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## Tlingit Adoption Practices, Past and Present

LILLIAN PETERSHOARE

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The Tlingits' changing perception of the composition of the family has altered the role of the clan in Tlingit society, thereby necessitating many changes in their adoption practices. The majority of contemporary Tlingits would find it neither feasible nor desirable to revitalize the traditional clan system for adoption; however, they would find those aspects of the clan system which strengthen ties of commitment between relatives, worthy of incorporation into their lives.

The traditional clan system for adoption benefited both the children and their clans. As the welfare of the individual and the clan was mutually intertwined, the clan invested in its future well-being, socially and economically, by ensuring that parentless children remained in the clan. The Indian Child Welfare Act (ICWA) grants contemporary Tlingits the right to intervene in state court proceedings, and allows tribes to establish their own courts. Native youth involuntarily separated from their parents by court order thus have a greater likelihood of remaining in the native community, and preferably are placed with extended family relatives. Like the clan system for adoption, the implementation of ICWA has the potential of being beneficial for all Tlingit youth as well as the tribe itself. This study identifies obstacles the Tlingit community must overcome in order to utilize best the authority allowed them under ICWA.

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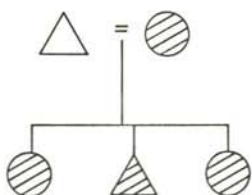
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## THE CLAN

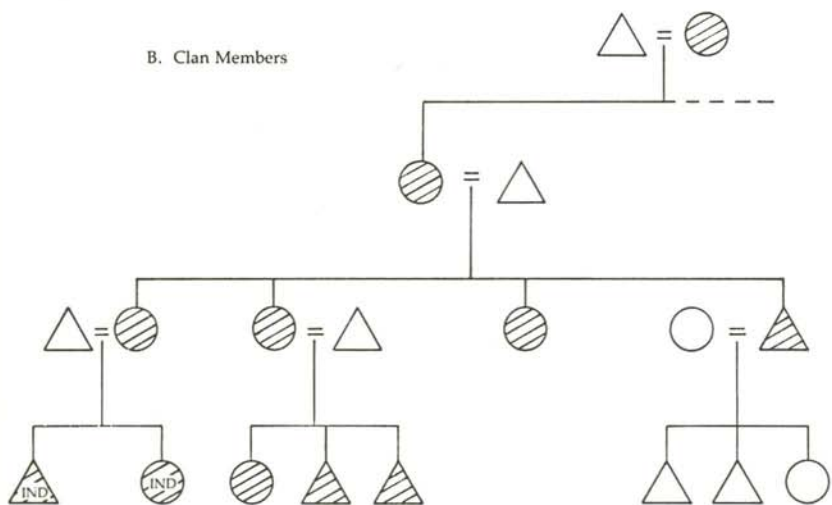
Among the Tlingit, two different moieties (basic units that make up a tribe) exist, the eagles (sometimes referred to as wolves) and the ravens. Each consists of clans unique to that moiety. Every Tlingit is a member of a clan in addition to belonging to either the eagle or raven moiety. The clan is a group whose membership is defined socially by matrilineal descent, a child being a member of the mother's clan and moiety (chart A). Clan and family members will be depicted in relationship to the individual (IND). The illustrations in the paper will depict a male and female IND. Clan members include, for example, IND, IND's mother, mother's mother, mother's maternal grandmother, mother's brothers and sisters, and mother's sister's children (chart B). Tlingit law requires an individual to marry someone outside the clan who is a member of the opposite moiety (viz., eagle moiety members marry raven moiety members). IND's father and the spouses of IND's maternal relatives do not belong to the same clan or moiety as IND, as illustrated in chart B. Also, IND's maternal uncle's (or uncles') children do not belong to the same clan as IND; these children belong to their mother's clan, of the opposite moiety to that of IND and the maternal uncle(s). Male clan members father children belonging to another clan, whereas female clan members give birth to children belonging to their own clan. As the clan consists strictly of maternal relatives sharing common maternal ancestors, it greatly honors the birth of a girl. The female members of the clan perpetuate the clan's existence.

Being born a member of a clan was one of the most significant aspects of a traditional Tlingit's life. The clan defined the individual's relationship to his immediate family, to other members of the clan, to members of other clans belonging to the same moiety, and to members of clans belonging to the opposite moiety. The clan gave the individual his name or names, each carrying with it the honors and privileges of the previous name bearer. The clan, and thereby the rest of Tlingit society, may have regarded the individual as possessing the reincarnated spirit of a past clan ancestor. The maternal relatives, including mother's mother and mother's sisters and brothers played key roles in the rearing of the individual. The clan chose the individual's spouse,

A. Children are Members of the Mother's Clan and Moiety



B. Clan Members



|        | IND | CLAN MEMBERS | MEMBERS OF OTHER CLANS OF OPPOSITE MOIETY |
|--------|-----|--------------|---|
| MALE   |     |              |   |
| FEMALE |     |              |   |

assisted in caring for his children, and exerted much social pressure in channeling the individual's behavior in relation to his immediate and extended family. If the individual committed or suffered a wrong, both were reflections on the clan. Seeking to have the shame washed away, the clan addressed the wrong by inducing correct behavior from the individual or bringing pressure to bear, in the form of ridicule, upon the clan of the offender. In order to rectify a wrong, a male may have been expected to give his life for the reputation of the clan and past ancestors, if the clan so willed. As Wally Olson, a professor of anthropology, has stated, the traditional Tlingit was "totally submerged in his clan."<sup>1</sup>

The individual and the clan depended upon each other for survival. Without a clan, the individual became a slave or outcast, totally despised by society. The individual's prestige was linked to that of the clan. For example, when introducing himself an individual identified his clan and the maternal clan members from whom he descended; the recognition an individual received during a potlatch, even in terms of where he sat, correlated with the prestige of his clan. The clan maintained its position in society, in part, by educating its young to have pride in their history and to be loyal to the clan. Traditional Tlingits were fine orators who took pride in reciting clan history; as a result, each new generation of clan members became well versed in the traditions and history of their clan. As the welfare of the individual and the clan *were mutually intertwined, and as strong ties of affiliation existed* between clan members, the latter were very desirous of providing for parentless children within their clan.

#### TRADITIONAL "CLAN SYSTEM" FOR ADOPTION

The clans established and utilized an excellent system for adopting children whose parent or parents had died. The size and nature of the immediate and extended family, the roles of the family members, and the strong bond of affection between the members of a clan facilitated the smooth functioning of the system. The clan as a whole chose the clan member who would assume the parenting role of the deceased clan member, and generally the chosen clan member cooperated.

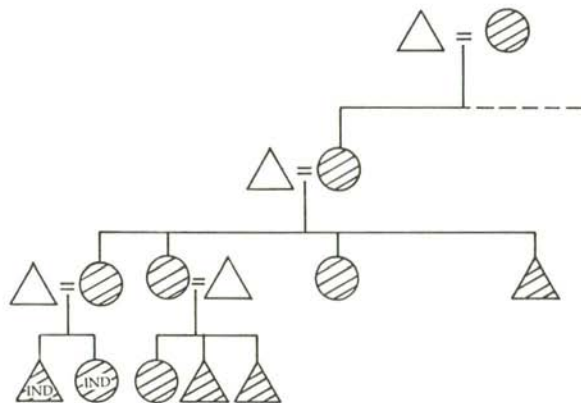
The size of the immediate family among the Tlingits had been and continues to be much larger than the average American nuclear family (chart C). The Tlingit immediate family includes IND, IND's parents, mother's sisters and their children, mother's brothers, mother's parents, and mother's maternal grandparents. All the adults in IND's immediate family participated in the rearing of IND and other children belonging to the clan. Mother's brothers exercised primary responsibility in disciplining and educating male children, and mother's sisters exerted a similar influence over female children. Mother's sisters and their children usually lived in the same house as IND. It is interesting to note that the term for mother's sister is *ax tlaak*, "little mother," a derivative of the term for mother, *ax tlaa*. Adoptions, for the most part, occurred within this specified framework of a child's immediate family.

Members of the extended family sometimes played a role in adoption if an appropriate immediate family member or members could not adopt the child. Chart D depicts the immediate family in relationship to the extended family; it also distinguishes the maternal relatives from the paternal relatives. On the chart, IND's maternal relatives all appear on the right and IND's paternal relatives on the left. Although this is done to simplify the illustration, some of the individuals belonging to the eagle moiety depicted on the paternal side of the chart may belong to the same clan as IND. For example, mother's sister may have married father's brother. In traditional Tlingit society, the members of one clan often were expected to marry members of a specified clan or clans. A marriage symbolized not only the union of two individuals but also the union of the clans to which the individuals belonged. Such a union did not restrict the clans from establishing additional unions or marital obligations with other clans. The chart does not provide a complete picture of the intricacies of the relationships between members of one clan and the other. Nor does it attempt to define the number of clans with which IND's clan or his father's clan had marital obligations. Chart D is useful in defining the members of mother's clan and the members of father's clan. It provides a one-dimensional view of IND's family structure.

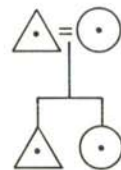
Traditional Tlingits regarded the maternal relatives, those belonging to the same clan as mother, as immediate family. The

C. IMMEDIATE FAMILY IN:

TLINGIT CULTURE  
Parents & Maternal Relatives



AMERICAN CULTURE  
Nuclear Family

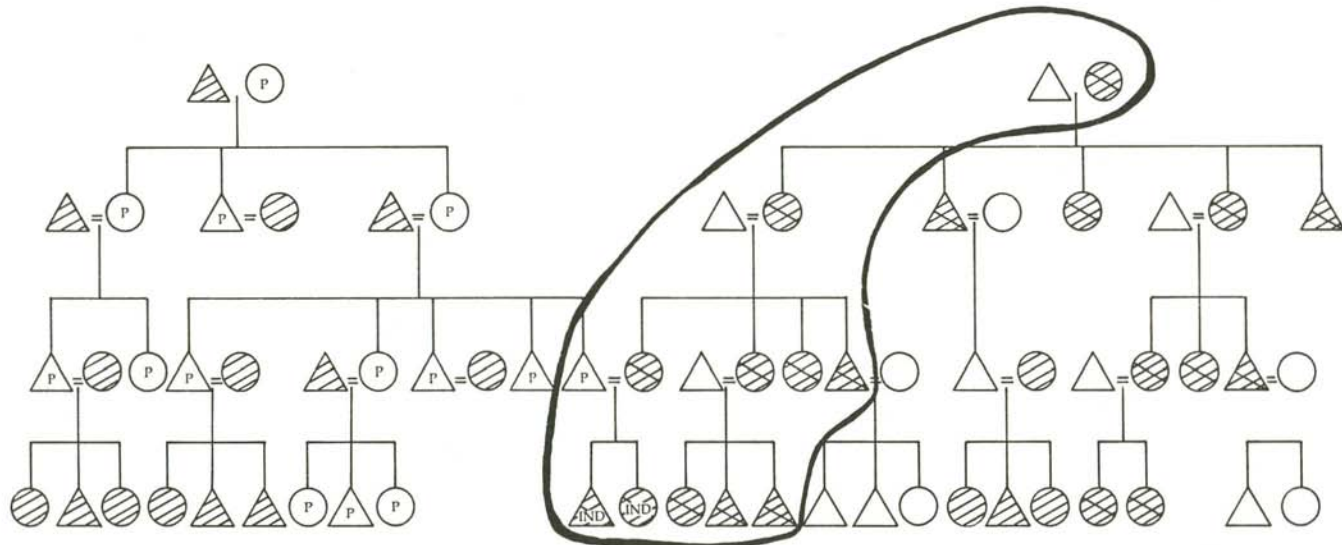


|        | IND | IND'S<br>MOIETY<br>EAGLE | OPPOSITE<br>MOIETY<br>RAVEN | NON-<br>NATIVE |
|--------|-----|--------------------------|-----------------------------|----------------|
| MALE   |     |                          |                             |                |
| FEMALE |     |                          |                             |                |

D. IMMEDIATE FAMILY IN RELATIONSHIP TO "EXTENDED FAMILY"

Paternal Side  
P - Clan of IND'S Father

Maternal Side  
- Clan of IND'S Mother



Immediate Family

|        | IND | IND'S MOIETY<br>EAGLE | OPPOSITE<br>MOIETY<br>RAVEN | MEMBERS<br>OF IND'S<br>MOTHER'S<br>CLAN | MEMBERS<br>OF IND'S<br>FATHER'S<br>CLAN |
|--------|-----|-----------------------|-----------------------------|---|---|
| MALE   |     |                       |                             |   |   |
| FEMALE |     |                       |                             |   |   |



paternal relatives did not have a close familial association with the individual. The individual respected paternal relatives because of their relationship to father, but father's relatives merely played a ceremonial role in the upbringing of the individual. In two of the three adoption situations described below, the mother's clan makes the decision as to who shall adopt the child(ren).

Three possible situations may have occurred in which a need for adoption arose: (a) mother deceased, (b) father deceased, or (c) both parents deceased. The immediate and extended family members played a significant role in each of these situations.

### **Mother Deceased**

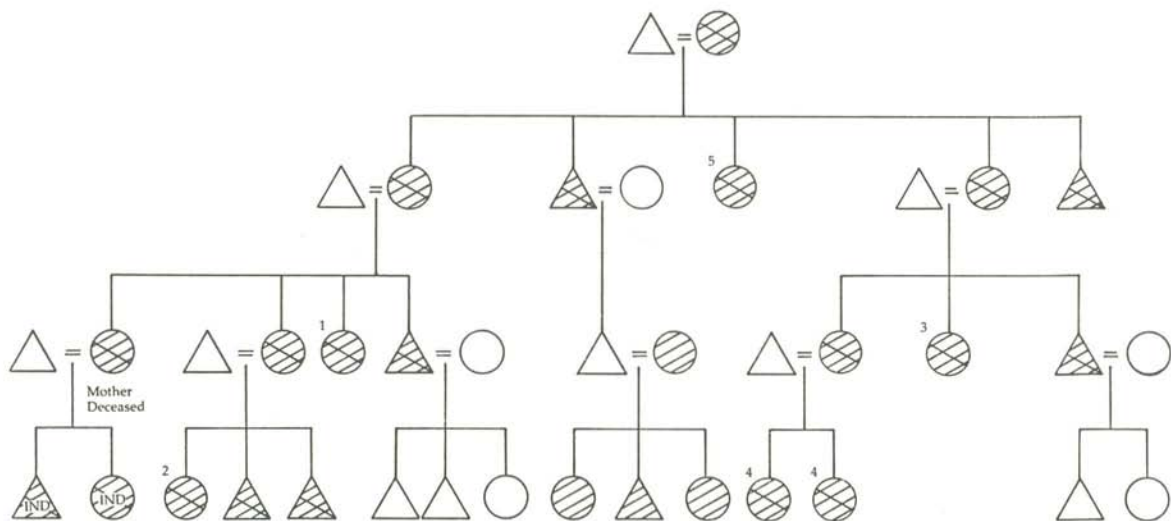
The deceased woman's clan met to decide which clan member would assume the role of wife to the widower and mother to the child(ren). The clan usually decided on a younger sister of the deceased mother (number 1 on chart E; the parentless children are illustrated as IND). If the deceased mother did not leave a surviving unmarried sister, then the nearest related unmarried woman became the wife of the widower, usually mother's sister's daughter (number 2 on chart E). Age proved not to be a deciding factor, for many accounts exist of young women being married to elderly men. If the clan could not find a woman among the deceased woman's immediate family to assume the responsibility, then an extended-family member would be chosen, usually mother's mother's sister's daughter (number 3), or mother's mother's sister's daughter's daughter (number 4). As marriage symbolized a union between two clans as well as the union of two individuals, the deceased mother's clan properly fulfilled its obligations by providing the widower a wife, and the child(ren) a mother.

### **Father Deceased**

This situation provides an exception to the rule that adoption usually occurs in IND's immediate family. Members of the deceased father's clan would select a member of their clan to assume the role of husband to the widow and father to the child(ren). The clan usually decided that a brother of the deceased man should assume the responsibility (numbers 1, 2 or

E. Maternal Relatives Allowed to Assume Role of the Deceased Mother

In the Order of Their Precedence



|        | IND | IND'S MOIETY EAGLE | OPPOSITE MOIETY RAVEN | MEMBER OF IND'S MOTHER'S CLAN | ASSUMES ROLE OF DECEASED MOTHER |
|--------|-----|--------------------|-----------------------|-------------------------------|---------------------------------|
| MALE   |     |                    |                       |                               |                                 |
| FEMALE |     |                    |                       |                               | NO                              |

3 on chart F). If the brother already had a wife, he nonetheless married the widow. Prior to the influence of missionaries, it was not uncommon among Tlingits for a man to have more than one wife. After the missionaries ended polygamy, a man had to leave his first wife for the widow. His clan then provided the abandoned wife with another husband.<sup>2</sup> If the deceased man did not leave a surviving brother, then the nearest related man married the widow, usually father's sister's son (number 4 on chart F). Again, age proved not to be a deciding factor, for accounts exist of young men being married to elderly women. If the clan could not find a man in the deceased man's immediate family who was capable of assuming the responsibility, an extended-family member would be chosen, usually father's mother's sister's son (number 5 on chart F). The deceased father's clan thus provided the widow a husband, and the child(ren) a father from within the deceased father's immediate or extended family.

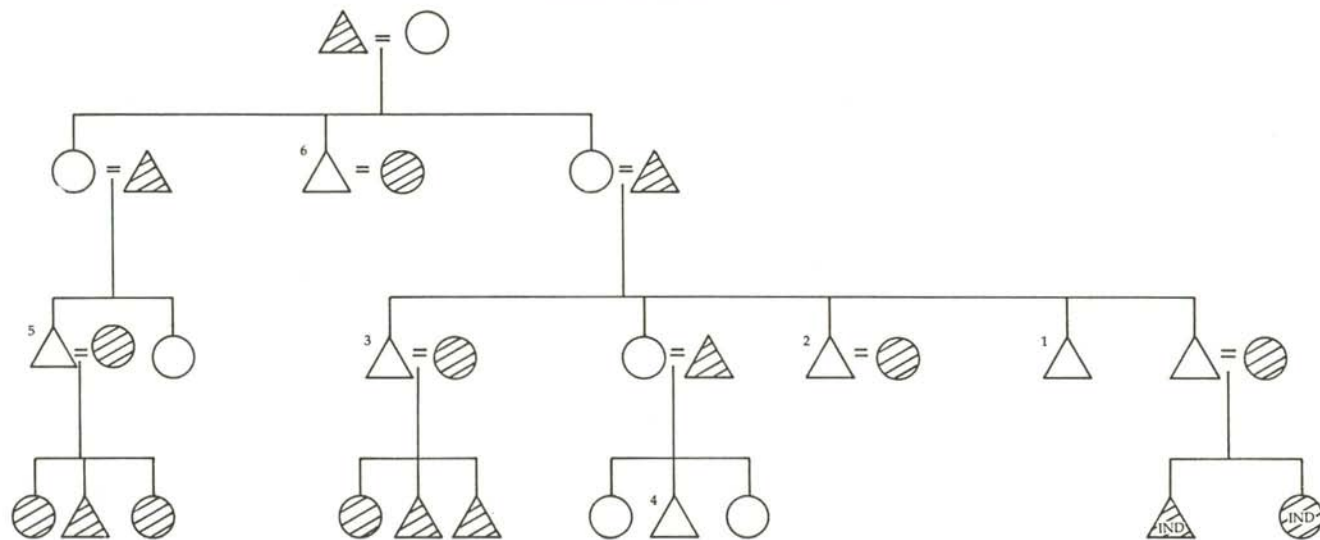
### **Both Parents Deceased**

If both parents died, the deceased mother's clan met to decide which maternal female relative in conjunction with her spouse would adopt the child(ren). If one of the deceased woman's sisters had married a man belonging to the same clan as the deceased father, this couple would be selected. Regardless, the adoptive father would belong to the same moiety as the deceased father, although not necessarily to the same clan. If the deceased mother did not leave a surviving sister capable of adoptions, the deceased mother's mother's sister's daughter and her spouse would be appointed to adopt the child(ren) (number 2 on chart G). If such relatives did not exist, either mother's mother (number 3) or one of her sisters (number 4) in conjunction with her spouse would be chosen to adopt the child(ren).

Although a boy aged ten or older might have been adopted by a maternal female relative and her spouse, the couple would not raise the boy. All adolescent boys, whether their natural parents were deceased or not, moved into the house of their mother's brother (number 1 on chart H), unless the mother's brother already lived in the same communal house as the boy. In the house of the maternal uncle, the boy became versed in the history and ceremonial prerogatives of his clan. The maternal uncle taught him to be a hunter, warrior, and family man in the tradition of

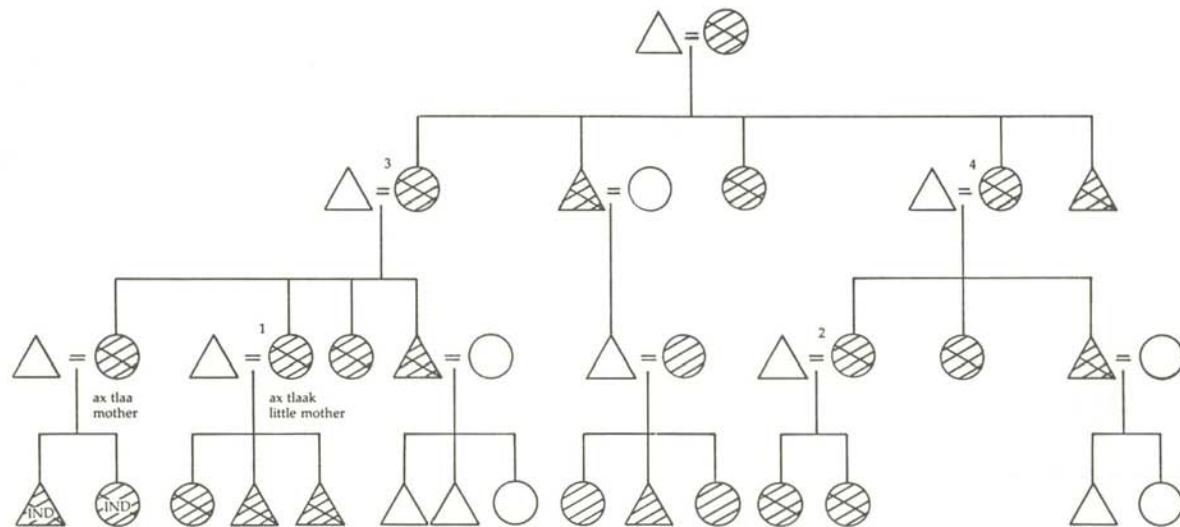
F. Paternal Relatives Allowed to Assume the Role of the Deceased Father

In the Order of Their Precedence



|        | IND | IND'S MOIETY EAGLE | IND'S FATHER'S CLAN | OPPOSITE MOIETY & MEMBER OF IND'S FATHER'S CLAN ASSUMES ROLE OF DECEASED FATHER |
|--------|-----|--------------------|---------------------|---|
| MALE   |     |                    |                     | NO  |
| FEMALE |     |                    |                     |   |

G. Adoption Line Followed When Both Parents Are Deceased  
In the Order of Their Precedence

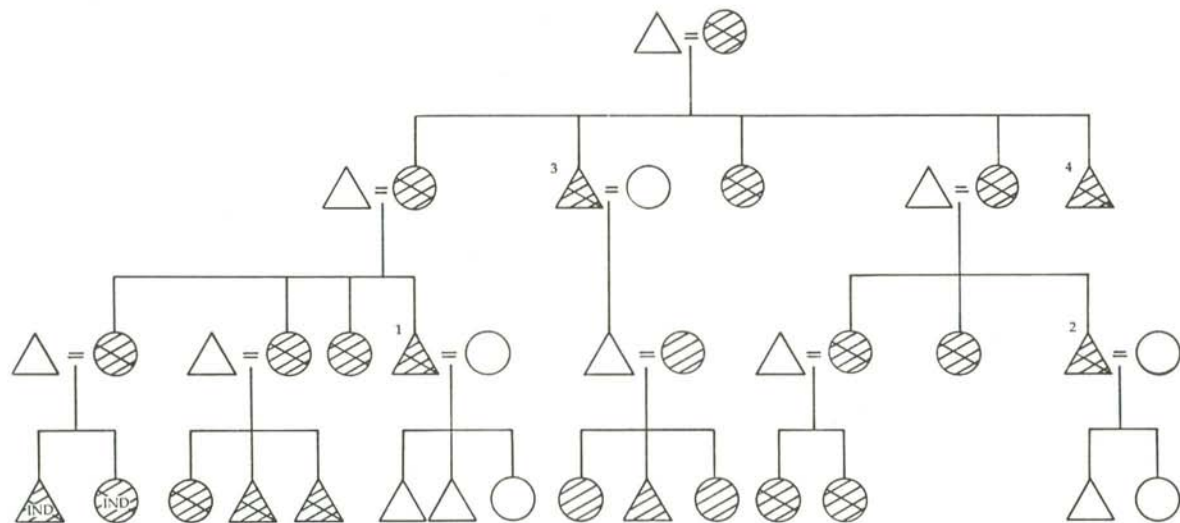


|        | IND | IND'S MOIETY EAGLE | OPPOSITE MOIETY RAVEN | MEMBERS IND'S MOTHER'S CLAN |        |
|--------|-----|--------------------|-----------------------|-----------------------------|--------|
| MALE   |     |                    |                       |                             |        |
| FEMALE |     |                    |                       |                             | NO.  = |

ALLOWED TO ADOPT

H. MATERNAL UNCLE REARS ADOLESCENT BOYS

In the Order of Their Precedence



|        | IND | IND'S<br>MOIETY<br>EAGLE | OPPOSITE<br>MOIETY<br>RAVEN | MEMBERS<br>IND'S<br>MOTHER'S<br>CLAN | ALLOWED TO REAR |
|--------|-----|--------------------------|-----------------------------|--------------------------------------|-----------------|
| MALE   |     |                          |                             |                                      | NO.             |
| FEMALE |     |                          |                             |                                      |                 |

their clan. If the deceased mother did not leave a surviving brother, mother's mother's sister's son (number 2 on the chart) would raise the boy. If no such relative existed, one of mother's mother's brothers (number 3 or 4) would be responsible for the rearing of the adolescent.

In all the above situations, the adoptive mother is of the same clan and moiety as the deceased mother and the adopted child, and is preferably a member of the child's immediate family. The adoptive father, if not actually a member of the deceased father's clan, is at least a member of a clan belonging to the same moiety as the deceased father. The adoptive father, like the deceased father, is affiliated with a clan belonging to the opposite moiety to that of the children. With the possible exception of the spouse of the maternal female relative chosen to adopt when both parents are deceased, the child(ren) would be raised by an adoptive parent or parents of the same clan and moiety as the deceased. However, all males, adopted or not, leave the immediate circle of their parents at the age of approximately ten years to be raised by one of their maternal uncles. The mother's clan ultimately was responsible for the rearing of the clan child(ren) whether they were adopted or not. Therefore, it was natural that the mother's clan usually would be the deciding force in settling the adoption.

Although the phrases adoptive mother, father, or parent and adopted child are used extensively in describing the Tlingit clan system for adoption, it is interesting to note that, in the Tlingit language, there is no equivalent word or phrase for step- or adoptive parent, or step- or adopted child.<sup>3</sup> The adopted child referred to the adoptive parent as mother or father, and society encouraged this behavior. The elderly Tlingits interviewed who had an adoptive parent as a child all stated that that parent was their mother/father emotionally. They did not distinguish between natural or step-brothers and sisters, nor had their parents discriminated between their natural and adopted children. Nevertheless, Esther Littlefield, Tlingit Elder of Sitka, explained that a child adopted by his grandparent was treated a little differently than other children: "The most proudest thing, the very best honor is to be raised by your grandmother and grandfather . . . everyone respected him who was so raised."<sup>4</sup> As grandparents were among the most respected individuals in Tlingit society, the community honored an individual who was raised by them. Children raised by other maternal relatives did not receive special notice; society merely regarded them as being

raised by "their parents." Traditional Tlingit society did not place major significance on the biological parent but rather on the social parent;<sup>5</sup> consequently, traditional Tlingits did not regard being adopted as a social liability.

#### "NICK CA YADI"

Generally, the only neglected orphan or unwanted child in traditional Tlingit society was the *nick ca yadi*, or bastard. The term implies that the child belongs to the uninhabited beach.<sup>6</sup> The child of an unknown father or an incestuous union is socially incomplete because he lacks "the relatives necessary to complement . . . [his] expected roles or to perform ritual acts essential to . . . [his] welfare . . . such a child is incomplete as a person because he lacks the proper ancestor lines."<sup>7</sup> Without the proper paternal ancestral lines, the child was such a disgrace to the mother's clan that the latter refused to acknowledge the child as a clan member and classed the child as a slave.

#### RATIONALE BEHIND THE CLAN SYSTEM FOR ADOPTION

The traditional clan system for adoption helped guarantee the perpetuation of the clan and provided the parentless child(ren) with loving, caring parents. The adopted child was reared in the traditions of his clan and matured to adulthood with a deep admiration and strong sense of loyalty for his clan. As an adult, the individual devoted his talents and energies to serving the clan. When the individual married, he strengthened the union between his clan and the clan with which it had established marital obligations. As property, objects of value, passed back and forth between clans with marital affiliations,<sup>8</sup> clans were desirous of reinforcing their marital ties with another clan. The offspring of the individual played an instrumental role in maintaining the clan's position in society as well. If the adopted individual was a female, she eventually gave birth to children, increasing the size of the clan. If the adopted individual was a male, he fathered children who would marry his clan relatives, for his children were members of the clan with which his clan had established marital affiliations. As these marital ties provided valuable links by means of which property passed back to the clan, the clan of a



deceased individual eagerly provided the surviving spouse with a new mate, and the children a new parent. A. P. Johnson, Tlingit Elder of Sitka, explained that by keeping adoptions within the clan, the clans also ensured that their blood lines remained pure while making it possible to carry on clan names.<sup>9</sup> Apart from the fundamental desire to care for family members, clan members realized that by adopting the child(ren) of their deceased clan members they were investing in their clan's future well-being, both socially and economically.

A strong bond of affection and close ties of affiliation usually existed between the child and the adoptive parent(s) prior to the adoption. Children grew up interacting with several adults within their clan, for all adult clan members assisted in child rearing, particularly aunts, uncles, and grandparents. Natural parents were not expected to discipline their children; primarily aunts and uncles within the immediate circle of maternal relatives exercised this responsibility. Even when a member of the maternal extended family adopted a child, a close bond existed between the child and the adoptive parent(s), as they were members of the same clan and family.

The terms for maternal extended-family members are identical to those for the immediate family. Mother's mother's sister's daughters were referred to as "little mother," just as mother's sisters; and mother's mother's sister's sons were referred to as "uncles," just as mother's brothers. The child called mother's mother's sister "grandmother," too. When a Tlingit child was adopted, he did not leave his clan or the people he was familiar with, and the child more than likely remained in the same communal house. Many of his relationships with people remained the same. With such close ties of affiliation and affection existing between clan members, it was not surprising that clan members should willingly adopt parentless children belonging to the clan.

Reincarnation is another factor that may have reinforced a clan member's desire to adopt. A child may have been believed to possess the reincarnated spirit of the adopter's deceased mother, brother, sister, or some other close maternal relative. Among the Tlingits, a deceased individual may return as the child of a woman belonging to the maternal line, that is, an individual may be reborn to the clan again. As a young child, the reincarnated individual is said to remember his former life and to express particular fondness for those he was close to in his earlier life; a spe-

cial bond often develops between the child and the person(s) he was closest to in his previous existence. Thus, the belief that a child embodied the spirit of a past relative certainly may have influenced some clan members desire to adopt.

The need to perpetuate the clan, the strong bond between the clan members, and the possibility that the parentless child possessed the reincarnated spirit of a deceased maternal relative, reinforced the clan's desire to take care of its own parentless children. Furthermore, it was a great social disgrace to the clan if it allowed another clan to raise its children.

### THE COMPOSITION OF CONTEMPORARY TLINGIT FAMILIES

The clan kinship structure has undergone major changes resulting from the Tlingits' exposure to and experiences of having first Russians and then Americans live among them. A few families struggle to maintain their identity as clans and attempt to conduct their family affairs by adhering to the customs of their ancestors. The majority of contemporary Tlingits do not recognize the clan as their fundamental family unit. Many of the younger generation are unaware of their clan identity and history and would find it difficult to define their clan membership. In observing the protocol followed at a potlatch, however, one realizes that the elders continue to maintain their loyalty to the clans. Clans are responsible for organizing and sponsoring the potlatch. The host clans treat the guest clans with much dignity, and the leaders among the guest clans give lengthy formal speeches acknowledging the honor and history of the host clans. Clans also are given recognition during Tlingit dances. Some songs are specifically designed to give honor to the clans by having the names of the clans called out during the course of the dance. When a song or dance is known to have originated with a particular clan, the performers usually will acknowledge the clan's ownership of the song or dance. The majority of contemporary Tlingits regard their clan affiliation as merely a ceremonial privilege to be acknowledged during special tribal events.

Contemporary Tlingits have a less encompassing perception of the immediate family, and regard more individuals as significant extended family members, in contrast to their traditional ancestors' regard of clan members and their spouses as comprising

the immediate and the extended family. Most contemporary Tlingits perceive parents, children, and grandparents as the sole members of the immediate family. However, for the many Tlingits living in multiple-family households, their perception of immediate family may include aunts, uncles, and/or cousins. Unlike their traditional ancestors, most contemporary Tlingits acknowledge paternal relatives and the children of the male members of the clan to be as significant to their lives as maternal clan members. For example, father's relatives and brother's children are loved and receive recognition equal to mother's relatives and sister's children. In addition to differing with the traditional Tlingits' universal regard for the clan as the predominant family entity, contemporary Tlingits differ among themselves in terms of their perception of family composition.

Many factors that have contributed to the breakdown of the clan system are responsible for the diversity of views on family composition among contemporary Tlingits. Some of these factors are: intermarriage with non-Tlingits; intermarriage with tribal members belonging to the same moiety; the transience of many Tlingit families; and the influences of a larger non-Tlingit society in which the rights of the individual frequently supersede the rights of the family.

Intermarriages with non-Tlingits have prompted varying perceptions about family composition in at least two specific ways. Elderly Tlingits who in their youth married a non-Tlingit and consequently were ill-treated, even disowned by their relatives may perceive their immediate family of spouse, children, and grandchildren (and possibly the spouse's relatives) as their only significant family. Such couples usually left the Tlingit community and reared their children without an exposure to or an affiliation with the Tlingit extended family network. Children born to a Tlingit father and non-Tlingit mother may have felt further isolated from their Tlingit blood relatives and the Tlingit community in general because like their mother they were not members of a Tlingit clan. As marriage with a non-Tlingit is now more acceptable, and as blood quantum is the determining factor rather than clan membership in the acknowledgment of tribal affiliation, Tlingit individuals who marry a non-Tlingit, and the children born to such couples, do not lose their status as members of the Tlingit community and usually continue to regard their Tlingit relatives as significant members of their extended family.

Although for the most part Tlingits do not disown a relative for marrying a non-Tlingit, that relative and his offspring more than likely will have fewer relatives than the individual who married another Tlingit. Tlingits tend to have ties of commitment to the relatives of their spouse or to the relatives of their family member's spouse, if those relatives are Tlingit as well. For example, it is not uncommon for a man to provide his sister's husband's parents with gifts of fish or game. This sense of commitment between the families of a married couple probably results from the traditional practice of regarding marriage as a union of the two clans as well as that of the two individuals. Although most Tlingits would not recognize the relatives of a family member's spouse as being significant extended family relatives, generally ties of affiliation, and perhaps obligation, develop that are not common in many non-Tlingit cultures. Consequently, those Tlingits who marry non-Tlingits, or are the children of such intermarriages, may not have the broad supportive family network which a Tlingit couple, their children, and their Tlingit relatives may draw upon and define as their extended family.

Intermarriages between Tlingits belonging to the same moiety continue to be unacceptable for many Tlingit families. However, the number of such marriages is increasing. Traditional members of a clan may have disowned and continue to disown a relative who marries someone of the same moiety. For the majority of Tlingits entering such a marriage, their respective families may express their displeasure with the couple's common moiety affiliation but will allow the marriage to occur and will learn to accept it. For many families, the shared moiety affiliation of a couple is not relevant in terms of their support of a marriage. Couples sharing common moiety affiliation may differ in terms of who they define as family on the basis of their respective families' ability to accept the marriage.

The mobility of contemporary Tlingits has lessened the significance of the extended family in the lives of many Tlingit individuals. With families spread throughout Southeast Alaska and the United States, it is not feasible for many extended family members to be actively involved in the lives of their relatives. When a majority of relatives remains in a given community, it is more likely that the family will maintain a sense of commitment and responsibility to the well-being of the individuals within the extended family. Consequently, one's physical proximity to the

extended family during one's lifetime may be a determining factor as to whether one defines one's relatives as being significant extended family members.

The American devotion to the rights and privileges of the individual has seriously threatened the strength of the Tlingit extended family by undermining the traditional clan value of placing the needs of the family before those of the individual. As previously noted, the clan in traditional Tlingit society was very effective in channeling the behavior of the individual for the mutual benefit of the clan and the individual. Many contemporary Tlingits do not feel comfortable with becoming significantly involved in the lives of their relatives, for they have been conditioned to believe that it is "none of their business." Consequently, a growing number of contemporary Tlingit family units do not act cohesively to support the needs of their relatives. As relatives become less involved in the life of the individual, the latter is more likely to prioritize his needs over those of his immediate family and is less likely to regard his relatives as being part of his significant extended family.

The factors described above have diminished the role of the clan and individual extended family members in the life of the Tlingit individual. One's adherence to Tlingit social customs (i.e., marriage laws and familial obligations within the clan or family unit), one's geographical proximity to relatives, and the degree to which one has been influenced by non-Tlingit values all act and have acted as determining factors in shaping the Tlingit individual's perception of family composition. As these and other related variables differ among Tlingit individuals and family units, perceptions about the composition of the immediate and extended family vary significantly among Tlingit individuals, and an individual's perception may also alter with circumstances.

#### ADOPTION AND FOSTER CARE PRACTICES AMONG CONTEMPORARY TLINGITS

Unlike the youth in a traditional Tlingit society who were adopted only upon the death of a parent, contemporary Tlingit youth are separated from their parents and placed in the custody of others for various reasons, such as a relative's decision to assume custody because the relative regards the child's parents as

unfit to care for the child; a state court decision that the parents have caused the child to be neglected (most common finding), sexually abused (frequent finding), or physically abused (infrequent finding);<sup>10</sup> or a mother's voluntary relinquishing of parental rights. The separation from the parent may be temporary as in foster care arrangements, but in reality, many of these separations become permanent, as in the relinquishing of parental rights, whether voluntary or court ordered.

Tribal and state social workers are cognizant of the large number of "cultural adoptions" which occur without the intervention of governmental agencies. Relatives will decide that a particular family is dysfunctional and will assume custody of the children, with or without the parents' initial approval. Many of these cultural adoptions do not become legal, and the relatives will care for the children without involving state or tribal agencies. The commitment exhibited by these relatives is not limited to caring for children belonging to their own clan, as was true for their Tlingit ancestors, but extends to relatives outside the clan. For example, one is just as eager to care for one's brother's children as for those of one's sister. The majority of contemporary Tlingits are just as willing to provide alternative care for the youth in their extended family as their traditional ancestors were willing to care for and adopt clan children.

The Tlingit child's relatives are also eager to seek custody of the child when a state or tribal court has determined the child to be a "child in need of aid" (i.e., in need of alternative care; to date, Sitka is the only community which operates an Indian child welfare tribal court in Southeast Alaska). State courts become involved in the custody of Tlingit children when the Department of Health and Social Services has sufficient cause to suspect that the parents have caused the child to be neglected or abused. Barry Gross, the state adoption case worker for Southeast Alaska, believes that in over 90 percent of the cases involving Tlingit families, the neglect or abuse is alcohol related.<sup>11</sup> Prior to the enactment of the Indian Child Welfare Act, an overwhelming majority of Tlingit youth, involuntarily separated from their families by court order, were placed in non-native foster and adoptive homes, generally outside of their villages. In giving parents, the tribe, and Indian custodians the right to intervene in state court proceedings pertaining to the foster-care placement of or the involuntary termination of parental rights to a Tlingit child, ICWA

has made state social workers and judges more sensitive to the tribe's desire to keep Tlingit youth within their own community. A dramatically greater number of Tlingit children are being placed in Tlingit homes.

In granting tribes the right to intervene in state court proceedings, ICWA has also directed tribes to establish guidelines for state courts in determining the custody of an Indian child. Tribes need to establish the following guidelines in order to enable themselves to better secure their childrens' right to remain within the native community:

1. a tribal and/or village membership enrollment, clarifying the requirements which have been met to establish such membership,
2. a definition for extended family which identifies the composition of the extended family,
3. family placement preference lists defining the order of preference to be followed when placing a youth in a foster or adoptive home and
4. child protection codes which define unacceptable parental behavior in relationship to given children.<sup>12</sup>

The state superior courts and the Alaska Supreme Court are eager for Alaska Natives to establish such guidelines. If the guidelines are to be accepted by the courts, however, they first must be accepted by the members of the tribe. For Tlingits, an inherent conflict exists in the requirement to act as a cohesive entity in establishing a uniform set of definitions, placement priorities, and codes that reflect the customs of contemporary Tlingits. Although the villages allow the regional tribal governing non-profits to provide ICWA services locally, they have not directed the regional non-profits to develop a comprehensive plan for the implementation of ICWA. A majority of the village leaders are now becoming aware of their tribal rights under ICWA and have not decided whether they want to exercise their right as a tribe to provide ICWA services themselves, via the local Indian Reorganization Act (IRA) Council. Some IRA's, like the Sitka Community Association, may choose to establish their own Indian child welfare tribal court. Many contemporary Tlingit village leaders are striving for political self-determination at a local level and probably would resist efforts to standardize the implementation of ICWA in the villages. Many village leaders

would be equally reluctant to engage in a collective approach to establish guidelines designed to reflect the customs of all Tlingits.

If the tribal governing entities in Southeast Alaska do decide to work collectively in establishing guidelines for the state courts, they probably will find it difficult to reach a consensus on the following three issues:

1. requirements for tribal membership at the village level,
2. a definition of the composition of the extended family, and
3. an order of preference to be followed when placing a child in a foster or adoptive home.

If villages are to provide ICWA services locally through their IRA Councils, they must be able to provide the Bureau of Indian Affairs with a list of their tribal members. They must also specify what requirements were met to become a tribal member. These requirements ought not to conflict with the requirements of another village. For example, if the birth of a parent in a particular village, one's own birth in a village, and one's residency in a village for a year each were qualifying factors for membership in three separate villages, the villages could conceivably all claim the given individual as a member of their tribal entity:<sup>13</sup>

1. As father and the individual were born in village A, the individual is considered a member of this village.
2. As mother and the clan relatives were born in village B and as the individual inherited his clan identity from his mother, the individual is considered a member of this village.
3. As the individual spent the last year living in village C, he is considered a member of this village.

With the potential for even more conflicting variables, it would be nearly impossible for each village tribal entity to establish its own membership and residency requirements without overlapping with another village's membership list. Yet, the state courts and the BIA need to refer to such residency requirements if they are to give notice to the child's "tribe" when the child is involved in a court proceeding pertaining to his foster care placement or the involuntary relinquishing of the parental rights of his parents.

Determining a universally accepted definition of the composition of the extended family would also be difficult. As was noted in the previous section, contemporary Tlingits have different per-



ceptions among themselves regarding the composition of the extended family. This variance in the perception of the extended family would complicate the task of defining an order of preference for the placement of a Tlingit youth in an extended family home. Furthermore, Tlingits probably would not agree on where to place non-Tlingit extended family relatives on a preference list. For example, some Tlingits might advocate that a child born to a Tlingit mother and a non-Tlingit father be placed with Tlingit relatives, as the Tlingit individual acquired his clan identity from his mother. If such a policy were accepted, a Tlingit child born to a non-Tlingit mother and a Tlingit father would be placed with the non-Tlingit relatives. Although the logic behind this approach of granting maternal relatives the custody of a child is culturally relevant in terms of the Tlingits' traditional methods for handling adoptions, many contemporary Tlingits do not distinguish between relatives on the basis of clan membership and would not be willing to give preference to non-Tlingit relatives in the above described situation. With so many different variables to consider, Tlingit individuals might be extremely wary of committing themselves to guidelines and policies that might result in unacceptable placement preferences for their children.

With respect to the formation of child protection codes, most government agencies rely on the passage of child protection statutes by their legislative body. As Tlingits have a proliferation of different tribal governing bodies, the majority of which represent unique Tlingit constituencies, no one existing entity is empowered to adopt child protection codes that would reflect the customs of all Tlingits. Ideally, each tribal governing entity would prioritize and participate in a cooperative effort to draft such codes. The individual tribal governing entities would need to consider the formal adoption of the child protection codes, and if all the tribal governing bodies decided to formally adopt the codes they would need to publicize the adoption of such codes before state courts would be willing to accept them as guidelines reflective of the customs of Tlingit people. Without the establishment of uniform definitions, preference policies and child protection codes, judges will continue to make child custody decisions based on their interpretation of the customs of contemporary Tlingits. The existence and the utilization of the guidelines would clarify the customs of the Tlingit people from their perspective and would increase the judges' likelihood of making de-

cisions that are culturally relevant for Tlingit youth. The tribal governing bodies are currently unable to act as a cohesive entity for the establishment of ICWA guidelines for themselves and the state courts. This inability, and the lack of a universal approach among the Tlingit tribal governing bodies for exercising their authority under ICWA, compromise their ability to maximize both their rights as a tribe and the rights of the Tlingit children through the implementation of ICWA.

Another inherent conflict in ICWA as implemented in Southeast Alaska pertains to the requirement that state agencies must first attempt to rehabilitate families before seeking to remove the child from the family. Given the inability of the present social service system to provide intensive counseling, it is not feasible for the state to rehabilitate families successfully. As Southeast Alaska state adoption caseworker Barry Gross has stated, "sometimes, several years pass with ineffective methods to rehabilitate the family . . . the end result . . . [being] a case history documenting how the child became emotionally messed up."<sup>14</sup> Gross has implied that state social workers spend, on the average, one hour per week meeting with a given family. To become rehabilitated, the families require much more intensive counseling.

The traditional clan system provided intensive counseling for the individual and his loved ones. The adult clan members, who often lived in the same community house, role-modeled healthy family communication skills and gently influenced the behavior of the individuals and their loved ones. The traditional individual had a large support group that was constantly aware of and responding to his actions. As the clans no longer exert such intimate influence on the lives of their individual members, it would be impractical to expect the clans to provide the intensive counseling the families so desperately need. However, caseworkers might find the concepts of role modeling and living among their clients to provide an "I'll walk you through this experience" approach to intensive counseling to prove successful in rehabilitating some families. Tribal governing bodies might consider operating a housing complex in which the families and the counselors live in separate apartments but counseling occurs in the housing complex, on an ongoing basis.<sup>15</sup> Also, as the tribal governing bodies prove successful in contracting for state social service programs, they may be able to provide more intensive

counseling on a local basis—by hiring and training local villagers—than the state social workers are able to provide during their periodic visits to the villages.

The State of Alaska practice of extended family members to become recipients of the Aid to Families With Dependent Children (AFDC) program rather than licensed foster care parents indicates the state's eagerness to minimize its involvement with and financial support of extended family members who care for a relative's child. Oftentimes, relatives will decide not to apply for financial support under the AFDC program due to the perceived stigma of appearing to be a welfare recipient. If they are aware of the parents' legal responsibility to reimburse the state for monies administered under the AFDC program for the benefit of their child, the relatives usually are more adamant about not applying for AFDC.<sup>16</sup> This consequently jeopardizes some Tlingit children's ability to remain in an extended family member's home, when that family's financial situation is not stable. If the State of Alaska would facilitate the foster parent licensing of extended family relatives, children placed with financially insecure relatives would have a greater chance of remaining in the latter's custody.

As we have seen, a mother's voluntary relinquishing of her parental rights is another reason why some Tlingit children find themselves in the care of others. The mother is often a young, single female who feels incapable of caring for her infant. According to the state adopting caseworker for Southeast Alaska, Barry Gross, a significant number of these women request that their child be adopted by a non-native family, believing that non-natives will be better able to care for the child. The state judges generally respect the wishes of the mother. In the traditional clan system for adoption, a child's well-being was entrusted to the clan as well as to the mother. A traditional Tlingit female did not have the license to request that someone outside the clan care for her child. Contemporary Tlingit women who decide to relinquish their parental rights need to be made aware of the existence of fine adoptive Tlingit families and of the benefits to the child's sense of identity of having the child remain in the Tlingit community.

Tlingit youth today find themselves in the care of others because the parent, a relative, or a state court has decided that the parent is temporarily or permanently unable to provide adequate

child care. Many complex issues, such as placement preferences, requirements for tribal membership at the village level, the foster care licensing of extended family members, and the necessity for culturally relevant intensive counseling services for dysfunctional families need to be addressed by all of the Tlingit tribal governing bodies in Southeast Alaska if the rights of Tlingit youth and the tribe are to be fully exercised under ICWA. Although ICWA is designed to promote the stability of Indian tribes by establishing placement standards that require the foster or adoptive home to reflect the values of the Indian child's culture, the tribes need to take specific actions to facilitate and ensure their children's right to remain in the native community.

### CONCLUSIONS

The clan nurtured commitment to caring for one's relatives' children is widely prevalent among contemporary Tlingits, despite the fact that many clans no longer function as the primary family unit and have lost much of their authority and influence in directing the behavior of the individual. The majority of contemporary Tlingits are willing to adopt or provide temporary care for children who are relatives, regardless of the children's clan identity. Traditional Tlingits may be less willing to adopt or care for relatives who are not members of the clan, particularly if other complicating factors are involved. For example, Judge Roger Peques, of the Juneau Superior Court, presided over an unusual adoption case in which the natural parents belonged to the same moiety and parented an illegitimate child. The child's parents' families were so ashamed of the birth of the child that none of the relatives belonging to the natural parents' immediate families nor any of the extended family relatives belonging to their clans were willing to adopt the child. Fortunately, a third-cousin removed of one of the natural parents, who belonged to another clan of the same moiety, was willing to adopt the child.<sup>17</sup> This case was particularly unusual because the family of each natural parent held traditional Tlingit values that tabooed both the birth of an illegitimate child, the *nick ca yadi*, and the union of two individuals belonging to the same moiety. The majority of contemporary Tlingits, however, would be willing to adopt the child of an extended family member without qualification.

Although it is not desirable to emulate the clan's abandonment of the illegitimate child, other traditional clan practices are worthy of incorporation into the lives of contemporary Tlingits. Contemporary Tlingits may find value in revitalizing some of the following practices: placing the needs of the family before those of the individual; working cohesively with other relatives to address the needs of a troubled family member; and maintaining a sense of personal responsibility for the rearing of all children within the extended family network.

Traditional Tlingits devoted their energies to serving the needs of the clan. The individual deferred to the wishes of the clan in nearly every aspect of his life. Contemporary Tlingits, however, are increasingly influenced by non-native cultures, which value the wants of the individual over the needs of the family. Perhaps if the Tlingit community were to revitalize the value of devoting one's energies to serving the family, an increasing number of contemporary Tlingits might pursue activities designed to strengthen the immediate family. More family members would struggle to meet the needs of their family as opposed to focusing on their individual wants. Tlingit families would become more stable, and fewer Tlingit children would find themselves in alternative care.

The traditional Tlingit had a large supportive network of clan relatives with whom he regularly interacted. The clan members worked together to influence and direct the individual clan member's behavior. Although clan members no longer exert such influence on the life of the individual, Tlingit family units might possibly work together to address the needs of a troubled relative and his immediate family. Family life, and specifically the rearing of children, are probably much more stressful for contemporary Tlingits than was the experience of their ancestors. Traditional Tlingits shared parenting responsibilities with a number of other adults, such as aunts, uncles, and grandparents, all of whom usually lived in the same community house. As contemporary Tlingit families do not have such close ties with their extended families, the parents assume all the responsibility for rearing their children. Most contemporary Tlingit families vitally need the continued support of their extended family relatives. Positive interactions with extended family relatives strengthen the stability of individual family units.

In a traditional Tlingit society, all the adults within the clan were expected to participate in the rearing of the clan children. The adults worked as a team to ensure the well-being of each child belonging to the clan. Contemporary Tlingits should strive to maintain this sense of personal responsibility for the well-being of all children within the extended family network. Children who frequently have positive interactions with adults within their extended family are likely to develop a strong sense of security and self worth.

Traditional Tlingits regarded it as a great social disgrace if someone outside the clan assumed responsibility for rearing their clan children. If contemporary Tlingits enlarged their sense of responsibility to include caring for all Tlingit children, Tlingit youth would always be placed in a Tlingit foster or adoptive home, unless the natural parent specifically requested otherwise. The Tlingit community must promote a sense of responsibility for caring for all children within the tribe in order to ensure the right of all Tlingit children to remain in the native community. Tribal members must come to regard it as a cultural disgrace for their youth to be placed with non-Tlingit foster or adoptive families, unless the placement family happens to be related to the child.

To further ensure the right of Tlingit youths to be placed in a Tlingit foster or adoptive home, the Tlingit tribal governing bodies must take action to maximize the decision making authority which ICWA allows them with respect to adoptions and foster care placements. Ideally, Tlingit tribal governing bodies must agree to draft and adopt a universal approach to implementing ICWA in Southeast Alaska. With diminishing federal resources allocated for the implementation of ICWA, tribes must utilize the allocated funds as efficiently as possible. Rather than developing tribal courts in each Tlingit community, the tribal governing bodies might create one or two regional tribal courts, each serving a number of native communities. The adoption of Indian child welfare tribal courts would expand the tribe's sovereignty over the lives of its children. The tribal courts would be responsible for determining whether a parent's actions warrant separating a child from his family. If the separation is to occur, the court would select an adoptive or foster care placement family for the child.

If the tribal governing bodies decide not to exercise the option of creating tribal courts, or if the Bureau of Indian Affairs refuses to recognize the tribal courts, the tribal governing entities might pool their resources to allow a regional non-profit tribal governing body to coordinate and manage ICWA advocacy services throughout Southeast Alaska. The regional tribal governing body could either subcontract with local IRAs or provide the ICWA services directly through employees recruited from within the villages. Such a cooperative venture would allow the regional non-profit governing body to strengthen its advocacy role in state court proceedings regarding the involuntary separation of Tlingit youth from their parents. With more resources to draw upon, the regional tribal governing body would more fully develop its expertise in implementing ICWA and would intervene in more state court proceedings regarding the foster care placement of a Tlingit child, or the termination of parental rights for the parent(s) of a Tlingit child. By adopting a collective approach to implementing ICWA, the tribal governing bodies would ensure that the tribe, as a whole, could achieve the greatest possible impact on state courts.

The tribal governing entities need to work together to establish guidelines for use by state courts in their application of ICWA. These guidelines need to clarify the customs of the Tlingit people in terms of the composition of the extended family; the order of preference to be followed when placing a child in a foster or adoptive home; and the specification of unacceptable parental behavior (i.e., child protection codes). Tlingit child protection codes would provide judges with a framework for deciding whether the parents' inappropriate actions warrant separating them from the child. Guidelines identifying the composition of the extended family and the order of placement preference would assist judges in selecting culturally appropriate foster or adoptive homes.

The proliferation of Tlingit tribal governing bodies and their desire for sovereignty at a local level have compromised the ability of the Tlingit people to act as a cohesive entity in establishing uniform ICWA guidelines for themselves and for the state courts. As the majority of Tlingit governing bodies do not realize the value of adopting a joint approach to exercising their authority under ICWA, it will be difficult for the Tlingit people

to maximize their rights as a tribe and the rights of all Tlingit children in the implementation of ICWA.

The Indian Child Welfare Act is similar to the traditional clan system for adoption in that both are designed to promote the stability and security of native families and the native community. ICWA facilitates the perpetuation of the tribe by mandating that state courts follow directives designed to allow native children to remain in the native community. In making it possible for tribes to establish Indian child welfare tribal courts, ICWA further enhances the opportunity for native children to remain in the native community by giving the authority for adoption and foster care decision making back to the tribe. To fully realize the benefits of ICWA, the Tlingit people will have to overcome inherent conflicts that prevent them from acting as a cohesive entity, adopting a universal approach to implementing ICWA as a tribe and establishing uniform guidelines for themselves and the state courts. ICWA challenges contemporary Tlingits (and their tribal governing bodies) to adopt the traditional clan approach of working together, not as clan members but as tribal members, to ensure the well-being of all Tlingit youth.

#### NOTES

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1. Discussion with Wally Olson, Professor of Anthropology, University of Alaska, Juneau, Alaska, 10/06/78.

2. O. M. Salisbury, *Customs and Legends of Tlingit Indians of Alaska* (New York: Superior Publishing Company, 1962), p. 230.

3. Discussion with Nora Dauenhauer, Principal Researcher for Language and Cultural Studies Program, Sealaska Heritage Foundation, Juneau, Alaska, 07/31/85.

4. Discussion with Esther Littlefield, Tlingit Elder, Sitka, Alaska, 07/27/78.

5. Discussion with Wally Olson, Professor of Anthropology, University of Alaska, Juneau, Alaska, 10/06/78.

6. Frederica de Laguna, "Tlingit Ideas About the Individuals," *Southwestern Journal of Anthropology*, Vol. 10 (1954), p. 173.

7. *Ibid.*, p. 173.

8. Kalervo Oberg, *The Social Economy of the Tlingit Indians* (Seattle: University of Washington Press, 1973), pp. 35-38.



9. Discussion with A. P. Johnson, Tlingit Elder, Sitka, Alaska, 07/27/78.
10. Telephone interview with Barry Gross, Southeast Alaska State Adoption Caseworker, Ketchikan, Alaska, 08/28/85.
11. Ibid.
12. Myra Munson, "The Indian Child Welfare Act: How Communities Can Make It Work," Tlingit and Haida Tribes of Alaska, Central Council: Southeast Child Protection Symposium, Juneau, Alaska, 08/29/85.
13. Ibid.
14. Telephone interview with Barry Gross, Southeast Alaska State Adoption Caseworker, Ketchikan, Alaska, 08/28/85.
15. Discussion with Betty John, Director Family Services, Seattle Indian Center, Juneau, Alaska, Summer 1978.
16. Discussion with Andrea Laiti, Indian Child Welfare Worker, Department of Human Services, Tlingit and Haida Tribes of Alaska Central Council, Juneau, Alaska, 08/07/85.
17. Discussion with the Honorable Roger Pegues, Judge, Superior Court State of Alaska, First Judicial District, Juneau, Alaska, 08/28/85.