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LAW-WAYS OF THE PRIMITIVE ESKIMOS

E. Adamson Hoebel¹

I. Social Organization

"Too much thought only leads to trouble . . . We Eskimos do not concern ourselves with solving all riddles. We repeat the old stories in the way they were told to us and in the words we ourselves remember . . . You always want these things to make sense, but we do not bother about that. We are content not to understand."²

Though the Eskimo does not subject himself to self-analysis, nor consciously try to formulate a logically consistent system of social behavior, when such an analysis is attempted by the anthropologist, Eskimo behavior is found to make sense.

Anthropologists are unanimous in their admiration of the Eskimos. Their culture represents one of man's most ingenious devices for meeting the exigencies of a difficult physical environment. Within the limits set by a miolithic³ culture, they reveal a remarkable precocity in subsistence techniques.⁴

Yet, because of the limitations imposed on a miolithic society existing self-sufficiently in the Arctic, the social group is small in size and representa-

tive of the organization of the world's rudest peoples.⁵

Though we speak of "the Eskimos," there is no Eskimo nation, or even tribe. The largest effective Eskimo social unit is the village community, or local group. The size of the local group changes with the seasons and the individual whims of those who make up the population, but rarely does the explorer find more than a hundred Eskimos to a community. No village site is continuously occupied by its whole population, for at all times some persons are off hunting or visiting. With population density varying from something like sixty-five to two hundred square miles of territory per person, settlements are far apart, but mobility and the traveling habit make inter-visiting the thing, so that the community personnel is ever changing.

Each local group has its Eskimo designation, which is compounded of a place name and the "muit" suffix, meaning "people of."

The practice of lumping the hundred or more local groups into seventeen larger geographical-cultural units is the ethnologist's handiwork, not the Eskimo's.⁶

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² Rasmussen (1929), p. 69. The words are those of an Iglulik Eskimo.

³ Miolithic is the middle stone age; cf. O. Menghin, *Vorgeschichte der Steinzeit*. Vienna, 1931.

⁴ A comprehensive and compact account of Eskimo material culture may be found in any of the following: Weyer, E., *The Eskimo*, Chapters, II-VIII (pp. 11-127); Murdock, P., *Our*

Primitive Contemporaries, Chapter VIII (pp. 192-219); Forde D., *Habitat, Economy, and Society*, Chapter VII (pp. 107-128).

⁵ By "rude" is here meant "simple," which in turn is meant to imply not low intelligence, but merely a low degree of complexity in the cultural whole. Anthropology has been waggishly defined as "The study of rude cultures by rude people."

⁶ The Eskimo Groups and Distributions are as follows:

1. Aleut: *Atka* on Andreanov, Rat and Near Islands. *Unalaska* on the Alaska Peninsula up to Cape Stroganov on the north and Pavlov Bay on the south, also on Fox and Shumagin Islands. Transplanted by the Russians to Kodiak Island.

2. Pacific Eskimos: *Palugvirmiut*, *Nutjirmiut*, *Alukarmiut*, *Atjarmiut*, *Tatitlarmiut*, *Kangirtlurmiut*, *Tjanirmiut*, *Shuqlurmiut*, all located on Prince William Sound. Collectively dubbed *Chugach*. *Qiqertarmiut* on Kodiak Island and the nearby mainland.

3. Asiatic Eskimos: *Nookalit* at Cape Dezhnev. *Aiwanat* at Cape Chukotsk. *Wuteelit* at Cape Ulakhapen. *Siorarmiut* on St. Lawrence Island.

4. Bering Straits Eskimos: *Aglemiut* and *Nushagagmiut* on Bristol Bay. *Kuskokwigmiut* on the lower Kuskokwim. *Nunivagmiut* on Nunivak Island and the coast opposite. *Kaiatigmiut* and *Macemiut* in the delta of the Kuskokwim and Yukon. *Kuigoagmiut* (Ikogmiut) by the lower Yukon. *Ungalardlermiut* and *Qaviasamiut* by Norton Sound. *Tikerarmiut* at Point Hope.

5. Colville Eskimos: *Kuvagmiut* at Kobuk River. *Nunatagmiut* at Noatak River. *Kangiannermiut* at Colville River. *Utorqarmiut* at Otukak River.

6. Point Barrow Eskimos: *Kugmiut* near Wainwright Inlet. *Utqiarfingmiut* at Cape Smyth. *Nuvungmiut* at Point Barrow.

7. Mackenzie Eskimos. *Qiqertarmiut* about Herschel Island. *Kugoamiut* at the mouth of the Mackenzie River. *Kitikarjumiut* in Liverpool Bay.

8. Copper Eskimos: *Kangerjuatjamiut* at Minto Inlet. *Kangerjuarmiut* at Prince Albert Sound. *Piuvlermiut* (Ahungagungarmiut) at Dolphin and Union Strait. *Nuvungmiut* at Cape Krusenstern. *Nagjugtormiut*, *Kidlinermiut*, *Qorlortormiut*, and *Agiarmiut* at Coronation Gulf. *Egalugtormiut* at Dease Strait. *Umingmagtormiut* on Kent Peninsula. *Ahiarmiut* at Queen Maude Gulf.

9. Netsilik Eskimos: *Ilvilermiut* (Ugjulingmiut) on Adelaide Peninsula. *Utkuhigjalangmiut* at lower Black River. *Netsinglimiut* on Boothia Isthmus. *Arvertormiut* at Bellot Strait. *Arvilijarmiut* at Pelly Bay.

10. Caribou Eskimos: *Qaernermiut* at Baker Lake and Chesterfield Inlet. *Hauneqtormiut* in Ranken Inlet. *Harvaqtormiut* on the lower Kazan River. *Padlimiut* south of the river to the timber line.

11. Iglulik Eskimos: *Aivilingmiut* at Repulse Bay and Roe's Welcome, lately on Southampton Island. *Iglulingmiut* on the east coast of Melville Peninsula and at Fury and Hecla Straits. *Tununermiut* at Pond's Inlet.

12. Southampton Eskimos: *Sadlermiut* on Southampton Island. Extinct in 1903.

13. South Baffin Islanders: *Akudnirmiut* at Home Bay. *Oqomiut* at Cumberland Sound. *Ungumiut* at Frobisher Bay. *Akuliarmiut* and

Sikosuilarmiut on the north side of Hudson Strait. *Itivermiut* on the east coast of Hudson Bay.

14. Labrador Eskimos: *Serqinermiut* on the Atlantic coast. *Tarrarmiut* on the south side of Hudson Strait.

15. Polar Eskimos: Northwest coast of Greenland from Humbolt Glacier to the northern part of Melville Bay. Local groups not identifiable as separate tribes.

16. West Greenlanders: The west coast of Greenland between Melville Bay and Cape Farewell. Though there are a great number of local groups, no tribal feeling exists at present.

17. East Greenlanders: *Angmagssalingmiut* at Angmagssalik Fjord and Scoresby Sound.

From Birket-Smith. *The Eskimos*, 225-26.

From the Pacific, across North America to the Atlantic these larger units are as follows: Aleut, Pacific, Asiatic, Bering Straits, Colville, Point Barrow, Mackenzie, Copper, Netsilik, Caribou, Iglulik, Southampton, South Baffin Islanders, Labrador, Polar, West Greenland and East Greenland Eskimos.

Space, or locality, is the prime divisional determinant, because the culture is so uniform over such a wide area; trait transition from one group to another is so gradual that trait lines of demarcation cannot be readily established.

This article deals with Eskimo law, and treats, therefore, the law of a culture area.⁷ However, due to variations in different districts, it will be necessary to ascribe illustrations and practices to specific Eskimo groupings. This may result in a partial blurring of the picture, but the scarcity of adequate information from any single group makes such a procedure a necessity.

Though the Eskimo local group is by its nature territorially defined, extensive local endogamy builds up strong kinship ties within the community;

⁷ "The concept of culture areas has been developed as a device for describing the typical common characteristics of culturally related

tribes." (Boas, "Anthropology," in the *Encyclopedia of the Social Sciences*, II, 105 b.).

social solidarity results from the combination of consanguineal and locality sentiments.⁸ The intimacy within the group is intensified by the nature of the household. With the exception of the Polar Eskimo, throughout all Eskimoland two or more families crowd (i.e. about twenty persons to a hut⁹) into a single dwelling in the winter settlements.

Within the household each family is apparently autonomous, the adult males working on a cooperative basis. Ideologically, each married man is *pater familias*. He may deal with his wife and children as he sees fit, but most men are inclined to act with consideration. Public gossip and religious belief place a restraint on those who incline otherwise. So, in the education and training of the young, example and demonstration prevail, while corporal punishment and scolding are avoided. Each Eskimo has a name-soul, which has been inherited from a deceased ancestor. The child needs this soul to guide and protect it, for the self-souls with which the child is born are so foolish and inept that the baby needs an experienced adult soul to carry it through the early years of its parlous existence. The adult soul is an ancestral soul, therefore the child is privileged; for to strike, or even to scold, a child may annoy its patron-spirit, which forthwith abandons its protege.

Riding in its mother's parka, peering at the world from under its mother's hood, the Eskimo child is intimately

associated with adult life from its earliest years on. No nursery or formal school is necessary, for the infant's home is a one-room iglu "where the whole range of domestic economy and family experience passed before him and gave him a part in the enterprise."¹⁰ Skills are learned from father and mother as soon as the child is physically able to master them, the learning being facilitated by miniature weapons, dog sledges, kayaks, lamps and all other tools used as toys.

So direct and intimate experience in so limited a social world, in which sharing and economic cooperation are the supreme virtues, makes all individuals (excepting the abnormals) extremely sensitive to social pressure. The fundamental problem of control is solved at this point. It means that the need for an elaborated law system is forthwith forestalled. It is sufficient, for the most part, that ridicule and disapproval in "public opinion" are effective goads to conformity. This accounts for Birket-Smith's judgment, "if there is anything that can disturb the mind of the Eskimo, it is the prospect of standing alone against the crowd."¹¹

II. Property Notions

The principle of intra-communal inter-dependence is reflected in all Eskimo folkways of material property. Land is not property in any form. Nor is there local group sovereignty applied to territory. Any one, whatever his local group, may hunt where he pleases,

⁸ Jenness, 86.

⁹ Weyer, 206.

¹⁰ Anderson and Eells, 89 b. In western Alaska

young boys spend many hours in the *kazigi* (men's community club-house) where the adult males gather and work when not out hunting.

¹¹ Birket-Smith (1936), pp. 54-55.

for the idea of restricting the pursuit of food is repugnant to all Eskimos except those of western Alaska, where individualistic property notions of the Northwest Coast Indians are said to have influenced Eskimo practices. Typical are the ethics of the Labrador Eskimos, among whom a family, though it has been in possession of a fishing station for a number of years, would move to another spot rather than start a quarrel with a new arrival.¹²

Eskimo interest is in game *per se*; land is ignored and non-conceptualized: therefore, not property, neither communal, nor private.

Food is privately owned. But the fresh-killed game is subject to many special rules of communal division. Thus, the Baffin Islander: "who first strikes a walrus receives the tusks and one of the forequarters. The person who first comes to his assistance receives the other forequarter; the next man, the neck and head; the following, the belly; and each of the next two, one of the hind quarters."¹³ Multifarious rules of this sort abound among all Eskimos. Each set of rules establishes as a whole, by establishing, detail by detail, a series of first rights, a sort of a public lien on all game. Birds, fish and most small game are not subject to such claims.

At all times, however, visitors must be fed. And he who has no food visits! Proprietary rights to food exist in title, but hospitality negates any possible gustatory exclusiveness.

Chattels of all sorts are, on the other hand, subject to personal proprietorship. This involves the privileges of disposal of one's goods through gift, sale, barter, or testament. But, as in the case of food, proprietary rights are subject to broad socializing conditions. In Greenland a person already possessing a tent or umiak (large skin boat) may not inherit either of these articles, on the ground that he cannot use more than one. So also on Bering Strait, "if a man borrows from another and fails to return the article, he is not held to account for it. This is because if a person has enough property to enable him to lend it, he has more than he needs."¹⁴ The borrower is indeed expected to return what he has appropriated, but is not liable if he fails to do so.

Only in western Alaska does social custom permit an individual to accumulate non-productive capital. The Alaskans, who observe elaborate birth and memorial festivals in common with the Indians of the Northwest Coast, use these ceremonial occasions as instruments for lavish gift-giving. A man must be able to accumulate property to be able to give it. The men who are astute enough to be able to collect property for distribution all bear the title *umialik*, "boat owner," synonymous in meaning to "rich man," or even "leader." For he who owns the umiak gets the greater share of the sea chase, and more than that, can organize trading expeditions.

¹² Hawkes, 25. And even for western Alaska Dr. Margaret Lantis reports that when Eskimos from the mainland came to hunt on Nunivak Island, it never occurred to the Nunivakers to object to or apparently even to resent, the intru-

sion, though the supply of game was limited. (Oral communication.)

¹³ Boas (1907), p. 116.

¹⁴ Nelson, 304.

However, Eskimo collectivism ultimately holds all persons to the common level of wealth, even in Alaska. A man is permitted to accumulate property only so long as he is held a public benefactor—which means that what he has gained he gives away. He who does this is encouraged in his efforts towards leadership. But woe to him who accumulates too much property, who keeps his gains for himself. He is believed not to be working for the common good. In consequence he is hated. Ultimately, he is forced to give a feast on pain of death. If he is executed, his property is divided among all the village, his family excluded. If he gives a feast he must distribute his property with his own hand.

By bullying and terrorism, an *umialik* may put off the day of reckoning, especially if he keeps his personal following loyal with largesse, but his position is always precarious, and he ultimately pays with his goods or/and his life.¹⁵

Thus, in material goods the Eskimos practice commonism at least, if not communism. Supernatural formulas, however, are Eskimo incorporeal property of the most abstract sort. Amulets have value, not as decorative objects, but for their intangible potency. The market value of such incorporeal property is great if the amulet or formula is of proved potency in Eskimo experience. In parts of Greenland the efficacy of the power depends partly on the price paid for the "copy-right"¹⁶—a theory of value not unknown to us! The Iglulik and others may effect

transfer of incorporeals by donation for use after death, in which case the bequeather must whisper the phrases while yet living, the beneficiary to attain unconditional privilege of use only after the death of the donor.¹⁷

So far as one can tell from available sources, little legal action stems from matters of property. Rather, the focal point seems to be violence to the person.

III. Leadership

The aboriginal Eskimos had no government. Two types of functionaries provide a degree of social direction, a minimum of which is present in all societies. These persons are the headman and the shaman. The Eskimo headman is best hunter of the community, whose unflagging energy and superior skill sets the pace for all others; he who, as well, possesses the personality to influence others to acceptance of his judgment. He it is who is "tacitly, half-unconsciously recognized as first among equals." Among the Caribou Eskimos he is called *ihumatak*, "he who thinks" (implying thinking for the others); among the Unalit they call him *anaiyuhok*, "the one to whom all listen," or as among the Baffin Islanders, *pimain*, "he who knows everything best." In western Alaska the headmen are those who "by their extended acquaintance with the traditions, customs and rites connected with the festivals, as well as being possessed of an unusual degree of common sense, are deferred to and act as chief advisers of the community."¹⁸

¹⁵ Nelson, 305.

¹⁶ Schultz-Lorentzen, 241.

¹⁷ Rasmussen (1927), p. 157.

¹⁸ Nelson, 304.

Headmen simply emerge to their positions. There is no election to office, nor any other formal process of selection—a system which is difficult for us to understand, until we reflect on why a political boss is boss, or a gang-leader is chief. Thus, among the Eskimos leadership is not an office to be won; it has no tangible objectification. It is position solely, granted by those who give acknowledgment to the leader by following his lead.

The shaman (or *angakok*) has influence by virtue of his supernatural powers, for he is the medium who interprets and influences the mood and will of the manifold spirit beings.

The paucity of legal rules which will be noted for the Eskimos is amply compensated for, and in part caused by, the embracing religious norms which control and direct Eskimo social and economic life. Tabu confronts the Eskimo on every hand. Each step in daily and seasonal activity is ringed with tabu. Violation is sin. The Eskimos in their own terms are most sinful.

"Apprehension of unpredictable misfortunes," Rasmussen writes, "drives the Eskimo to cling to his belief that they are caused by spirits, and to nurture the hope that by discovering the desires of the spirits he may forestall their designs." The tabus are mostly directed to spirits of animals, or to the deities protecting them, in order to guard against conduct offensive to the spiritual sensitivities.

The direct personal consequence of sin is illness, which is caused by the guilt of the transgression adhering to

the offender (especially to his souls) in the form of a dark vapor. It is the sin stigmata. Illness may not always result, but ill-luck in hunting always does, because the vapor is noxious to the animal spirits. In their disgust the animals go into hiding, and in consequence, the community starves. In spite of this dire threat to the community well-being, the violation of tabus is not normally a crime, since other than legal measures are at hand for protective action.

Confession in a public gathering removes the sin stigmata and in normal circumstances suffices. Other times, an act of penance ordered by a shaman of standing will do the trick.

Confession, in a small community group like the Eskimo, is a healthy and effective instrument of control. When used as by the Caribou Eskimos it will be seen to provide for effective publicity and a general social release—for vindictiveness is lacking and good will prevails. These Eskimos anticipated the Oxford Movement, as the following quotation from Rasmussen will show:

The shaman, who is dancing, is the interrogator. He sings:

"It is you, you are Aksharquarnilik, I ask you, my helping spirit, whence comes the sickness from which this person is suffering? Is it due to something I have eaten in defiance of taboo, lately or long since? Or is it due to the one who is wont to lie beside me, to my wife? Or is it brought about by the sick woman herself? Is she herself the cause of the disease?"

The patient answers:

"The sickness is due to my own fault. I have but ill fulfilled my duties. My thoughts have been bad and my actions evil."

The shaman interrupts her, and continues:

"It looks like peat, and yet is not really peat. It is that which is behind the ear, something that looks like the cartilage of the ear? There is something that gleams white. It is the edge of a pipe, or what can it be?"

The listeners cry all at once:

"She has smoked a pipe that she ought not to have smoked. But never mind. We will not take any notice of that. Let her be forgiven! tauva!"

The shaman:

"That is not all. There are yet further offences, which have brought about this disease. Is it due to me, or to the sick person herself?"

The patient answers:

"It is due to myself alone. There was something the matter with my abdomen, with my inside."

The shaman:

"I espy something dark beside the house. Is it perhaps a piece of a marrow-bone, or just a bit of boiled meat, standing upright, or is it something that has been split with a chisel? That is the cause. She has split a meat bone which she ought not to have touched."

The audience:

"Let her be released from her offence! tauva!"

The shaman:

"She is not released from her evil. It is dangerous. It is matter for anxiety. Helping spirit, say what it is that plagues her. Is it due to me or to herself?"

Angutingmarik listens, in breathless silence, and then speaking as if he had with difficulty elicited the information from his helping spirit, he says:

"She has eaten a piece of raw, frozen caribou steak at a time when that was taboo for her."

Listeners:

"It is such a slight offence, and means so little, when her life is at stake. Let her be released from this burden, from

this cause, from this source of illness. tauva!"

The shaman:

"She is not yet released. I see a woman over in your direction, towards my audience, a woman who seems to be asking for something. A light shines out in front of her. It is as if she was asking for something with her eyes, and in front of her is something that looks like a hollow. What is it? What is it? Is it that, I wonder, which causes her to fall over on her face, stumble right into sickness, into peril of death? Can it indeed be something which will not be taken from her? Will she not be released from it? I still see before me a woman with entreating eyes, with sorrowful eyes, and she has with her a walrus tusk in which grooves have been cut."

Listeners:

"Oh, is that all? It is a harpoon head that she has worked at, cutting grooves in it at a time when she ought not to touch anything made from parts of an animal. If that is all, let her be released. Let it be. tauva!"

Shaman:

"Now this evil is removed, but in its place there appears something else; hair combings and sinew thread."

The patient:

"Oh, I did comb my hair once when after giving birth to a child I ought not to have combed my hair; and I hid away the combings that none might see."

Listeners:

"Let her be released from that. Oh, such a trifling thing; let her be released. tauva!"

And so, on and on and on.¹⁹

Tabu among the Eskimos rarely gives rise to legal action, even though the consequences of sinful behavior may be believed to result in famine and starvation for the entire community. Only one exception has been recorded by writers on Arctic people. A Labra-

¹⁹ Rasmussen (1929), pp. 131-140. (Note: re-

ligious confession is absent among the East Greenland Eskimo.).

dor community banished an erring girl in dead winter because she persisted in eating caribou and seal together. The dietary tabus of the Eskimo forbid this because they are based on the fundamental principle of separation of sea and land creatures, including all activities pertaining to each, since the spirits of either group are insulted at forced association with spirits of the opposite type. The repeated transgression of the basic tabu made the girl a criminal menace to be cut off from the community.²⁰

Beyond his functions as inquisitor and displayer of heroic magic in seance showmanship, the shaman among most Eskimos possesses a quasi-legal power related to the sin concept. This lies in his authority to command penance. Penance for a woman may be cohabitation with the shaman (which in some groups is also voluntarily sought by barren wives) or with some male designated by the shaman. More drastically, a married couple may be ordered to separate, with the specification sometimes added as to whom they must remarry.²¹ The lightest penance is abstention from foods designated by the shaman.

The penance is a quasi-legal decree for the reason that the sole alternative for the sinner is voluntary exile from the group, or forcible expulsion. Forcible expulsion as a last resort may properly be considered a legal sanction. The legal aspect, be it noted, is not in the violation of the tabu, but rather, the refusal to do atonement.

The relative prestige and power of

shaman and headman in any Eskimo village depends entirely upon their personalities and effectiveness. An outstanding hunter may out-rank all shamans, but not necessarily so. Or a man may be the leader by his combination of shamanistic ability, hunting and leadership skills.

IV. Legal Homicide

Homicide is not a legal absolute. The Eskimos, for example, recognize several forms of homicide as legally acceptable which our law defines as criminal murder.

Infanticide, *invalidicide*, *senilicide* and suicide are all forms of homicide accepted by Eskimo society. They are all, in whole or in part, responses to the basic principle of Eskimo society that only those may survive who are able (or potentially able) to contribute actively to the subsistence economy of the community.

An infant is only potentially productive. It is up to each family to decide for itself whether its present resources are sufficient to nourish the infant through its non-productive years. There will be no social blame if a negative decision is reached.

Children subsist at their mothers' breasts for two to four years at least, and frequently much longer. The need for mobility and the unceasing effort required by woman's work make it difficult, if not impossible, for the mother to nurse more than one child at a time. Surplus children are subject to disposal. This is effected by offering the child for adoption, and if there are

²⁰ Hawkes, 133.

²¹ Turner, 199-200.

no takers, by infanticide. Childless couples are eager to adopt in order to have a back-log against old age. In western Alaska survivors to make memorial offerings are desirable.²² An abandoned child may be adopted without further ado. Children offered for adoption are exchanged for a gift.²³

Female children are the most frequent victims of infanticide because of two discriminating factors. (1) The male is the primary food-getter. (2) The tendency towards patrilocal residence means that the adult female will on marriage more often be lost to her parents than will be a male child. Hence, the baby girl is a poorer risk as an investment in old age security. The selective effect on the population is to be seen in the data brought together by Weyer.²⁴ In fourteen Eskimo groups outside of East and South Greenland (where infanticide is rare) the ratio of girls to boys among children under ten years of age ranges from forty-two to ninety-two girls to each hundred boys. Among adults the proportions are reversed. So high is occupational mortality among men, that in twenty Eskimo groups only three had fewer women than men, while in half the groups there were more than one hundred and ten women to a hundred men. Were it not for infanticide there would be one and a half times as many adult females as there are males in the average Eskimo community.

Senilicide and invalidicide are rooted

in the same conditions as infanticide. Though others may decide that the day of an aged one is done, the request for death comes usually from the old person. The act must be performed by a relative, else it is apt to be considered murder. The deed of the relative is rationalized as a proof of devotion, or of righteousness, as in the case of the East Greenland woman who led a blind neighbor to the suicide cliff (see below) and virtuously told Holm how she had refused pay for her services.²⁵

Stabbing, hanging, strangulation, blocking up in a snow house to freeze and starve, and abandonment in the open are all used by various Eskimos.²⁶

Though infanticide is casually accepted, according to reports on the Eskimos, senilicide gives rise to greater emotional conflict. Not infrequently the aged one has to insist on his "right" to be killed. Death being looked upon as a mere transition and considered as imminent at all times, the execution itself is not feared, but the deliberate destruction of one held with affection is not done with apparent ease. The folklore of the Iglulik shows what the inner feelings are, for though no overt onus is placed on those who destroy their aged, the myths which "point very clearly the difference between right and wrong, generally provide some miraculous form of rescue . . . with a cruel and ignominious death for those who abandoned them."²⁷

Suicide by the senile, the invalided,

²² Nelson, 364.

²³ Jenness, 91. Whether this is the rule among all Eskimos is not determinable from the literature.

²⁴ Weyer, 134-35.

²⁵ Holm, 74.

²⁶ The exact distribution of the several methods cannot be determined.

²⁷ Rasmussen (1929). p. 160.

and hunters faced by drowning in a storm, is also wide-spread.

All these forms of homicide are legal in the Eskimo's point of view—*acceptable homicide*—because the strain upon the community well-being is eased through the act. No external tension results since there is no status struggle involved. Neither the individual nor the kinship group is challenged by out-group forces. The loss of the person can be gracefully accepted without need for retaliation or legal satisfaction. To the individual the transition from death to after-life is made easy in the belief that all who die violently, as well as the mother lost in child-birth, are transported directly to the best of the Eskimo heavens. The Moon Spirit of the Iglulik adds his comfort in the gentle urging: "Come, Come to me! It is not painful to kill yourself. It is only a brief moment of dizziness."

Cannibalism induced by starvation is legally acceptable. Eskimo anthropophagy is non-epicurean and non-religious. To the Eskimo, it is a necessary evil, regrettable, but valuable.

"Many people have eaten human flesh," admitted a native of King William Island, "but never from any desire for it, only to save their lives, and that after so much suffering that in many cases they were not sensible of what they did . . . But we who have endured such things ourselves, we do not judge others who have acted in this way, though we may find it hard, when fed and contented ourselves, to understand how they could do such things. But then again, how can one who is in

good health and well fed expect to understand the madness of starvation? We only know that every one of us has the same desire to live."²⁸

Thus the Eskimo makes no legal capital of in-group cannibalism. When cannibalism is preceded by homicide it is possible that the homicidal act may have legal repercussions. That, of course, depends on who kills whom. Most commonly the frozen flesh of those already dead from starvation is consumed. Not unusually, however, parents kill their own children to be eaten. This act is no different from infanticide. A man may kill and eat his wife; it is his privilege. Killing and eating a relative will produce no legal consequences. It is to be presumed, however, that killing a non-relative for food is murder. Yet it is not certain that the presumption is borne out. No revenge cases arising out of anthropophagous homicide have been found. On the other hand, Boas cites a voracious Baffin Islander who killed and ate twelve persons in time of famine, without indicating any legal consequences.²⁹

Cannibalism, therefore, is an emergency measure, socially recognized, acceptable and regrettable.

V. Homicide and Sexual Competition

The cooperation in food-getting and the use of property which is so marked in Eskimo social life is balanced by intensive competition in the sexual field. Wife-lending and reciprocal sharing of spouses are cooperative features of Eskimo marital-sexual life wherein the fundamental marital status of the wife

²⁸ Rasmussen (1927), pp. 223-224.

²⁹ Boas (1907), p. 470.

is not altered; the act being no more than a gesture of friendly hospitality permitted by the husband.

Yet, in spite of the wide latitude thus permitted for varied sex experience, the Eskimos enter into continuous competition and conflict for the possession of women. This struggle takes the form of adultery and appropriation of another's wife as own wife. It is considered adultery to have intercourse with a married woman without previous or implied consent of the husband. It is appropriation of another's wife when a married woman takes up her abode with another male. There is no clear definition of when marital affiliation ceases—i.e., when shift of marital status of a woman from one male to another is divorce and remarriage, or when it is appropriation of another's wife—because neither marriage nor divorce are given ceremonial objectification.

A case from East Greenland illustrates the connubial ebb and flow.

"S...., a man of thirty, was an angakok and a smart hunter. Last spring he had two wives. For one of them, P...., he had given her father a knife. He had been married to her for several years and had had two sons with her. A...., the other wife, was taken from him soon after marriage by U.... in revenge for S.... having been the one to urge I.... to take U....'s former wife..... When U.... found his wife had gone he was approached by A....'s mother who urged him to take her daughter away from S.... who, she said, could not support two wives. A.... was willing to leave S.... because he habitually scolded and abused her..... So A.... left him for U....

"S.... unexpectedly brought back a new wife, Ut.... He was her seventh husband. She had left her sixth hus-

band because she had, by her violent impatience, killed the child she was about to deliver and had, for this, been made to feel like a second wife. S.... had won her at the game of "Putting out the Lamps," and had carried her off, apparently by force.

"When P.... saw the new wife she was very angry and began to scold her husband. He flew into a rage, beat her and even stabbed her in the knee.....

"A few days later Ut.... seized the chance to leave S.... and travel with some visitors to another settlement. There she immediately married a young man (M....). This eighth marriage of hers lasted but three weeks, when she left to go back to her sixth husband.....

"A few days after Ut.... had left S...., his housemate P.... caught him trying to get hold of his wife. P.... is now S....'s enemy and watches him covertly."³⁰

This case, which is typical, shows how either man, or woman, can end a marriage on whimsy. Remarriage is expected to follow. It matters, however, whether the husband has adjusted his mind to the fact of divorce before his wife takes up abode with another male. Such is the difference between divorce followed by remarriage and remarriage which results in divorce. The latter involves always some degree of aggressive behavior on the part of the male who takes the woman. The possession established by the successful male is an affront to the husband's capacity to hold a wife—a challenge to his "dominance prestige." In such a competitive situation it breeds suspicion, friction, ill-will and dispute.

The arena of sex is the primary breeding ground for trouble and law. Rasmussen found that all of the adult males in the fifteen Musk Ox Eskimo

³⁰ Thalbitzer (1914). pp. 71-73.

families had been involved in murder, either as principals or as accessories; furthermore, "the motive was invariably some quarrel about a woman."³¹

Freuchen recounts several Polar Eskimo murders in each of which woman trouble is a factor. The murder of Sekusuna by Quanguaq is illustrative.

"S.... had been a great one to tease poor Q.... (who was a young widower). He would taunt him by suggesting, when they were hunting together, that they go home to their wife now..... S.... also tantalized the poor man by promising him he might sleep with his wife when they returned, but whenever Q.... attempted to take advantage of this favor, he found the woman's lawful husband at her side. The husband thought this a great joke..... Besides all this, S.... beat his wife in order to demonstrate to Q.... the many advantages of being happily married. He beat her only when the widower was present.

"One day in the spring..... Q.... drove his harpoon straight through the body of his friend S.... Q.... came home with both sledges and teams. He drove straight to the dead man's wife and told her that he was going to stay with her..... The widow meekly accepted the altered status."³²

Cases from the Iglulik, Caribou, and Copper Eskimos respectively, indicate to what homicidal extremes the prestige drive in woman-seeking can lead:

An Iglulik case: When the wife of Q...., a strong man, died, he gathered some friends to go to the neighboring village where lived K...., another man known for his physical prowess, there to abduct K....'s wife. The vicissitudes of the road overcame all of the party save Q.... and his two brothers. The others turned back. (Possibly, because they did not have stomach for the venture).

K.... was absent hunting when Q.... arrived at his household, so Q.... boldly established himself in the menage as husband to K....'s wife. Upon K....'s return he was taunted by the insulting usurper. K.... made no immediate issue, but retired to a nearby hut to sing magical songs, with which he put Q.... to sleep.

Thereupon, he entered his house to stab Q...., his antagonist. The butchering done, he led his wife from the house. Q.... leaped in pursuit, spouting blood, and fell dead. K....'s villagers then attacked Q....'s brothers. One brother died there; the other escaped to his home village.

Though often urged to take vengeance, this one brother never felt strong enough to try it.³³

A Caribou Eskimo case: I...., a headman of Padlermiut, was rebuffed by the parents of a girl he sought as his wife. To have his way and to show his pride he laid an ambush by the door of her family's hut, shooting down the father, mother, brothers and sisters, seven or eight in all, until only the girl survived, whereupon he took her to wife.

Rasmussen, who knew this man, considered him "clever, independent, intelligent, and a man of great authority among his fellows."³⁴

A Copper Eskimo case: In 1905 a Netsilingmiut couple moved over to settle among the Asiagmiut, with their three grown sons. Of these sons, the eldest had an Asiagmiut wife. A local native declared he would have regular sexual intercourse with the woman. The husband did not want to acquiesce, but was not strong enough to prevent the aggressor, and in consequence, he speared his own wife.

Immediately, the husband was seized and killed by his father-in-law and some henchmen. In defending his brother, a younger son of the Netsilingmiut family stabbed the avenging father-in-law in the back, killing him. The boy was then seriously wounded himself.

³¹ Rasmussen (1927), p. 250.

³² Freuchen, pp. 297-99.

³³ Rasmussen (1929), pp. 297-98.

³⁴ Rasmussen (1927), pp. 60-61.

The Asigmiut, considering the situation, decided that wisdom counselled the complete eradication of the killer's family in order to forestall blood revenge. The remaining son, sensing the danger, escaped, though the father was brought to his doom.³⁵

Murder springs from other motives as well. Among the Alaskan Eskimos on the West coast, Nelson reported that murder for economic gain was so regular that among the Malemute "only relatives or formal friends dared to hunt together" for fear one hunting partner might slay the other.³⁶ Jenness reports trivial insults as the cause of several Copper Eskimo murders, as one woman stabbing another in the stomach because of a taunt of sterility (this is the sole reported instance of murder done by a female among the twenty-seven specific cases found in the literature), or a man disemboweling another to demonstrate the falsehood in the victim's assertion that the slayer did not know how to make a sharp knife.³⁷

Murder results quite regularly in the murderer taking over the widow and children of the victim. In many instances the desire to acquire the woman is the cause of the murder, but where this is not the motive, a social principle requiring provision for the bereaved family places the responsibility upon the murderer.

Blood revenge executed by kinsmen of a murdered party is expected among all Eskimos (so far as the data go), save the Copper, Iglulik, and East

Greenlanders, among whom it is optional according to the "strength" of the surviving kinsmen. This, coupled with the protectorate principle means, as Birket-Smith notes,³⁸ that a man will raise as his own son, the son of his victim, a boy who, when he grows to manhood, may be the one to exact blood vengeance upon his foster-father.

The execution of blood revenge may be immediate or long postponed. In the latter case, a Central Eskimo murderer may live on amicable terms with the people who must take vengeance on him, until one day, perhaps after years, he is suddenly stabbed or shot in the back; or if the revenge-takers wish to be more sporting, he is challenged to a wrestling match, to suffer death if he loses, and reputedly, to have the privilege of killing another of the victim's family if he wins.³⁹

Among all Eskimos except West Greenland where the avenger announced the offense for which the victim was about to die, revenge is exacted by stealth while the murderer is busily engaged. H. König calls attention to the fact that the old Scandinavian law demanded the verbal pronouncement of the death warrant before the slaying of an outlaw and suggests that the practice was transmitted by them to the Greenland Eskimos of this locale.⁴⁰

VI. Criminal Homicide

A killer who kills several persons at once may enhance, not injure, his

³⁵ Jenness, p. 95. Dr. Lantis notes that among the Nunavak Islanders, where family life is more stable, murder for sexual reasons is much less frequent than among the eastern Eskimos. (Oral communication to the author.)

³⁶ Nelson, *op. cit.*, p. 301.

³⁷ Jenness, *op. cit.*, pp. 94-95.

³⁸ Birket-Smith (1936), p. 152.

³⁹ Boas (1888), p. 582.

⁴⁰ König (1925), p. 306.

prestige in the community. Not so, the homicidal recidivist. He becomes a social menace, liable at any time to strike down another victim. As a general menace, he becomes a public enemy. As a public enemy, he becomes the object of public action. The action is legal execution.

The single murder is a private wrong redressed by the kinsmen of the victim. Repeated murder becomes a public crime punishable by death at the hands of an agent of the community.

The classic case has been given by Boas, who writes that:

"The fact that the custom is found among tribes so widely separated will justify a description of those events which came under my own observation. There was a native of Padli by the name of Padlu. He had induced the wife of a native of Cumberland Sound to desert her husband and follow him. The deserted husband, meditating revenge, . . . visited his friends in Padli, but before he could accomplish his intention of killing Padlu, the latter shot him. . . . A brother of the murdered man went to Padli to avenge the death of his brother; but he also was killed by Padlu. A third native of Cumberland Sound, who wished to avenge the death of his relatives was also murdered by him.

On account of all these outrages the natives wanted to get rid of Padlu, but yet they did not dare to attack him. When the pimain (headman) of the Akudmirmiut learned of these events he started southward and *asked every man in Padli whether Padlu should be killed. All agreed*; So he went with the latter deer hunting . . . and . . . shot Padlu in the back."⁴¹

Similar practices exist among all the Eskimos reported on, save the East Greenlanders. The important element

is that the executioner, who undertakes the slaying, seeks and obtains the community approval for his act of riddance. When such approval is obtained no blood revenge may be taken on the executioner, for his act is not murder. It is the commission of a public sentence, for and in the name of the people, and the responsibility is theirs. Furthermore, revenge is precluded for the simple reason that unanimous consent involves the consent of the murderer's relatives, if any be in the community.

As a double safe-guard against blood revenge on the executioner, close kinsmen may be called upon to carry out the community will. In 1921, for instance, the headman of the Arviligjuarmiut was deputed by his fifty-four co-villagers to execute his own brother, who occasionally went berserk, having killed one man and wounded others in his fits. The headman went reluctantly to his brother and explaining his position, asked how he chose to die, by steel, thong, or shot. The brother chose the latter, and was killed on the spot.⁴²

At Point Barrow, on the north Alaskan coast, a brother and an uncle shot and killed their kinsman who had murdered ten to twelve victims whom he had ambushed on his march from Herschel Island to the Point. The man had been publicly whipped by the whaling captains at Herschel on injunction of the local missionary, for the reason that he had exposed a baby to die. All the Eskimos had reacted with disgust to such unheard-of punishment, for to their mind, "to whip a man does

⁴¹ Boas, op. cit., p. 668.

⁴² Rasmussen, op. cit., p. 175.

not cure him." But even so, the man had become a homicidal lunatic to be removed.⁴³

It is generally reported that *de facto* murder is not essential in establishing one as a public enemy. Threats and abuse of others may lead to the same end. The obnoxious person is first ostracized, then liquidated if he continues his bothersome behavior.

VII. Criminal Sorcery and Perfidy

Sorcery and chronic lying are placed in the same category as homicidal recidivism. Because the sorcerer is a killer, and because the perfidious man is thought to be a public danger, both are liable to execution at the public command. Outside of West Greenland, a sorcerer may be killed by the relatives of a victim of sorcery, when a shaman names the sorcerer as guilty.

In West Greenland the natives treat all sorcery as an offense against the group punishable by death at the hands of the group.⁴⁴ Widows without protectors and grown men without sons are usually singled out as sorcerers by the shaman. They are easy marks and would have no survivors to protect them, so in consequence, the community task is easy enough.

Boas reports for Baffinland the destruction of a sorcerer "who was attempting to kill a lot of people by magic." The community talked it over, decided he should die, and so he was stabbed in the back by an old man, who was thanked for the job.⁴⁵ Rasmussen noted a similar case from the Polar

Eskimo,⁴⁶ while Birket-Smith observes for the Eskimo in general that execution is "not a punishment for practicing witchcraft, but merely a riddance as in the care of incorrigibles and sick and aged."⁴⁷

The execution of liars is reported from Greenland to Alaska, but no actual cases are given. Nor is the reason for such drastic action given.

VIII. Evidence

In the small Eskimo community the question of evidence in disputes does not raise a great problem; sufficient direct information seems usually to be at hand. When fact is not known, however, resort may be had to divination, but apparently only when an element of sin enters into the offense, or as among the Copper Eskimos, at least, when a death through sorcery has occurred.⁴⁸ Divination is by weighing. A thong is looped around the head of a reclining person, or a bundled coat, or even the diviner's own foot. When the proper spirit has entered the object, the questions may be put. As it is hard or easy to lift, the answer is "yes" and "no." In Nunavak, according to Dr. Lantis, divination is had by peering into still water which has been poured into the abdominal cavity of a dressed animal. The image of the guilty person may be seen.

IX. Regulated Combat

Homicidal dispute, though prevalent, is made less frequent in many Eskimo

⁴³ Stefansson, oral communication to the author.

⁴⁴ Birket-Smith (1924), p. 139.

⁴⁵ Boas (1907), pp. 117-18.

⁴⁶ Rasmussen (1908), p. 156.

⁴⁷ Birket-Smith (1936), p. 151.

⁴⁸ Jenness, op. cit., pp. 212-17.

groups by recourse to regulated combat—wrestling, buffeting, and butting. Buffeting is found among the central tribes along the Arctic circle from Hudson Bay to Bering Straits. Wrestling occurs in Siberia, Alaska, Baffin Land and Northwest Greenland.⁴⁹ Head-butting as a feature of the song duel occurs in West and East Greenland. All three forms are a type of wager by battle.

In buffeting, the opponents face each other, alternately delivering straight-armed blows on the side of the head, until one is felled and thereby vanquished. Butting accompanies the singing in the song duel in Greenland. The singer, if so inclined, butts his opponent with his forehead while delivering his exculpation. The opponent moves his head forward to meet the blow. He who is upset is derided by the onlookers and comes out badly in the singing. As juridical forms, boxing and butting are more regulated than feudistic homicide, since the contests are announced and occur on festive occasions when they are looked upon as a sort of sport performance before the assembled community. Stealth, cunning and ambush are not part of such contests; the strongest wins by pitted strength. The object of the boxing and butting contests is not annihilation, but subjection. Nor is there any concern with basic justice. Whatever the facts underlying the dispute, they are irrelevant to the outcome. The man who wins, wins social esteem. He

who loses, suffers in social ranking. That is all.

Boxing and butting are apparently available as means of settling all disputes except homicide.

Wrestling serves much the same function, though it may have a more deadly outcome in Baffin Land and Labrador, where the loser may be slain by the victor. The wrestling duel is occasionally used as the means through which blood revenge may be carried out. It is more sporting, however, for Boas tells us that if the murderer wins, he may slay yet another of his victim's kinsmen.⁵⁰

X. Juridical Song Contests

Deserving of fame are the *nith* songs of the eastern and western Eskimos. Elevating the duel to a higher plane, the weapons used are words—"little, sharp words, like the wooden splinters which I hack off with my ax."⁵¹

Song duels are used to work off grudges and disputes of all orders, save murder. An East Greenlander, however, may seek his satisfaction for the murder of a relative if he is too physically weak to gain his end, or if he is so skilled in singing as to feel certain of victory.⁵² Since East Greenlanders get so engrossed in the mere artistry of the singing as to forget the cause of the grudge, this is understandable. There, singing prowess equals or outranks the gross physical.

The singing style is highly conventionalized. The successful singer uses the traditional patterns of composition

⁴⁹ König, *op. cit.*, p. 295.

⁵⁰ Boas (1888), p. 582.

⁵¹ From the song of Kilini; Rasmussen. *Grönlandsagen*, p. 236.

⁵² Holm, *op. cit.*, p. 87.

which he attempts to deliver with such finesse as to delight the audience to enthusiastic applause. He who is most heartily applauded is "winner." To win a song contest brings no restitution in its train. The sole advantage is in prestige.⁵³

Among the East Greenlanders song duels may be carried on for years, just for the fun of it. But elsewhere, grudge contests are usually finished in a single season. Traditional songs are used, but special compositions are created for each occasion to ridicule the opponent and capitalize his vulnerable foibles and frailties.

Some situations and their songs will illustrate the institution as it functions.

Ipa... took Igsia... 's third wife away from him. Igsia... challenged Ipa... to a song contest. Because he was not really competent, Ipa... had his former step-son, M... sing for him. M... accused Igsia... of attempted murder. When Igsia... 's turn came to sing he replied with proper ridicule and satirical antics as follows:

"I cannot help my opponent not being able to sing or bring forth his voice. (He put a block of wood in his opponent's mouth and pretended to sew the mouth shut.)

"What shall we do with my opponent? He can neither sing anything, nor bring forth his voice. Since one cannot hear him, I had better stretch out his mouth and try to make it larger. (He stretched his opponent's mouth to the sides with his fingers, crammed it full of blubber, then gagged it with a stick.)

"My opponent has much to say against me. He says I wanted to do A... a hurt and would have slain him. When we came hither from the south. it was thou didst first challenge A... to a drum match." (He put a thong in

his opponent's mouth and tied it up under the rafters.)

Etc., etc., etc. The song lasted one hour. Whenever Igsia... made mockery of his opponent with such tricks, M... showed his indifference by encouraging the audience to shout and laugh at him.⁵⁴

Other songs rely less on buffoonery, placing greater reliance on innuendo and deprecation. When K... and E... confronted each other they sang with dancing and mimicry in the following manner (E... had married the divorced wife of old man K... Now that she was gone K... wanted her back. E... would not give her up, and a song duel occurred):

K....:

"Now shall I split off words—little, sharp words

Like the wooden splinters which I hack off with my ax.

A song from ancient times—a breath of the ancestors

A song of longing—for my wife.

An impudent, black skinned oaf has stolen her,

Has tried to belittle her.

A miserable wretch who loves human flesh—

A cannibal from famine days."

E..., in his defense, replied:

"Insolence that takes the breath away
Such laughable arrogance and effrontery.

What a satirical song! Supposed to place blame on me.

You would drive fear into my heart!
I who care not about death.

Hi! You sing about my woman who was your wench.

You weren't so loving then—she was much alone.

You forgot to prize her in song, in stout, contest songs.

Now she is mine

And never shall she visit singing, false lovers.

Betrayer of women in strange households."⁵⁵

⁵³ Contrary statements are given by Kane, *Arctic Explorations*, pp. 128-29. König, *op. cit.*, p. 287, demonstrates the unreliability of Kane on

Greenland ethnology.

⁵⁴ Holm, *op. cit.*, p. 303.

⁵⁵ Rasmussen, *op. cit.*, 235-36.

K.... and E.... taunt each other in like ilk as they sing out their dispute:

K....:

"Let me too follow the Umiak as kayak man!

To follow the boat with the singers
As if I could be afraid!

As if I were possessed of weak-kneed ways!

When I pursue the kayak padder.

It is not to be wondered at

That he is pleased,

He who has nearly killed his cousin

He who has nearly harpooned his cousin

No wonder that he was so self-satisfied

That he felt such joy."

E.... hurls back in rebuttal:

"But I merely laugh at it

But I but make merry over it

That you K...., are a murderer

That you are jealous from the ground up.

Given to envy

Because you do not have more than three wives

And you think them too few

So are you jealous.

You should marry them to some other men.

Then you could have what their husbands bring in.

K...., because you do not concern yourself with these things

Because your women eat you out of house and home

So you have taken to murdering your fellow men."⁵⁶

In West Greenland, the singer has the vocal backing of his household. In preparing for the contest he sings his songs until all his household knows them perfectly. When the actual contest is in full swing, his householders reinforce his words in chorus. In spite of the nastiness of the insults hurled, it is good form for neither party to show anger or passion. And it is expected that the participants will remain the best of friends thereafter. The

West Greenlanders, in contrast to the men of the East Coast, use self-deprecation, "the self-irony which is so significant in the Eskimo character," though at the same time the opponent is lashed with weighty accusations and sneering references. Here, for example, is the song which a husband hurled at the man who had induced the singer's wife to so gash the covering of his kayak that it would open and drown him. Then she and the plotter could marry. The plot failed; the wife received a physical mauling; the co-conspirator received a verbal mauling; so:

"Ah, how doubtful I feel about it!

How I feel about having to sing.

In my soul, which is not strong!

However could it occur to me to make a song of charge against him.

How stupid that now I really have to trouble on his account.

When we were up North there,

When we were up at Kialineq

It happened as usual that she made me angry,

That as usual I gave my wife a trouncing.

I was not angry without cause.

I was as usual displeased with her work,

Because my kayak cover was torn.

It had got an opening;

When I, a moment, went outside, they say,

You appear to have made a remark about me:

That I am always accustomed to behave so devilishly considerately:

That I on every occasion act so extraordinarily leniently.

How stupid I was then not to give him the same treatment,

That I did not also give him a stab with the knife.

What a pity that I acted so leniently towards you.

⁵⁶ After König, op. cit., p. 313, from Rink, Eventyr, Supplement, no. 133.

What a pity that I showed myself so
considerate towards you,
You scoundrel, who so thoughtlessly
received my anger."

Among the Polar Eskimo the song duel is also used, but without the head butting and buffeting. A dramatic presentation of a Polar song duel is portrayed in the motion picture, "The Wedding of Paloa," made by Rasmussen and released in 1937.

Among the Iglulik Eskimos, north of Hudson Bay, contest singing is also an important art. Among these people, anyone who would be considered an effective singer must have a "song cousin." This is an institution built upon the basis of "formal friendship," a comradeship bond which was widespread among the aborigines of the western hemisphere. Song cousins try to out-do each other in all things, exchanging costly gifts and their wives whenever they meet. Each delights to compete with the other in the beauty of his songs as such, or in the skillful composition and delivery of metrical abuse. When song cousins expose each other, it is for fun, and is done in a light-hearted, humorous manner. When a man takes up a grudge song-duel, however, the tenor of the songs is different. Though the cast of the songs is humorous, for effect, insolence, derision, and the pictured ludicrousness of the opponents are the stuff they are made of. As in Greenland, the one who can win the audience, or silence his opponent, is victor, but in any event,

winner and loser are expected to be reconciled, and they exchange presents as a token of settlement.⁵⁷

Further inland, among the Caribou Eskimos, who are located at the very center of the whole Eskimo territory, the song duel is also found. From Rasmussen we have the composition of a man who is chastizing the deserted husband of a woman, who, mistreated by her spouse, ran away to join the singer. Its quality will by now be familiar to the reader.

"Something was whispered
Of a man and wife
Who could not agree
And what was it all about?
A wife who in rightful anger
Tore her husband's furs across
Took their canoe
And rowed away with her son.
Ay-ay, all who listen,
What do you think of him?
Is he to be envied,
Who is great in his anger
But faint in strength
Blubbering helplessly
Properly chastized?
Though it was he who foolishly proud
Started the quarrel with stupid
words."⁵⁸

The occurrence of the song duel complex all down the west coast of Alaska and even out into the Aleutian Islands, (reported by the Russian missionary Weniaminow⁵⁹) show how basic (and possibly, ancient) a form it is among the Eskimo.

The song duels are juridical instruments insofar as they do serve to settle disputes and restore normal relations

singing contests as charted by König, *op. cit.*, p. 295, and as adopted from this source by Goldenweiser. *Anthropology*. p. 99.

⁵⁹ Cf., Weyer. pp. 227-28.

⁵⁷ Rasmussen (1929), pp. 231-32.

⁵⁸ Rasmussen (1927), p. 95. The definite occurrence of song duels among the Polar, Iglulik and Caribou Eskimos indicates the non-validity of the distribution of wrestling, buffeting, and

between estranged members of the community, and insofar as one of the contestants receives a "judgment" in his favor. But like the medieval wager of battle the judgment bears no relation to the rightness or wrongness of the original actions which give rise to the dispute. There is no attempt to mete justice according to rights and privileges defined by a substantive law. It is sufficient that the litigants (contestants) feel relieved—the complaint laid to rest—a psychological satisfaction attained; this is justice sufficient unto the needs of Eskimo society as the Eskimos conceive it.

Unlike wager of battle, however, there is no ordeal element in the song duel. Supernatural forces do not operate to enhance the prowess of the singer who has "right" on his side. Let it be remembered that "right" is immaterial to the singing or its outcome (though the singer who can pile up scurrilous accusations of more or less truth against his opponent has an advantage in fact). As the court-room joust may become a sporting game between sparring attorneys-at-law, so the juridical song contest is above all things a contest in which pleasurable delight is richly served, so richly that the dispute-settlement function is nearly forgotten. And in the forgetting the original end is the better served.

In these ways, Eskimo society, without government, courts, constables, or written law, maintains its social equilibrium, channelling human behavior according to its own accepted standards, buttressing the control dikes

along the channels with primitive legal mechanisms, or their equivalents.

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