but each man paid the full purchase price (Kroeber 1925:29). Full-payment was also required of both men transacting a sister-exchange marriage among the Tolowa, Chimariko, Chilula, Hupa, Karok, Mattole, Nongatl, and Sinkyone (Driver 1939:345). Additional payments were also made by the Yurok upon following the sororate or levirate (Kroeber 1925:30).

Marriage without payment of any sort sometimes occurred among the illegitimate, orphans, and the very poor.

The customs of the Yurok were closely paralleled by those of the Karok and the Hupa. In addition, the poorer groups surrounding them had similar marriage practices, although bride prices were lower. These groups include the Tolowa, Chimariko, Wiyot, Chilula, Nongatl, Mattole, Sinkyone (Driver 1939:344), Shasta (Voegelin 1942:129), and Bear River (Nomland 1938:100). As mentioned above, most of these groups also practiced half-marriage.

Nomland reports that a Bear River informant, Nora, stated that the price paid by her second husband included "four strings of Indian money, fifty dollars in cash, twelve fathoms of olivella strings, one breech loading shotgun; after the first child was born, four hundred dollars was paid." Nomland adds, "I believe the large bride price to be an exaggeration on Nora's part, in order to show that she was held in great esteem" (Nomland 1938:100).

Accompanying the custom of strict bride purchase in northwestern California were various conditions which were imposed on the union. These have been discussed in detail by Kroeber (1925:30-32). These conditions included strict postmarital residence rules: patrilocal for full-marriage, matrilocal for half-marriage. The couple's children and any bride price or blood money they brought belonged to the man's family in full-marriage and to the woman's family in half-marriage. The woman was purchased for a normal

life-span, and if she should die young, a refund was made or a substitute provided. Likewise, the woman was expected to bear children; if she failed to do so, her husband could demand repayment or another wife. These conditions are discussed below under various headings. However, the extent to which they applied to half-marriage remains unclear.

SOUTHERN CALIFORNIA

The general character of southern California marriage customs can be gained in a description of Pass Cahuilla marriages.

The boy's parents, having chosen a suitable girl for their son, took gifts of food and baskets to the girl's parents, declaring their interest in the match. If the girl's parents favored the match, they asked the girl for her opinion; her agreement was necessary. The boy's mother brought the girl to the kicamnawut, dance house, of the boy's clan. The net, or clan leader, had been notified, and his assistant, the paha, called all the clan members to the dance house. The girl's family and occasionally her whole clan were invited to a feast there. Following the feast, an elderly man of the boy's clan lectured to the pair in the presence of everyone, giving them advice on taking care of their children and one another. The boy and girl were thus married. They lived at the boy's father's house. The boy hunted for his father and the girl helped her mother-in-law (Strong 1929: 114-115).

The southern California area is delimited chiefly due to the dearth of information regarding the groups separating them from the California area proper. There is little information regarding groups which lie immediately to the north or along the central California coast.

Southern California marriages were commonly arranged by parents; presents were given for the bride. The clans of the families involved usually held a feast. Among the Desert Cahuilla, the girl's family stayed away so as not to embarrass her and to allow her to get acquainted with her new relatives (Strong 1929:75). Sometimes the couple was admonished by the clan leader or an elderly member of the community. The couple lived permanently with the groom's family. The girl helped her mother-in-law and was often introduced to household duties by the latter.

Contrary to evidence given by Strong (1929:75, 115, 172), Bean states that the Cahuilla returned the bride gift if the wife was barren or lazy (Bean 1972a:92).

OTHER GROUPS

Kroeber states that the groups east of the Sierra Nevada lacked the custom of bride purchase (Kroeber 1925:839). This is exemplified by the Washo and the Northern Paiute, among whom no bride price or gifts were given. Northern Paiute families exchanged gifts (Steward 1941:404); this practice was optional among the Washo (Kroeber 1925:573). The customs of these eastern groups reflected the practices of the Great Basin, where bride purchase was not exercised (Spier 1930:281).

Among the Mohave, marriages began and ended at will, there being no purchase or ceremony (Kroeber 1925:839). The author considers the Mohave to be an interesting but peripheral group; they will not be treated at length here. The reader may refer to the many articles on the Mohave written by George Devereaux, particularly, "Atypical and Deviant Mohave Marriages" (Devereaux 1951), and "The Sexual Life of the Mohave Indians" (Devereaux 1937).

COURTING

In some areas, young people did not have much opportunity for social contact. Among other groups, however, dances were regularly held at which young people could meet one another. Sometimes the sole purpose of the dance was to allow young adults to choose mates (Beals 1933:371, Maidu). These events commonly brought together members of several villages, and were reported for, among others, the Wappo (Driver 1936:208), Southern Maidu (Beals 1933:371), Washo (Lowie 1939:308), Wintu (DuBois 1935:54), and Kamia (Gifford 1931:55). It is hard to say how many marriages resulted from the social contact which these "big times" afforded or how many were due to the sexual license which often accompanied these events. Some informants denied that sexual relations were allowed at these "big times" (Beals 1933:371, Maidu), although licentiousness was common at many groups' social gatherings (e.g., Driver 1936:208, Wappo). According to Voegelin, Tubatulabal mothers warned their daughters against having intercourse at dances (Voegelin 1938:43). Sexual license at dances might result in more casually contracted unions of which the couple's parents were not informed until later (Voegelin 1938:45, Tubatulabal; Gifford 1931:55, Kamia).

If a man was rejected after a long period of gift-giving, or if the woman chose to marry another man instead, the rejected man may take revenge. A disappointed man may hire a doctor to poison the woman (Faye 1923:53, Southern Maidu). He may kill members of the woman's family (Holt 1946:321, Shasta),

or murder his rival (Loeb 1932:44, Kato). Some thought that it was particularly dangerous to refuse the marriage proposal of a shaman or the brother of a shaman, since refusal might prompt revenge (Holt 1946:321, Shasta). A Wintu man's gifts were returned in kind if the woman changed her mind (DuBois 1935:54; Goldschmidt 1951:377), but this was not always the case; sometimes the gifts were kept at the expense of the rejected suitor (Foster 1944:184, Yuki).

CHILD BETROTHAL

Child betrothal was practiced frequently in all parts of the state, being chiefly a means of continuing ties between prominent families or absolving debts. A girl may also be betrothed at an early age merely to keep other men from getting her.

Payment, if required, may be made at the time of the betrothal or when the marriage took place, according to custom. If one of the children died before puberty, a substitute was found or payment was refunded (Kroeber 1925:296, Shasta; Drucker 1937a:247, Tolowa). Families of many groups exchanged gifts during the period between the betrothal and the marriage (e.g., Beals 1933:370, Southern Maidu).

Child betrothal was a means of paying debts in northwestern California. Mature daughters were also tendered as payment. Some groups favored this type of marriage and the children of such a union were considered prestigious (Nomland 1935:160, Sinkyone; 1938:100, Bear River). In a debt arrangement, the girl was immediately taken to the boy's house where she was raised by the boy's mother (Nomland 1935:160, Sinkyone; 1938:100, Bear River).

In other cases, the children may be ignorant of the arrangement; in fact, they may not see one another until the day of the marriage, if their families lived in different villages (Holt 1946:321, Shasta). Usually the wishes of the couple were taken into consideration once they met and if either objected violently to the match, they were not forced to marry. Occasionally, however, these marriages were enforced by the parents.

A variation of child betrothal was practiced by the Southern Maidu, in which a baby girl was given to an old man, who virtually raised her. Informants considered this to be a ludicrous arrangement (Beals 1933:370).

ELOPEMENT

Couples rarely eloped. Actually, elopement did not occur in the

modern sense of the word, since couples could not simply run away, undergo a marriage ceremony, and then return as man and wife. Native marriages required family approval, participation, and recognition. The closest thing to elopement in native California occurred when a couple lived together, against the wishes of their parents, without any gifts, payment, or exchange of property.

Disapproving parents could react to such behavior by not lending their support to the couple. They often refused to exchange gifts (Loeb 1926:283, Northern Pomo; Driver 1936:208, Wappo; Garth 1953:163, Atsugewi). However, if the couple managed to be successful on their own, parents may relent and begin to exchange gifts in order to validate the union (Garth 1953:163, Atsugewi). Often, when the woman was expecting her first child, the man's father would submit and pay the bride price in order to legitimize the birth of his grandchild (Holt 1946:322, Shasta).

Among those groups in which payment was expected for the woman, if it was apparent that no payment was forthcoming, her relatives might make trouble (Driver 1939:345, 403, Tolowa, Chimariko, Karok, Wiyot, Hupa, Chilula, Nongatl, Mattole, Sinkyone, Coast Yuki). If payment was made however, the woman's family's outrage was usually alleviated (Nomland 1935:160, Sinkyone). Among the Sinkyone, although elopement with virgins was not permitted, it might be suffered if the woman was a widow or divorcee (Driver 1939:345, 403).

Occasionally, a man would try to acquire a wife by force, known as "marriage by capture." He may do this himself, he may be accompanied by his friends, or he may send a friend or friends to carry off the woman. This has been reported for the Southern Maidu (Beals 1933:371), Luiseno (Sparkman 1908:214), and Cupeno (Strong 1929:240). If the woman struggled or her family opposed the match, they would drive the man away or would follow after to try to recover her. If the woman went quietly and her parents approved of the man, the marriage followed.

A similar story was recorded by both Strong 1929:76) and Hooper (1920:355) concerning the Cahuilla. A man might go and drag off a woman, battling off her family with his bow and arrows. If the woman refused him, protesting that he was too old, he would kill her, for that was a fatal remark. Both Strong and Hooper believed that this story was more legend than fact.

MARRIED LIFE

The following section is intended to present the reader with a survey

of certain aspects of married life. These topics include postmarital residence, hospitality and generosity, behavior towards affinal relatives, menstrual and birth observances, child-raising, and treatment of spouse. The division of labor is not discussed here; the reader may refer to Willoughby (1963) for this information, if desired. The above subjects have been chosen because they pertain almost exclusively to married couples and hopefully present a spectrum of marital life in California.

POSTMARITAL RESIDENCE

Postmarital residence varied throughout the state. Among the northwestern groups, a full-married couple lived with the husband's family, whereas a half-married couple stayed with the woman's parents. In the remainder of the state, patrilocal residence predominated. Exceptions to this rule were found among the Yokuts (Kroeber 1925:493) and Western Mono (Gifford 1932:33), where residence was matrilocal. Many groups had no fixed rule and couples usually settled where room was available or they may have chosen to build a home of their own. Given a choice between a small village and a large one, the couple often preferred the larger settlement due to the advantages of greater protection and more active social life (Loeb 1926:280, Pomo).

The couple often moved back and forth between the man's and woman's families for a time following the marriage. When the wife became pregnant, they often stayed with her family. After the first child was born, the couple established their own home or settled permanently with either family (Kroeber 1925:254, Northern Pomo; Loeb 1926:279, Eastern Pomo; 1932:52, Kato; Sapir and Spier 1943:273, Yana; Foster 1944:184, Yuki; Gayton 1948:105, Yokuts).

HOSPITALITY

Couples were taught to be generous and hospitable, especially to the elderly. This is exemplified in the instructions given at the Luiseno girls' and boys' puberty rites: "...and if old people arrive at your house, you will welcome them at once. And if you have no food to give them you will tell them so politely. And if you have, you will give them some at once, also water. And when they arrive at their house, they will praise your goodness and you will have a good name" (Sparkman 1908:223). Similarly, Hooper reports that the elderly visited new brides to test their generosity.

If the young wife gave her visitors some meal or flour to take home, she was thought well of. "If she does not, the old lady cannot say enough bad things about her" (Hooper 1920:354-355).

An Indian couple never showed outward affection towards one another. Hooper offers the following example: if a Cahuilla wife were to sit on her husband's lap in public, she would have been thought crazy (Hooper 1920:353). Native husbands and wives did feel genuine love and affection towards one another, but this was never manifested outwardly. This behavior is characteristic of the Indian's generally reserved character.

BEHAVIOR TOWARDS AFFINAL RELATIVES

Behavior towards relative by marriage took two forms in native California, those of "joking" and "avoidance."

The "joking relationship" existed between in-laws of the opposite sex. A man may have a joking relationship with his wife's sister, which involved joking, obscene jests, and sexual play. The joking relationship may have resulted from the fact that sisters were socially equivalent and so the man's sister-in-law became socially equivalent to his wife, and may indeed become his wife through the sororate. The joking relationship has been reported for the Kato, Wailaki (Loeb 1932:52). Pomo (Loeb 1926:285), Yuki (Foster 1944:185), and Mono (Gifford 1932:32).

A man may also enter into a special relationship with his brother-in-law, in which they respected and helped one another. Among the Southern Maidu, a man was required to give his future brother-in-law anything that he requested or admired (Beals 1933:371). Loeb reports that a Pomo man often called his brother-in-law by the name of a dead person. "If he did this to anyone else there would have been a fight" (Loeb 1926:284).

In-laws were supposedly obliged to aid and respect one another. This is evident in the practices of lending dance outfits and the use of polite, decorous speech. However this relationship was often merely a cultural ideal and did not always exist.

The husband and wife who failed to make visits and present gifts to their respective parents-in-law were denounced as "no good" (Driver 1936:208, Wappo).

The custom by which children- and parents-in-law could not look directly at one another or speak freely between themselves has been reported

for central and northeastern California. This custom included showing respect or bashfulness towards parents-in-law of the opposite sex; these rules have often been reported as having been followed only by the son- and mother-in-law, but Kroeber attributed this bias to incomplete data (Kroeber 1925:841). This taboo might also extend to potential children- and parents-in-law, as it did among the Miwok and Yana (Sapir and Spier 1943:173). For example, a Miwok man would not address his mother's brother's wife, since she was the mother of his eligible cross-cousin (Kroeber 1925:461).

This practice sometimes forbade direct communication between in-laws, as it did among the Miwok (Kroeber 1925:461), Yokuts (Kroeber 1925:493), and Sinkyone (Nomland 1935:159). The Pomo, Kato (Kroeber 1925:841) and Western Mono (Kroeber 1925:588) got around this ban by using plural address forms as an expression of respect; the use of plural forms may also have been utilized by the Yana (Kroeber 1925:340). This device was also used by the Miwok in instances where the need to communicate was urgent and no third person was present to mediate; they would speak as though a third person was there (Kroeber 1925:461). A Sinkyone son- and mother-in-law communicated via a third person, who relayed messages between the two relatives (Nomland 1935:159). Some groups express shame between parents- and children-in-law only for a period following the marriage, after which the restrictions dissolved (Kroeber 1925:210, Huchnom). In-law avoidance was practiced by the following groups: Achomawi, Atsugewi, Shasta, Klamath, Modoc (Voegelin 1942:132); Wappo (Driver 1936:209); Patwin (Kroeber 1932:72); Huchnom, Yuki (Kroeber 1925: 180, 210-211); Tubatulabal (denied by Kroeber 1925:608; affirmed by Voegelin 1938:44); Salinan (Mason 1912:164); Wailaki (Loeb 1932:94); Owens Valley Paiute (denied by Kroeber 1925:589; affirmed by Steward 1933:295); Sinkyone (Nomland 1935:159).

Both practices involving joking and avoidance probably had their basis in sex. Lowie notes a correlation between "social and sexual taboos, and between social license and the possibility of sex relations" (Lowie 1947:104). Joking and avoidance relationships are two opposing methods of dealing with uneasy social situations.

MENSTRUATION AND THE COUVADE

During the woman's menstrual period, both she and her husband were subject to various restrictions. They avoided certain foods, especially meat. They were forbidden to have intercourse. The man was neither allowed to hunt or fish nor to handle hunting and fishing gear.

A variation of the couvade was practiced throughout the state. Both parents observed taboos for the same time except in the Northwest, where the father's restrictions were shorter. They fasted or avoided certain foods and avoided rigorous activity in order to promote the child's health. For example, the father was forbidden to smoke lest the smoke choke his child. Since both parents, not just the father, observed restrictions, Kroeber has referred to this practice as a "semicouvade" (Kroeber 1925:840).

Intercourse may be forbidden with one's pregnant wife, as among the Kamia (Gifford 1931:55). It was believed that intercourse would harm the child. The Kamia also believed that if a man had intercourse with another woman during his wife's pregnancy, this would adversely affect the fetus. This restriction is particularly interesting: it was probably a device invented by women in order to retain their husbands' fidelity during pregnancy. Pregnant women, jealous of their husbands, sometimes committed abortion to punish their unfaithful spouses.

CHILDREN

If a man had been married for a few years and his wife had not yet borne any children, he might complain to her family. The wife's parents might then supply a second wife, or he may choose to divorce his wife and send her back to her parents.

In the northwestern area of the state, a man who divorced his wife for barrenness received a full refund. Conversely, if the wife had many children, the husband might want to pay more in order to improve their status. This applied to four to six or more offspring. The rationalization was that the man should have to pay more for more children. This extra payment was made only by wealthy men who desired to preserve the status of their children (Driver 1939:404, Tolowa, Karok).

Many children were cared for or adopted by their grandparents. Beals observes that many older Southern Maidu informants knew little of their parents but could talk at length about their grandparents (Beals 1933:372). This arrangement was advantageous since it freed the younger and stronger parents for subsistence activities.

TREATMENT OF SPOUSE

If a man abused his wife, she often returned to her family. A Yurok man might regain control over his wife by paying damages to her family, if

the woman's father did not choose to dissolve the marriage by returning the full bride price (Kroeber 1925:31). Among the Tolowa, the man who received the payment for the woman would also be responsible for insuring that her husband did not mistreat her (Drucker 1937a:245-246). Another attitude is recorded for the Shasta (Holt 1946:323): if a man abused his wife "that was their own trouble" and the woman's family could not do anything about it. A woman commonly had greater difficulty in procuring a divorce than did her husband, and unless she had been flagrantly abused her family usually sent her back to her spouse.

ADULTERY

Adultery usually resulted in divorce and was one of the prime factors contributing to divorce. A man may react to his wife's infidelity by beating or killing her, her lover, or both, usually without fear of recourse from the family of either. In northwestern California, the lover may be subject to a fine (Drucker 1937a:248, Tolowa; Kroeber 1925:28, Yurok; Nomland 1935:160, Sinkyone). One Karok man from Orleans was known to have encouraged his wife to have illicit relations so that he could collect the fine for seduction; this fine was larger than the original bride price (Driver 1939:404). If the husband was unfaithful the wife usually "couldn't do much" (Gayton 1948:106). Adultery may cause fighting between two married couples, the unfaithful spouse being beaten by his or her lover's spouse (Gayton 1948:106). A Gabrielino man may tell his wife's lover to keep her and then go and live with the lover's wife (Heizer 1968:16). A man sometimes punished his wife and rendered her unattractive to other men by biting off her nose, blinding her (Loeb 1926:281, Pomo), or cutting off her ears (Garth 1953:164, Atsugewi).

A contrasting attitude toward unfaithful wives is recorded for the Mountain Cahuilla. A husband might send his adulterous wife back to her parents, but there was no sentiment that he should fight or slay his wife's lover. A man simply returned his wife if he was not able or inclined to keep her (Strong 1929:172).

An interesting practice has been reported by Dixon for the Shasta. If a man had been too poor to pay for his wife and was required to live with his wife's family, he had no claim against his wife's seducer. He could take neither physical nor legal action against the offender (Dixon 1907:464-465).

A married woman was not supposed to converse with a man who had shown attentions to her before her marriage. If a Yurok woman's former lover

entered the same house where she was or if he met her on the trail, her husband may sue him for constructive adultery, even if the meetings were accidental (Kroeber 1925:32). Gifford also mentions this practice among the Hupa (Gifford 1903:55).

POLYGAMY

Polygamy was almost universal in California, but the custom was usually limited to chiefs and rich men. This restriction indicates that having many wives was considered a luxury as well as a privilege. Ordinary men might acquire many wives through the levirate or capture in war, but this rarely occurred (Dixon 1907:463, Shasta). One exception to this rule occurred among the northern Maidu, among whom a man could have as many wives as he could obtain and support. An old Maidu man may have had as many as four or five wives ranging in age from ten to fifty years (Dixon 1905: 240-241).

Monogamy may have prevailed chiefly for economic reasons. The possession of many wives was a definite asset since women were able to procure more food than men. However, the cost and effort involved in obtaining many wives may have been prohibitive. Monogamy may have been common due to an insufficiency of marriageable women (Kroeber 1925:493); therefore, polygamy was limited to the wealthy and prestigious.

The customs regarding bride payment for additional wives varied throughout the state. In some areas no additional payment was made (Voegelin 1942:130, Achomawi, Atsugewi, Modoc), whereas other husbands had to pay fully for each wife (Dixon 1907:463, Shasta; Driver 1939:346, Tolowa, Chimariko, Karok, Yurok, Wiyot, Hupa, Chilula, Sinkyone, Kato).

Sometimes the first wife was given the status of "head wife"; she was relieved of heavy work and given priority (Voegelin 1942:130, Klamath, Modoc, Shasta, Achomawi, Atsugewi, Wintu, Maidu). Among other groups, all wives were considered equal (Gifford 1931:55, Kamia).

Depending upon the circumstances, a man might marry two or three sisters, or he may choose to marry women who are not related. It is interesting to note that unrelated wives sometimes referred to one another as "sisters," the first wife being called "older sister" and the second, "younger sister" (DuBois 1935:55, Wintu; Steward 1933:296, Owens Valley Paiute; Colson 1974:131, Pomo). However, there seems to have been a preference for marrying into the same family again; it was probably easier and usually less expensive.

A Northern Paiute man might marry a woman and her daughter (his step-daughter; Kroeber 1917:362). Step daughter marriage has also been reported for the Klamath, Modoc, Shasta, Achomawi, Maidu, and Wintu (Voegelin 1942:131), and also for the Yurok and the Costanoans (Kroeber 1925:459). Western Mono informants, however, stated that a man would never do this (Gifford 1932:31).

It is doubtful whether wives enjoyed polygynous arrangements. The first wife may assault the newcomer to drive her away, or as one informant aptly put it, "Too much growl; too much fight; fight like hell" (Garth 1953:164, Atsugewi). Wives often fought among themselves (e.g., Chimariko, Driver 1939:404). On the other hand, Gifford (1931:55) states that Kamia chiefs had unrelated wives who got along without jealousy. Notwithstanding, sisters probably got along better than unrelated wives did, since they were undoubtedly accustomed to living with one another. Nonetheless, it is possible that so-called "sibling rivalry" might have caused sisters to compete for their husband's favor.

Friction between wives was reduced if the women lived in separate houses. Men even had wives in separate towns, although this was probably due to the man's traveling than to any desire to avoid conflict. A Wiyot informant stated that he knew of a man who had ten wives and ten houses, one wife in each house. This man's household constituted a separate village (Driver 1939:404).

Extenuating circumstances may result in polygamy among the common people, who are usually monogamous, as in these instances: "... the man married a woman whose young cousin had come to live with them. The first wife was old and weak and asked the younger cousin to stay as her husband's second wife so that she could help around the house. As the young cousin liked the husband, she did so, all three living together in agreement. In the other case an older sister had had no children although she had been married many years. She asked her younger sister to come and live with them as co-wife. The husband had several children by this second wife" (Strong 1929:76, Desert Cahuilla). Barrenness, as in the case above, may result in sororal polygyny, an additional wife being provided by the woman's family (Voegelin 1942:131, Modoc Achomawi, Maidu).

Polyandrous marriages, in which a woman had more than one husband, were reported for the Western Mono, Yokuts and Panamint Shoshone (Driver 1937b:88-89), but this type of union was rare.

Beals reports that wife loaning was common between friendly Southern Maidu chiefs and that wives were also loaned to visiting chiefs. Common men with the same name also traded wives. Namesakes were considered to be closer

than brothers, sharing wives as well as all other property. This suggests that brothers may have also exchanged wives, but there is no evidence of this practice (Beals 1933:373).

DIVORCE

In some areas, divorce was easily had, requiring only a mutual desire to end the union. The couple would simply separate and remarry at will. No repayment was required, particularly since strict bride purchase was not practiced. This form of divorce was reported chiefly for central and southern California.

In the Northwest, divorce was governed by more exacting rules, often requiring full or partial repayment of the bride price. If the woman had borne any children, her father would only make partial repayment. To return the full purchase price would mean that the children would not be properly paid for and would thus make them "bastards." If no repayment was made, the woman would be unable to remarry (Kroeber 1925:296).

Foster (1944:185) reports that the Yuki did not divorce and their language lacked a term for the practice. Unhappy couples were kept together by their families. If a man beat his wife, he could appease her relatives with a large payment. However, if no payment was made, the man might be killed by his wife's angry male relatives. If a woman was faithless, her family might beat or kill her. Apparently, divorce was so repulsive to the Yuki that they would prefer to kill the person at fault rather than allow the couple to separate.

The most common reasons given for divorce were incompatibility and adultery. A couple might separate simply because the husband and wife could not get along. Adultery, however, was a more serious matter and divorce was only one of the possible reactions to infidelity. In the Northwest, when adultery did result in divorce, the settlement which resulted often depended upon who was at fault. In the wife was unfaithful, the husband could send her back to her family and demand repayment of the bride price. Or a wife might leave her adulterous husband with no return of the bride price (Nomland 1935:160, Sinkyone; Holt 1946:323, Shasta). She may also be able to retain custody of the children (Nomland 1935:160, Sinkyone). More frequently, however, the wife could do little about her husband's infidelity (Goddard 1903:56, Hupa).

Barrenness was another common reason for divorce. Lack of children was always considered to be the woman's fault. Among the northwestern

tribes the husband could demand a refund of the bride price upon returning the woman to her parents.

It was also possible to divorce one's spouse due to laziness or non-support. As stated above, industriousness was an important trait among the Atsugewi. If an Atsugewi man divorced his wife due to her inability to provide, she was ridiculed by the other women. A woman thus divorced might go on a power quest in order to get a good husband. An Atsugewi woman could also divorce her husband if he were a poor provider, although it could not be done so easily. Either she or one of her relatives had to persuade the chief to approve the separation. A man who was divorced for this reason lost his social standing (Garth 1953:164). Rich Atsugewi men commonly divorced different wives three or four times before finding a suitable spouse (Garth 1945:560).

The circumstances listed above were the most frequent causes of divorce. Other reasons included jealousy, cruelty, excessive gambling by the husband, or incessant nagging by the wife (Hupa, mita Lan, "her mouth big." Goddard 1903: 56). Following white contact, drunkenness became a common factor in ending marriages.

It is interesting to note that although a Shastan woman could not leave her husband for abuse, she could leave him if he failed to fulfill his obligations to her family. For example, if a woman's only brother died, leaving just old people in her family, and the husband did not help out her elderly relations, she could leave him without return of the bride price (Holt 1946:323).

Where bride purchase entailed actual ownership of the woman, it was generally far more difficult for a woman to divorce her husband than for a man to divorce his wife. If an unhappy woman returned to her family, she would be sent back to her husband many times, because the woman belonged to her husband and her family had little control over her. The woman had to prove that her husband was being excessively abusive or negligent in order to get a divorce. Even then, her family had to be willing to refund the bride payment, and this was not often the case. If a Hupa woman was unhappy with her husband, she sat on the smoky side of the fire so that her crying would be blamed on the smoke. "She must endure until she learned to love her husband" (Goddard 1903:55).

In order to get a refund, a man was often required to substantiate his suit for divorce. A man could not divorce his wife for no reason at all; he had to prove her to be barren, lazy, or unfaithful (Kroeber 1925: 30, Yurok).

CHILD CUSTODY

When a couple with young children separated, the children were cared for either by their mother or by their paternal grandmother. When the children became older, their father usually took them. Variations of this general practice occurred. For example, among the Eastern Pomo, female children went with the mother and male children went with the father (Loeb 1926:291). An Atsugewi father claimed only his male children after they were raised by his former wife (Garth 1953:164). Paternal child custody is to be expected among societies in which descent is reckoned patrilineally. In addition, paternal child custody was supported by the practice of bride payment: the price of the children was included in the bride price, and thus the children belonged to their father's family. A Yurok mother, however, may keep her children upon full repayment of the bride price (Kroeber 1925:30).

Exceptions to the general rule of paternal child custody have been reported for the Wappo (Driver 1936:208) and Tubatulabal (Voegelin 1938:44). Extenuating circumstances, such as negligence on the part of the father, might also bring about maternal child custody.

BEREAVEMENT

Throughout much of the state, the widow was required to singe or cut off her hair and cover her head and face with pitch. This disfigurement was usually left on for a year or longer. Widowers may also crop their hair, although the mourning period prescribed for them was abbreviated to a few months. After the mourning period had passed the widow often married her husband's brother; the widower married his dead wife's sister or other female relative, especially if the wife had not borne any children.

A dutiful son-in-law cared for his parents-in-law even following the death of his wife. "If he is any good, a husband takes care of his wife's father and mother even when she dies. These are the kind of boys the old folks want to keep in the family" (Holt 1946:323, Shasta). A widower visited his mother-in-law and brought her gifts of game (Driver 1936:208, Wappo).

If a widower decided to marry outside his first spouse's family, he usually asked permission of his parents-in-law. The same was true of widows. Deference to the wishes of the parents-in-law showed one's respect for the deceased. Likewise, a man or woman waited before remarrying. The waiting period was up to two years for a man and from one to five years for a woman. Those who married too soon risked repercussions from the

deceased's family, who may kill the offender or resort to poisoning (Driver 1936:208, Wappo; Stewart 1933:296, Owens Valley Paiute).

In the absence of the levirate, a widow could be married by a man who was not related to her first husband. Marrying a widow required less effort and means. Widows and divorced women, not being virgins, demanded a lower bride price (Nomland 1938:100, Bear River; 1935:160, Sinkyone). However, if a divorced woman's conduct was good and her divorce had been the fault of her husband, her bride price was supposedly not affected by her previous marriage (Hold 1946:324, Shasta; Driver 1939:404, Mattole). The bride price for a widow was often tendered her dead husband's family, particularly in areas where the original payment involved actual ownership of the woman (Drucker 1937a:248, Tolowa, Garth 1953:164, Atsugewi). According to Holt, the Shasta maintained that a divorcee did not marry again if she was a "good woman" (Holt 1946:323). Conversely, Dixon states of the Shasta: "Usually a divorced woman does not remarry but becomes for all intents and purposes a prostitute" (Dixon 1907:464).

In some areas, a widow may be asked to marry directly, without channeling the request through her guardians or a go-between (Faye 1923:37, Southern Maidu). There was no period of engagement or waiting before marriage, provided that the bereaved's mourning period had been observed (Beals 1933:372, Southern Maidu). Marriage with a widow was also a less ceremonious affair (Nomland 1935:160, Sinkyone).

Among the Luiseno, a widow was a free agent; she may even propose to a married man, requesting that he provide for her. A man who refused such an offer was considered unchivalrous (Sparkman 1908:214). However, the widow was usually not under her own jurisdiction; she was often the ward of her family or her husband's family; their permission was mandatory before she could remarry.

LEVIRATE

The levirate, the practice of marriage between a widow and her dead husband's brother or some other male relative, occurred in all parts of the state except along the Colorado River (Kroeber 1925:839, Yuma, Mohave) and among the Eastern Pomo (Klimek 1935: Table 5). The levirate was less mandatory than the sororate. The levirate was a useful mechanism for maintaining family relations in the event of death. The husband's family was also able to retain its investment in the woman. For example, among the Shasta it was considered fair that one of a man's relatives who contributed to the bride price should get the woman if the man died (Dixon 1907:463).

This practice sometimes required an additional payment to the woman's family.

Sometimes the levirate was practiced only if there were children; this would insure that they would be cared for (Kroeber 1925:210, Huchnom).

An Atsugewi man might divorce his wife in order to marry his deceased brother's wife, particularly if she was a better provider than his present wife. This practice emphasizes the importance of industriousness in obtaining a mate. A widow's father-in-law might marry her if he were widowed himself, especially if she was a hard worker. The following example was given by Garth (1953:165):

A man who was eighty years old had a son who died. The old man made an arrow and put a flint on it. Then he put the arrow on top of the basket belonging to his son's widow. If she took the arrow off, it meant that she would have nothing to do with him. Then he had the right to kill her. She left the arrow there. This meant that they were married. She figured that he would die soon, and then she could get a young husband.

Even if there were no male relative available, the dead husband's family often maintained control over the widow. For example, a man who married a widow but was not of her dead husband's family may be required to pay the deceased's kin (Garth 1953:164, Atsugewi ; Drucker 1937a:248, Tolowa). If no payment was made, the man ran the risk of being killed by the dead man's relatives (Garth 1953:164, Atsugewi).

If the levirate was not practiced, usually because all male relatives of the deceased were already married, these men were nonetheless responsible for the widow's welfare (Holt 1946:323, Shasta).

SORORATE

Two types of sororate were practiced in California: simultaneous and successive. Simultaneous sororate involved marriage to two or more sisters at the same time and is discussed in the section on polygynous marriages. Sororate is termed successive when the man received a second wife from his deceased wife's family. The second wife was often a sister of the first, but she could have been any unmarried blood relative.

One of the rationalizations given for the sororate was that it

was done out of respect for the deceased woman (Sparkman 1908:214, Luiseno). Another compelling reason for the sororate was that the woman's family often had to refund the bride price if no substitute could be found. The sororate was more rigorously practiced where literal bride purchase was in force.

The sororate was commonly practiced when the wife died at a young age. The custom was especially followed if the woman had had no children. The Yurok contended that if a married woman died at middle age her family would be obligated to supply a replacement or refund of the bride price unless she had borne three or four children. If she had borne only one or two children, part of the bride price was refunded (Kroeber:1925:31).

In the northwestern part of the state, a small payment was usually tendered for an additional wife. The Yurok payment was almost half of the amount paid for the first wife, but it was customarily spoken of as "a little" (Kroeber 1925:31). This second payment has been recorded for the Tolowa (Drucker 1937a:248), Bear River (Nomland 1938:100), and Sinkyone (Nomland 1935:160). Gifford reports that this custom was also followed by the Western Mono, although the author doubts that it was a common practice. Gifford states that only women who always stayed at home were paid for (Gifford 1932:31), thus not all wives were paid for even in cases of first marriages. The additional payment was probably given because providing a wife completely free of charge might cause economic difficulties for her family. In addition, the second payment may have been necessary to validate the union and its issue.

If no substitute was available and there were no children, complete repayment was in order. However, if the husband refused to take the woman offered as a replacement, customs regarding repayment varied. The Bear River Indians refused repayment if the new wife was unacceptable to the husband, in which case the original bride payment was a complete loss (Nomland 1938:100). On the other hand, the Sinkyone did refund the original bride price if the man did not accept the substitute offered him, provided that there were no children (Nomland 1935:160).

Complete repayment was naturally refused if the wife had borne any children, because then their birth would not be properly paid for; they would become illegitimate and lose their social standing.

Even if no female relative was available, the man may have to seek permission from the dead woman's family before marrying another woman (Drucker 1937a:246, Tolowa).

The Shasta maintained that a man could not marry outside his late wife's family without having been released by them. However, there was

little reason for a man to procure a wife from a second family when he could have one from the first at a lesser price (Kroeber 1925:298). He also did not have to expend the effort of having to establish friendly relations with another family.

In areas where actual bride purchase was not practiced, the sororate was more subject to the wishes of those involved and was practiced by mutual agreement. The woman's family was more likely to provide a second wife if they liked the husband and if he had treated them well.

If a man's only wife died and his brother had more than one wife, the brother may give one of the wives to the widower, especially if no other woman was available (Sparkman 1908:214, Luiseno).

The sororate was practiced by all groups in California except the Yuma and the Mohave (Klimek 1935: Table 5)

TRANSVESTITES

Transvestism occurred in most parts of the state. Transvestites were predominately male, although female transvestites have been reported, mostly in northern California and along the Colorado River. Transvestites were a regular part of society and often had specialized roles. For example, they handled corpese among the Yokuts, Western Mono, Bankalachi, and Tubatulabal (Driver 1937b:90).

Male transvestites have been known to marry or "live with" normal males. They were reportedly prized for their ability to handle hard work (Kroeber 1925:647, Juaneno). It is interesting to note that such marriages would lack children, whereas childbearing was one of the most important considerations in normal marriages. It is possible that the lack of progeny might be compensated for if male transvestites were taken as subsequent wives in polygynous marriages, but this possibility has not been reported in the literature.

Female transvestites have also been reported as marrying or "living with" normal females, but there instances were comparatively rare (Voegelin 1942:134, Achomawi, Atsugewi, Wintu, Klamath, Shasta; Kroeber 1925:749, Mohave; Gifford 1931:56, Kamia).

TRANSVESTITE MARRIAGES
IN NATIVE CALIFORNIA

Tolowa	M	
Yurok	m	
Wiyot	B	
Hupa	m	
Mattole	m	
Sinkyone	m	
Kato	m	M
Yuki	M	M
Lassik	m	
Patwin	m	
Pomo	m	M
Wappo	B	
Yana	B	
Klamath	B	m
Shasta	B	m
Atsugewi	B	F
Achomawi	B	F
Washo	B	
No. Paiute	B	
Wintu	B	m
Maidu	m	
Nisenan	m	M
Miwok	m	M
Yokuts	m	M
Mono	M	M
Bankalachi	m	
Panamint		M
Costanoan	m	
Salinan	m	
Chumash	m	
Gabrielino	m	
Diegueno	M	M
Kamia	B	F
Mohave	B	F
Yuma	M	M
Juaneno	M	M

KEY
M - only males
m - predominately males,
some females
F - only females
B - both sexes
(taken in part from
Willoughby, 1963:59-60).

ACCULTURATION

The arrival of white culture and the imposition of white ideals and religion affected native marriage and divorce practices significantly. The ravages of missionization and the influence of American culture disrupted an original marriage patterns.

White concepts of marriage were first introduced during the process of missionization. While living at the missions, the Indians were required to marry in the Catholic fashion and to follow the rules of Catholic marriage. The rules of Catholic marriage were completely different from those practiced aboriginally. There is some information about marriage practices for non-mission Indians or Gentiles, in the records of the mission Fathers. These accounts are notoriously biased, and contain observations such as, "It appears that the Gentiles love their women; nature may account for that" (Taylor 1860:54). Mission records state that non-Catholicized Indians practiced polygamy, and that sometimes a man would marry all of the sisters in one family (Harrison 1892:87). Another comment was that although the Indians loved their wives, they "leave them easily" (Engelhardt 1929:63). An account from Mission Dolores notes that Indian marriages lasted until the couple fought or until one of them became sick (Engelhardt 1924:66). At the missions, however, an Indian was limited to one spouse with whom he or she was supposed to stay for a lifetime. These restrictions naturally caused problems, and the priests tried to reconcile unhappy couples (Amoros 1974:46). Unmarried men and women were locked up in separate "barracks" at the missions. Married women whose husbands were away were also locked up. Unmarried couples who were caught together were whipped (Switzer 1974:18). These restrictions, along with the introduction of Catholic marriage, obviously affected native patterns of marriage and courtship.

It is interesting to note that as a result of his conversion to Catholicism, Salvador Palma (Olleyquotequiebe), Captain (Cofot) of the Yuma tribe, banned polygamy among his people. In his account of 1776, he stated that he did not even excuse his brother from the edict, causing the latter to give up seven of the wives which he had (Heizer and Bowman 1967:153).

Other useful studies include autobiographical accounts of native Californians, namely, Shippek's Autobiography of Delfina Cuero (1968, Diegueno), and Colson's Autobiographies of Three Pomo Women (1974). Additional information on the effects of white influence can be obtained by gleaning the ethnographic literature for informants' comparisons between pre-contact and contemporary practices.

Traditions such as bride purchase and gift exchange were abandoned

on account of various factors. The custom of bride purchase in the northwestern part of the state was discontinued due to the breakdown of native value systems and the influence of the United States government (Goddard 1903:55, Hupa; Waterman and Kroeber 1934:3-4, Yurok). The Yurok spoke of recent marriages without payment as "half-marriages," implying that the unions were not proper according to the old customs (Waterman and Kroeber 1934:4). In other areas of California, the groom's customary gift was also discontinued; Strong (1929:75, Desert Cahuilla) reports that Desert Cahuilla informants contemptuously reported that a girl was only worth "a paper," i.e., the marriage license. A baby girl was referred to as "a paper." The Kamia reported that a suitor "in the old days" gave a gift of beads to the woman's father. This custom had long fallen into disuse because the beads, from the Gulf Coast, were no longer available, probably due to the breakdown of native trade routes (Gifford 1931:55).

Delfina Cuero, a Diegueno woman, after describing the old Diegueno marriage practices, added, "Sometimes they had a dance as well as the feast. As food got harder to find, they stopped having the feasts" (Shipek 1968:55). These instances do not simply relate the abandonment of old traditions, they were symptoms that the Indians' way of life was no longer possible.

Marriage as an institution in native California was, in part, based on the aboriginal division of labor, i.e., the interdependence of men and women necessary for survival. Thus the strength of the marriage bond was adversely affected when native methods of subsistence were no longer viable. An observation by Hooper illustrates this change: "The man who was the best hunter was held in very high esteem. The woman who could do the most work in the shortest time was the ideal woman. Nowadays these things do not matter so much" (Hooper 1920:353).

A relaxation of kinship restrictions was also evident in the post-contact period. This phenomenon was probably ascribable to the general breakdown of the culture. Old kinship ties and rules were forgotten, and the native population was reduced to a point that the number of available partners also decreased. Aboriginally, cousin marriages were condemned, with the exception of a few groups which practiced cross-cousin marriage. For example, marriages between second and third cousins were formerly proscribed by the Atsugewi, but were practiced in later times (Garth 1953:163). A similar occurrence has been reported for the Southern Maidu (Beals 1933:373). A Luiseno man complained that contrary to old rules, people of the same clan name were intermarrying, complaining, "Now it seems like we are marrying our sisters and brothers" (Strong 1929:284).

Marriages between whites and Indians were generally disapproved of by

both races, and often severed family ties (Heizer 1974b:11). Indian women were considered to be good wives according to white standards, being described as neat, tidy, and industrious (Heizer 1974b:112). However, white men were rarely willing to legalize their relations with Indian women (Cook 1943:11). Children born of racially mixed couples encountered problems in reckoning descent. For example, a half-breed born of a Cupeno mother would belong to his mother's clan; otherwise, descent among the Cupeno was strictly patrilineal (Strong 1929:188). A Pomo informant aptly described the situation and the Pomo reaction to it: "When first Mexicans came up here, they just grab the girls and take them into the bushes. Have the pistol in one hand, they do what they want and let them go...That's the way they do long time ago. So lots of white babies, and they choke them...That was long time ago. That's why not many half-breeds around here" (Colson 1974:112-113).

The introduction of alcohol to the native population added to marital problems. Liquor served as a popular escape route for Indians and violence was a common by-product of momentary oblivion (Colson 1974:223; Heizer 1974b). Such violence was often directed toward one's spouse, the result of which was often an unhappy separation.

Driver reports that celibacy had recently become common among the Wappo (Driver 1936:209). Driver attributes this to the breakdown of native culture, but also mentions that it may have been influenced by a smallpox epidemic which seriously reduced the population.

Since we possess no statistics with which to compare the frequency of divorce before and after white contact, we can only rely on native informants for such a comparison. For example, in his analysis of Yuki culture, Foster states that although divorce was formerly nonexistent, marriages had since become brittle (Foster 1944:186). Likewise, Loeb reports that divorce was formerly rare among the Pomo (Loeb 1926:281). Similar statements have been made for several other groups, including the Southern Maidu (Beals 1933:372), Tubatulabal (Voegelin 1938:44), and Wintu (DuBois 1935:56). Informants also maintained that spouses were formerly faithful to one another, although these claims may be an idealization of the past (Loeb 1926:281, Pomo; Lowie 1939:109, Washo).

Foster sums up the character of post-contact native marriage in the following passage from his "Summary of Yuki Culture" (Foster 1944:186):

Present-day marital conditions reflect little of the ancient ideal. One couple, married in the Methodist Church, have lived together for fifty-three years, but they are the wonder of the reservation. Frequently a couple will be married once, but the union lasts only

until one or both parties wish to dissolve it, which is done without recourse to law. Many old Yuki have lived for periods of years with as many as four wives or husbands -- in tandem -- switching from the old to the new whenever the spirit or circumstances moved them. The present paper is not an acculturation study, and no attempt was made to determine the exact proportion of illegitimate children -- known as "brush rabbits" -- which is appallingly high. One informant considered the absence of a chief with tribal authority as the principal reason for present conditions. "In the old days, people would be afraid to live the way they do now."

A major source of information regarding the effect of white culture on California Indian marriage and divorce is Part Four of S.F. Cook's "The Conflict Between the California Indian and White Civilization" (1943). A summary of his article is presented below as basic information on which the author will base her observations.

Among the California Indians, marriage and divorce, or, as Cook phrases it, connubial union and disunion, were definite, fully recognized social concepts. Following the advent of the whites, the Indians suffered a grave loss of population and a drastic alteration of their social environment. Native marriage practices were brought into competition with the white ideal of life-long monogamy. Considerable moral pressure was placed on the Indian to relinquish his former customs and practice those of the whites. Thus, marriages among the California Indians were of two types, the first following Indian customs and the second being according to white legal and religious standards. Formerly, marriage simply involved establishing a common abode, a step usually attended by various observances. Competition with the whites forced the Indian to abandon his secondary rituals, but the essential act of cohabitation remained. Therefore, Cook argues, marriage as an institution was largely unchanged, the Indian making a superficial adaptation to white formalities.

Aboriginally, divorce was usually effected by a simple separation. Unlike, marriage, divorce was to be all but eradicated, since white society did not permit a union to dissolve without a legal divorce. Legal divorces were difficult to obtain, particularly in days past. The adaptation called for with respect to divorce was not merely ritualistic; the California Indian was required instead to make a major change in his deeply-rooted social, psychological, and sexual tendencies.

With respect to the adoption of white marriage customs, the adaptation on the part of the Indian has been fairly successful. The acceptance

of white marriage customs was subject to certain influences. The first was the active effort on the part of religious and government groups to change native marriage practices. The second was the degree of convenience with which an Indian could effect a legal marriage, which often involved considerable effort and personal expense. The third factor was the nature and frequency of contact between the white and Indian populations, including comparative population densities. The fourth was the degree of racial mixture between the Indians and whites; the greater the ratio of white to Indian blood, the greater the tendency to follow white customs.

Cook makes several observations about the relative success of legal and Indian Custom marriages among native Californians. Legal marriages tended to be more durable than Indian Custom marriages. One possible explanation for this trend is that couples who chose to marry legally would have been in closer contact with white culture and would have been attracted to white marriage principles. In addition, the reaction of white society to a couple's casual separation would have been greater if the marriage was legal than if the marriage was according to Indian Custom.

Marriages according to Indian Custom have gradually become less stable. This trend is also visible among legal marriages, although legal unions, as a whole, tend to display greater stability. The institution of marriage among the California Indians has experienced dangerous weakening since aboriginal times. Cook adds that the relaxation of marriage is a very grave matter, because it is symptomatic of a loosening of family bonds among the Indians.

Both legal and Indian Custom marriages and divorces were recognized as valid by the Indian Service. Cook argues that the Indian's primary problem was that although he had been induced to abandon his native marriage practices, no clear-cut mode of behavior was offered to him as an alternative. Confronted with an irregularity of standards, "A condition of mental uncertainty and confusion thereupon follows, which must be accompanied by all sorts of strain. When the cultural component is of such a fundamental character that it involves sex and family relations, then the initial maladjustment will bring in its train emotional disturbances almost amounting to neuroses" (Cook 1943:29). The increase in the failure of Indian marriages was partially due to the omission on the part of white society to "exert strong unequivocal pressure on the Indians in any specific direction" (Cook 1943:3).

Cook makes the following statement with regard to the so-called Indian Custom union (Cook 1943:3):

Primitively, all that was necessary in order to establish a recognized Indian family or household was for a man and woman

to take up a common abode. This act was characteristically accompanied by certain forms and rituals, differing somewhat according to the tribe but possessing considerable binding force. When the Indian was driven into economic and social competition with the white man, most of these subsidiary rites and ceremonies were eliminated, but the central act has always remained.

What Cook fails to mention is that the elimination of the rituals which accompanied native marriages were the result of far more than a mere superficial adaptation on the part of the Indian. The discontinuation of practices such as gift exchange between families (Colson 1974:218, Pomo), marriage feasts (Shipek 1968:55, Diegueno), and bride purchase (Goddard 1903:55, Hupa), cannot be viewed as a simple deletion of "subsidiary rites." The loss of these elements of native culture was accompanied by the loss of those things which these ceremonies symbolized. These included: the stability of the families involved; the economic and emotional support given the couple by their families; the reaffirmation of status in the community; the complementary roles of husbands and wives, as well as other important aspects of native society.

The imposition of white laws, economy, and religion had a profound effect on native marriage and divorce. The Indians were forced to abandon their traditions, although they were unable to accept wholly white marriage ideals, particularly with regard to monogamy and life-long attachment to that single spouse. The effect of white economy and the inability to continue aboriginal lifeways disrupted the interdependence of Indian husbands and wives. Intermarriage with whites disrupted traditional kinship ties. The discontinuance of native practices, accompanied by a partial acceptance of those of the whites, left the California Indian without a meaningful basis for marriage.

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ABBREVIATIONS USED

AA	American Anthropologist
AMNH-B	American Museum of Natural History - Bulletin
BAE-B	Bureau of American Ethnology - Bulletin
BP-PAEH	Ballena Press - Publications in Archaeology, Ethnology, and History
SM-P	Southwest Museum - Papers
UC-	University of California
-AR	Anthropological Records
-ARF	Archaeological Research Facility
-AS-R	Archaeological Survey - Reports
-PAAE	Publications in American Archaeology and Ethnography

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