

4 The Effects of Eskimo Seasonal Variations

Now that we have described the seasonal variations of Eskimo morphology and have established some of their causes, we must study their effects.¹ We will examine the way in which these variations affect both the religious and legal life of the group. This we consider to be a significant part of this study.

Effects on religious life

The religion of the Eskimo has the same rhythm as their social organization. There is, as it were, a summer religion² and a winter religion; or rather, there is no religion during the summer. The only rites that are practised are private, domestic rituals: everything is reduced to the rituals of birth³ and death⁴ and to the observation of certain prohibitions. All the myths that (as we shall see) fill the consciousness of the Eskimo during the winter appear to be forgotten during the summer. Life is that of the layman. Even magic, which is often a purely private matter, hardly appears except as a rather simple sort of medical science⁵ whose rituals are minimal.

By contrast, the winter settlement lives in a state of continuous religious exaltation. This is the time when myths and legends are transmitted from generation to generation. The slightest event requires the more or less solemn intervention of the magicians, the *angekok*.⁶ A minor taboo can

be lifted only by public ceremonies⁷ and by visits to the entire community.⁸ At every possible opportunity these events are turned into impressive performances of public shamanism to avert the famine that threatens the group, particularly during the months from March to May when hunting is unreliable⁹ and provisions are either dangerously low or have been exhausted. One can thus describe winter life as one long celebration. Earlier writers report perpetual dancing among the Eskimo of Greenland,¹⁰ dancing that was certainly mainly religious. Even if we take into account mistaken observations and comments, what these writers tell us is probably further evidence of this non-stop religious life. The religious mentality of the group is carried to such an extreme in several Eskimo societies¹¹ that an exceptionally rigorous watch is kept for any religious failings. Any collective mishap - a storm that lasts too long, the escape of a game animal, an unfortunate break in the ice and so on - is attributed to the violation of some ritual prohibition. Such transgressions have to be publicly confessed so that their effects may be mitigated. The practice of public confession is indicative of the kind of holiness that marks the whole of winter social life.¹²

Not only is this religious life intense,¹³ it also has a very special character which contrasts with life during the summer: it is pre-eminently collective. By this, we do not simply mean that festivities are celebrated in common, but that the feeling which the community has of itself and its unity suffuses all its actions. Festivities are not only collective in the sense that very many individuals assemble to take part; they are the object and the expression of the group.

This derives from the fact that they take place in the *kashim*,¹⁴ wherever there is one, and, as we have already seen, the *kashim* was once probably found everywhere. Whatever its other features may be, it is always essentially a *public place* that manifests the unity of the group. This unity is indeed so strong that, inside the *kashim*, the individuality of families and of particular houses disappears; they all merge in the totality of the society. In fact, in the *kashim*, individuals are not grouped by families or by houses but according to certain barely differentiated social functions which they perform.¹⁵

The nature of the rituals that are celebrated during these festivities are an expression of the same character. This is notably the case with the so-called 'Bladder Festival' which is performed in Alaska and particularly among the Unalit of St Michael's Bay.¹⁶ At the start, numerous masked dances are performed before the entire community, who sing. Then, at the very end, at one go, the bladders of all the sea animals killed *by the entire group* during the year are thrown into the sea. The souls of the animals, which these bladders are believed to contain, go back to be reincarnated in female seals and walrus. By this single ritual, the winter settlement as a whole ensures its continued subsistence.

Another festivity, the feast of the dead, has also been observed among these same Unalit,¹⁷ although its equivalent appears to be found in all Eskimo territories.¹⁸ It consists of two essential parts. Since it is customary that the latest child to be born takes the name of the last person who has died, the feast begins with a request to the souls of the dead to become reincarnated for a short time in the namesake which each of the dead has in the settlement. Next, these living namesakes of the dead are laden with presents, gifts are exchanged among all who have assembled, and then the souls are dismissed and they leave their human dwellings to return to the land of the dead. Thus, at this time, the group not only regains its unity but sees itself re-formed, through this same ritual, as an ideal group composed of all successive generations from the earliest times. Mythic and historic ancestors, as well as the recent dead, come to mingle with the living and all are in communion through the exchange of gifts.

The winter solstice festivals have the same significance. Among the central¹⁹ and eastern Eskimo, the essential ritual consists - or, at least, once consisted - in extinguishing and then *simultaneously* relighting all the lamps of the settlement. When we note that the fire was certainly relit from a single fire produced by friction, we can see in this a kind of collective fire ritual.

We should add that these different festivities are always and everywhere accompanied, quite significantly, by the phenomenon of sexual licence, a subject to which we will return when we come to discuss personal status.²⁰ Communal sex is a form of communion, perhaps the most

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intimate form there is. When it occurs, it produces a fusion of individual personalities - something which we can see is far removed from the state of individualization and isolation in which small family groups live dispersed, during the summer, along enormous extents of coast.

This opposition between summer life and winter life does not, however, find expression simply in rituals, festivities and various sorts of religious ceremonies; it also profoundly affects ideas, collective representations and, in short, the entire mentality of the group.

In the course of a complex of festivities, among the Oqomiut of Baffin Land and the Nugumiut of Frobisher Bay,²¹ the population divides into two teams. The one comprises all those born during the winter; they have a special collective name and are called the *axigirn*, the 'ptarmigans'. The other is composed of all those born during the summer, who are called *aggirn*, the 'ducks'. The former represent the land; the latter the sea. Each team tugs on a rope and, depending on who is victorious, either summer or winter will prevail. This division of the population into two groups, according to the season when they were born, is not restricted to this special ritual; it forms the basis of other customs among all the central Eskimo. During their lifetime, but particularly during the festivities that we have just mentioned, individuals wear an amulet made from the skin of the animal, generally a bird, that presides over the month of their birth.²² It would seem from this tendency to classify people according to the season when they were born that the land birds are probably the winter birds and the sea birds are summer birds.²³ At Angmagssalik²⁴ (which is, however, far from where these other practices are observed) birth rituals certainly vary considerably depending on whether they involve a 'winter' child or a 'summer' child. If a child is born during the summer, his first meal consists of soup made from some land animal, or from a river fish cooked in fresh water; the 'winter' child's first meal is soup from some sea animal cooked in salt water.

This division of people into two great categories appears indeed to be connected with an even greater and more general division that embraces all things. Without even dis-

cussing a number of myths in which all animals and important natural events are divided into two groups - one of winter, the other of summer²⁵ - we can recognize this same idea as the basis of many ritual prohibitions. There are winter things and summer things, and the Eskimo feel the opposition between these two fundamental classes so deeply that to mix them in any way is forbidden.²⁶ In the central regions, the skin of the reindeer (a summer animal) may not be brought into contact with the skin of the walrus (a winter animal); the same applies to the various objects used to hunt these two kinds of animals.²⁷ When summer has begun, an Eskimo may not eat caribou (a summer animal) until he has put away all his winter clothes and put on new ones, or at the very least, until he has put on clothes that were not used during the walrus-hunting season.²⁸ The small tents that shelter hunters during the summer are supposed to be buried under rocks along with the hunters' clothes; they are considered *shongeyew* or 'taboo'.²⁹ No covering or thong of walrus-skin should be brought to any of the places where reindeer are hunted, on pain of returning empty-handed. Winter clothes, if made of caribou-skin, have to be completed before the men can leave to hunt walrus.³⁰ Throughout the time the people are living on the ice, no one may work any skin, either caribou or reindeer.³¹ Neither should salmon meat, a product of summer fishing, come into contact with the flesh of any sea animal, not even in the stomach of the faithful. By contrast, contact with seal-meat is less strictly regulated since these animals are hunted throughout the year and at the same time as other animals. The violation of any of these taboos imparts to the offender a defilement that is visible to the game and is communicated by contagion to all who approach that person. Thus the game withdraw and famine follows throughout the land.³² In fact, the existence of these taboos has necessitated the formation of a special class of messengers whose task is to announce the capture of the first walrus.³³ This is the sign that winter has begun. All work on caribou-skins immediately ceases. The way of life changes completely.

Thus the way in which both men and objects are classified bears the imprint of this fundamental opposition between the two seasons. Each season serves to define an entire class of

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beings and objects. We have already seen the basic role of this classification on the mentality of the people. One could say that the concept of summer and the concept of winter are like two poles around which revolves the system of Eskimo ideas.³⁴

Effects on jural life

The object of a legal system is to regulate the possible material relations among members of one society. Whether this involves the respective rights and duties of persons in relation to one another (the regulation of persons) or of persons in relation to those objects appropriated by the group or by individuals (the regulation of goods), these various legal and moral institutions are merely the collective manifestation of the necessary conditions of communal life.³⁵ Thus we ought to expect this twofold morphology to have an even greater influence on Eskimo jural life than on religious life. We shall see, in fact, that there is one set of laws for the winter and another for the summer,³⁶ and that each reacts upon the other.

The family

We do not propose here to make a study of the Eskimo family, but we will show that the principal features of Eskimo domestic organization are a function of the twofold morphological organization that we have described.

The kinship terms for the family provide one of the surest ways for determining the relations that unite various members of the same domestic group. These terms can be studied with relative ease thanks to the schedules published by Dall and Morgan,³⁷ although they are rather sketchy. At first sight, it would appear that there are two kinds of family: one in which kinship is collective, conforming to the type that Morgan called classificatory, and the other in which kinship is individualized. There are two indications of the first type. In the descending line, the term *eng-ota* is applied to grandchildren, as well as to individuals who are more distantly related either consanguineally or by adoption; in other words, to the children of the nephews and cousins of

the son's generation. Similarly the terms *e-tu-ah* and *ninge-owa* apply not only to grandparents (consanguineal or adoptive) but also to their brothers and sisters and to all kin of their generation. In the collateral line, cousins of various degrees are not distinguished from other relatives and bear a designation that identifies them with the inhabitants of the house.³⁸ In short, no degree of kinship, male or female, is distinguished except for the following relatives: father, mother, son, daughter, father's brothers and sisters and mother's brothers and sisters and their children. Thus within a family in which kinship relations are extended but undifferentiated, there appears another highly restricted unit in which kinship is, on the contrary, individualized.

These two sorts of domestic organization recognizable in Eskimo kinship nomenclature actually exist: one is the summer family,³⁹ the other the winter family. And since each has a different composition, each is governed by its own appropriate rules.

The rules for the summer family are relatively patriarchal. The predominant role is held by the father as *provider*,⁴⁰ and by male children of hunting age. They are more than just heads of the family; they constitute its very foundation. Their disappearance would necessarily result in the *complete* disappearance of the family; the young children, if they were not adopted within another tent, would be put to death.⁴¹ The mother's role, it must be added, is no less important. Were she to disappear, the family would also be entirely destroyed.⁴² These two persons are so indispensable that, even when the children are somewhat older, if a husband loses a wife or a wife her husband, he or she will try to remarry as quickly as possible. The existence of this group is therefore extremely precarious: it rests entirely on one or two persons. This configuration of the family is a specific characteristic of Eskimo culture and unique to it. In short, the conjugal pair is an essential element of the family, just as in more developed cultures; and this fact is even more remarkable, given the fragility of the conjugal bond.

Other features confirm this specific character of the summer family. There is, first, the relative dominance of the head of the family, the *igtuat*, in Greenland.⁴³ He has the absolute right of command, even over his adult sons; and it

seems that cases of disobedience are remarkably rare. He determines the movements of the group and the division of meat.⁴⁴ He has the absolute right of punishment, even over his wife; but he is wary of abusing it because, although he can repudiate her, she, in turn, is equally able to abandon him.⁴⁵

The organization of the paternal family is usually linked to the need for descendants and this characteristic is also true of the Eskimo family. This need is even greater among the Eskimo than among other peoples, as the existence of old people without children is impossible. Without adult sons willing to hunt for them, especially during the summer, elderly couples cannot survive.⁴⁶ This is particularly true of elderly widows, who cannot remarry or be adopted in the same way as young children. Moreover, at least in some instances, this need for descendants can take on a religious aspect. The elderly know that they have to be reincarnated after their death in the bodies of their namesakes – the newly-born children of the settlement; and the veneration given to their spirits through the person of this representative depends upon their children. Consequently the lack of a child, whether legitimate or adopted, could jeopardize their spiritual existence.⁴⁷

During the winter the rules of domestic life are entirely different. The nuclear family, so clearly individualized during the summer, tends to disappear to some extent within a much wider group, a kind of joint-family which resembles that of the Zadruga Slavs, and which constitutes domestic society *par excellence*: this is the group who together occupies the same igloo or long-house.⁴⁸

The individuals who live under the same roof are bound not just by economic relations but by genuine moral ties; this is clear from the kinship relations that the terminology has already revealed.⁴⁹ There is a term for designating these kin: they are *igloq atigit*,⁵⁰ 'house kin', a term which Danish and English observers have appropriately translated as *husfaeller* or *housemates*, and which designated *all cousins*. There is formal evidence that, together, these 'housemates' form an individual's closest circle of kin after his immediate family.⁵¹ In fact, wherever we come across what we take to be the most primitive type of Eskimo house, the group who inhabits it

consists of consanguineal kin with their affines. Thus, at Utiakwin (Point Barrow),⁵² despite a state of social disintegration, one long-house comprised a man, his wife and adopted daughter, two married sons, each with his wife and child, a widowed sister with her son and daughter-in-law plus the latter's grand-daughter. The quasi-genealogical tables we possess show that the principles for the recruitment of members of a household are appreciably the same in other areas.⁵³

A particular feature of this special kinship relation is the prohibition of marriage among *housemates*; at least, this seems to be the rule. For it is generally forbidden to marry one's full cousins;⁵⁴ we know that these bear the same name as the *housemates*, who are usually brothers and sisters and the descendants of these brothers and sisters who live together during the winter. So, where there is a question of a prohibition among kin, observers may have been mistaken; whereas it is clearly the case in Greenland that individuals brought up in the same house are forbidden to marry.⁵⁵ The oldest texts that we have report this fact and they appear to link closely kinship relations between first cousins and among the members of a long-house. There is thus a kind of special fraternity that imparts an incestuous character⁵⁶ to sexual unions between members of the same igloo. Two pieces of evidence, however, appear to contradict this rule. Nelson explicitly states that, among the Unalit of St Michael's Bay,⁵⁷ first cousins do marry and Holm mentions the frequent exceptions at Angmagssalik to the rule that one must look for a wife outside the house.⁵⁸ But we must not forget that at Angmagssalik, where each settlement consists of a single house, the confusion between the long-house and the winter settlement has altered the most essential feature of this organization. Angmagssalik is an exceptional case and it is hardly surprising that it does not conform strictly to the rule. Since everyone in the settlement lives under the same roof, it was obviously necessary to permit marriage among cohabitants and consequently the prohibition had to give way. On the other hand, the first cousins whom Nelson describes may very well belong to different houses or even to different settlements.⁵⁹ Since this case has to do with the only tribe that is reported to have totemic clans,⁶⁰ cousins who are

allowed to marry may perhaps be members of two clans that maintain *connubium*.

The large winter family is not only composed differently from the summer family, but it is also organized on other principles: it is not a patriarchal family. The head⁶¹ is designated not by birth but because of certain personal characteristics. He is generally an old man, a good hunter or the father of one; a rich man, often the owner of an *umiak*; an *angepok* or magician. His powers are not extensive; his functions are to receive strangers and to distribute places and portions of meat. He is asked to regulate internal differences. But his rights over his companions are, in the end, quite limited.

Moreover, beyond the circle of the extended family, there is yet another grouping that appears only in winter; this is the settlement itself. We can reasonably inquire whether the settlement constitutes a kind of large family, or a clan.⁶²

We have already noted that all the inhabitants of the same settlement are designated by a special term which shows that very specific moral bonds exist among them. Danish writers translate this term as *bopladsfaeller* or *place-fellows*.⁶³ The existence of the *kashim* among all Eskimo (except those of Greenland and Labrador where it certainly did once exist) is further evidence that all the men of a settlement form one united society that is genuinely fraternal.⁶⁴ Finally, the fact that, at Angmagssalik, the house merges with the winter settlement is another indication of how close the relations within the long-house are to those that unite different families in a winter settlement. If one admits the hypothesis – even where the house is not completely merged with the settlement – that different houses were originally closely connected to one another and to the *kashim*,⁶⁵ the preceding remarks will have more general significance.

Yet whatever the particular facts may be, everything about the moral regulation of the winter settlement confirms the fact that individuals are steeped in a family atmosphere. The settlement is more than a simple accumulation of houses or an exclusively political and territorial entity; it is also a domestic unit. All its members are united by strong bonds of affection, analogous to those which, in other societies, unite

different families within a clan. The rules of the settlement are not just the sum of the rules of each household; the settlement has its own rules which are reminiscent of large family gatherings.

Beginning with the earliest writers and continuing until Nansen, who wrote his observations in verse, most observers⁶⁶ have been struck by the gentleness, intimacy, and general gaiety that reigns in an Eskimo settlement. A kind of affectionate good feeling seems prevalent among everyone. Crimes appear to be relatively rare.⁶⁷ Theft is almost non-existent, though there are few occasions where theft could be committed, given the rules over property.⁶⁸ Adultery is almost unknown.⁶⁹

One of the characteristic features of a clan is the extreme indulgence shown toward offences or crimes committed by its members: sanctions are principally moral. This same indulgence is found in an Eskimo settlement.⁷⁰ Homicide, when it occurs, is often deemed an accident.⁷¹ Individuals whose violent behaviour makes them dangerous are considered to be mad and, if they are killed, that is the reason.⁷² The only sanction applied within the settlement, at least in Greenland, is an instance of this good-natured attitude: this is the famous 'singing duel'. In this tambourine dance,⁷³ two adversaries – plaintiff and defendant – take turns insulting each other using rhymed verse and refrain, until the fertile inventiveness of one of the opponents assures him a victory over the other. The esteem of the onlookers is the only reward, their reproach the only punishment to constitute this unique judgment.⁷⁴ The Eskimo winter settlement is, therefore, a marvellous example of the Arab definition of a clan: *the place where there is no blood vengeance*.⁷⁵ Even public crimes are generally the object of only moral punishment. Except for malevolent magic,⁷⁶ which is more often attributed to the people of a neighbouring settlement,⁷⁷ there seem to be no crimes that are sanctioned in any other way. Even serious breaches of ritual prohibitions, some of which are believed to endanger the life of the entire society,⁷⁸ are not punished, in the central regions,⁷⁹ except by acknowledgment, confession and imposed penances. This mild repression is evidence of the familial intimacy that reigns within the group.

Such intimacy is sharply opposed to the isolation maintained between neighbouring settlements. 'Place-fellows' were obliged to avenge each other's deaths when the aggressor belonged to another locality.⁸⁰ Tales are told of numerous vendettas in Greenland between one settlement and another.⁸¹ Sources indicate that throughout Baffin Land and to the north-west of Hudson Bay there used to be actual wars.⁸² In eastern Greenland, Holm and Hanserâk report a similar hostility and constant enmity between settlements on different fiords.⁸³ In Greenland,⁸⁴ in Baffin Land, King William Land,⁸⁵ and at one time in Alaska⁸⁶ as well, the ceremonies for receiving a stranger regularly consisted of exhibitions of fighting. It is claimed, undoubtedly with some exaggeration, that when a group visited a neighbouring settlement, the duel or violent game⁸⁷ which took place between two chosen champions ended in the death of one of the combatants.

Yet the best evidence of genuine kinship among members of the same settlement is the custom of exchanging women.⁸⁸ This is reported in almost all Eskimo societies. These exchanges take place in winter between all the men and all the women of the settlement. In some cases, in western Greenland for example, the exchange was formerly restricted to married couples.⁸⁹ Generally, however, all nubile individuals take part. Usually this practice is associated with collective winter festivities,⁹⁰ but sometimes, notably in Greenland, there is no connection. There, at least in those regions that have not been influenced by Christianity, this old custom survives in its entirety. At a certain time, the lamps are put out and actual orgies take place.⁹¹ But we have very little information on whether particular women are assigned to particular men,⁹² except for two cases that are quite typical. In the masked festivities at Cumberland Sound⁹³ that we have already mentioned, one of the masked figures representing the goddess Sedna pairs men and women solely according to *their names*, without taking into account their kinship relations. In this way, men and women are joined as the ancestors were once joined, since they bear the names of the mythic ancestors and are their living representatives. The same practice is reported in Alaska,⁹⁴ and appears

to be indicated elsewhere. Thus, at this moment, the entire organization of the nuclear family and of the household disappears along with the normal regulation of sexual relations: all particular groupings are subsumed within the total group that makes up the settlement. Its mythic organization, reconstituted for a brief period, effaces all other groups. For a brief time, one can say, the clan in all its formlessness⁹⁵ absorbs the family.

These general exchanges take place among all the members of the group and form a kind of sexual ritual. And there are other more or less permanent exchanges of women contracted between individuals for specific reasons.⁹⁶ Some occur in the winter house;⁹⁷ others are contracted just before the group disperses in June⁹⁸ for the summer season and are accompanied by an exchange of gifts.⁹⁹ Both, however, seem to take place only among members of the same settlement. At Smith Strait,¹⁰⁰ they frequently occur during the first years of marriage and can be contracted only between specific individuals.¹⁰¹ Later they may occur for short periods between any member of the Cape York tribe, who constitute a kind of 'single family'.¹⁰² Alaska is the only region where exchanges are reported to occur between members of different settlements.¹⁰³ But this exception proves the rule. In fact, the men who make these exchanges become brothers by adoption; the women who are exchanged are considered to be each other's sisters; and the same applies to all the children born from these unions.¹⁰⁴ Relations formed in this way are, in all respects, identical to those that derive from natural kinship relations.¹⁰⁵ This is, therefore, further evidence that the groups who practise communal sex are groups of kinsmen, since when such exchanges occur among strangers, they create bonds of kinship.

In short, the only feature of a clan that a settlement does not possess is a rule of exogamy. Nansen¹⁰⁶ believed that the settlements at Angmagssalik amounted to exogamous clans. Unfortunately, this conclusion seems to have been based exclusively on Holm's reports, which referred to houses and not to settlements. Moreover, other documents that Holm has provided, including the genealogy of a single family with members in various settlements along the fiord, show that a person can easily marry within the settlement where he

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lives.¹⁰⁷ Marriage is, however, prohibited among all the original inhabitants of a settlement and is permitted only when one of the parties happens to be living in a settlement other than that in which he or she was born. Yet it is worth noting that the only author to mention totemic clans among the Eskimo says nothing about exogamy.¹⁰⁸

Thus, in both domestic and religious life, the contrast between summer and winter is as accentuated as possible. In summer, the Eskimo family is no more extended than our own. In winter, this small family is reabsorbed into much larger groups; another type of domestic unit is formed and takes precedence. This is the large family of the long-house; the settlement becomes a kind of clan. We could almost describe the Eskimo as two different peoples and, if we were to consider only the two jural structures of their society, the Eskimo could be classified under two separate categories.

Effects on the regulation of property

Seasonal variations affect property rights even more significantly than they affect personal rights and duties. There are two reasons. First, the objects used vary according to the seasons; food and implements are entirely different in winter and in summer. Second, the material relations that link individuals to one another vary both in number and in kind.¹⁰⁹ Alongside a twofold morphology and technology there is a corresponding twofold system of property rights.

In summer, individuals and nuclear families live isolated in their tents; at most, they may gather in temporary camps. There is no communal hunting, except for whales, and each daring fisherman or adventurous hunter either brings his prize to his tent or stores it in his 'cache' without having to consider anyone else.¹¹⁰ The individual is therefore as sharply distinguished as the small family. We can see also that there are clearly two, and only two, categories of objects: the category appropriated by the individual and that appropriated by the family.¹¹¹

Individual property consists of the following objects: clothes and amulets; then the kayak and the weapons which are naturally owned exclusively by men. Generally a woman

owns her own family lamp,¹¹² soapstone cooking pots and a collection of utensils. All these household objects are identified, in a magical or religious way, with individual persons.¹¹³ Eskimo are reluctant to lend, give or exchange objects that have already been used;¹¹⁴ they are buried with the dead.¹¹⁵ In Alaska and perhaps generally, certain objects, notably weapons, bear property marks.¹¹⁶ These marks serve a double purpose: they permit the recognition of objects and retain a portion of the magical power of their owner.¹¹⁷ An object is always part of an individual and the individual cannot be separated from it. Something can be sold or bartered only if a portion of it is retained¹¹⁸ or if it is licked clean by its owner.¹¹⁹ With this precaution, Eskimo can part with their possessions without having to fear that the buyer will exert an evil power over them by means of the object. It is, however, worth noting that this strict identification of an individual with an object is confined to objects of Eskimo manufacture.¹²⁰

The property that belongs to the nuclear family is even more limited. It owns no fixed property and only a few portable objects. Even the lamp is the wife's property.¹²¹ The family has nothing of its own except its tent, coverings and sledge.¹²² The women's boat or *umiak*, which is used to carry the tent on summer migrations and in whale-hunting, may perhaps belong to this same class of goods; perhaps, however, it belongs more specifically to those families that gather together in the winter.¹²³ In any case, it is clear that the furnishings of the nuclear family are associated exclusively with summer life, or with that portion of summer life that carries on into winter. But the rights of the family are incontestable as far as food is concerned. The hunter must bring back his entire catch to his tent, no matter how far away he is or how hungry he may be.¹²⁴ Europeans have marvelled at how strictly this rule is observed. Game and the products that can be extracted from it do not belong to the hunter, but to the family, no matter who hunted it. This remarkable altruism makes a strange contrast to the cold indifference shown to the injured and infirm;¹²⁵ once they are incapable of keeping up with the family in its migrations, they are abandoned.¹²⁶

The rules for winter are completely different. In contrast

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to the egoism of the individual or the nuclear family, a generous collectivism prevails.

First, there is communal regulation of fixed property. The long-house belongs to none of the families who live in it; it is the joint property of all the 'housemates'. It is built and repaired jointly.¹²⁷ Even land appears to be collectively appropriated.

Collective rights over food, instead of being limited to the family as in the summer, extend to the entire house. Game is divided equally among all members.¹²⁸ The exclusive economy of the nuclear family totally disappears. The family may not put aside for its own use food from its own hunting or from the share of meat it receives. External stocks such as the frozen provisions that are brought from distant catches are joint property. Provisions that were gathered earlier and are brought in later are shared to meet common needs.¹²⁹

Communal law is, however, asserted even more within the settlement than in the long-house. The opposition to the individual and patriarchal summer rights is most accentuated in this regard.

First, the land occupied by the settlement is joint property: no one, not even an ally, can settle on this land without the tacit approval of the community.¹³⁰ And, of course, the *kashim*, where there is one, is also common property.¹³¹

Then the collective consumption of food is even more marked within the settlement than within the long-house. Certain tribes divide all game among everyone, not just in times of want but at all times.¹³² The winter life of the Eskimo thus involves a continual round of communal feasts.¹³³ Whenever large animals like walruses and small whales are caught, they provide the occasion for general feasting; and the distribution of meat is carried out in the most egalitarian way. Stranded or captured whales are cut up by the entire group. Everyone in the district is invited;¹³⁴ everyone takes what he can, and, according to the curious custom in Greenland, the injuries inflicted on people during this sort of scramble are not punishable.¹³⁵

Rights over movable property held either by individuals or families fade quite readily in the face of a kind of general and latent communal right. When something is lent, there is a moral obligation to return it, but it may not be

reclaimed.¹³⁶ Restitution must be made voluntarily. If, however, an object is lost by the person who borrowed it, it does not have to be replaced.¹³⁷ As we have already explained, under these conditions theft is rare—indeed it is almost impossible.

Moreover, in Labrador, Greenland and the central regions, it is a general rule that a family ought to possess only a certain amount of wealth.¹³⁸ Throughout Greenland, when the resources of a house surpass what is considered to be the normal level, this wealth must be given to poorer individuals. Rink reports that the members of a settlement jealously watch to see that no one possesses more than anyone else.¹³⁹ When this occurs, the surplus, which is arbitrarily determined, is turned over to those who have less. This abhorrence of possessing too much is also widespread in the central regions.¹⁴⁰ It is especially noticeable in the ritual exchange of presents during the festival of Sedna,¹⁴¹ when gifts are given to the namesakes of the ancestral dead,¹⁴² to children¹⁴³ and to visitors.¹⁴⁴ Combining this ritual with Indian traditions from the north-west coast results in an institution, among Alaskan tribes, that is certainly not identical with but definitely similar to an Indian potlatch.¹⁴⁵ The majority of villages in this region have chiefs¹⁴⁶ of a sort, with vaguely defined authority; or at least these villages have a number of rich and influential men. But the community remains jealous of their power; hence, a chief can remain a chief, or rather a rich man can remain rich and influential, only if he distributes his goods periodically. Only the benevolence of his group allows him to accumulate his wealth and, by dispersing this wealth, he triumphs over it. Or, alternatively, he enjoys his fortune and makes reparation for it; this expiation is a condition of that enjoyment. Nelson describes chiefs who were assassinated because they were too rich.¹⁴⁷ Moreover, a mystic efficacy is attributed to these exchanges and to this redistribution: they are necessary for success in hunting; for without generosity there can be no luck.¹⁴⁸ This economic communism of winter is strikingly parallel to the sexual communism during this same season; it shows, once more, the degree of moral unity that the Eskimo community attains at this time.

The interaction of the two jural systems

Despite the opposition that exists between these two moral and jural systems, they do not affect each other simply because they occur successively within the same society and the same men take part in both. During the winter, an Eskimo cannot entirely let go of habits or ways of perceiving and acting to which he has become accustomed during the summer and vice versa. It is therefore quite natural that some of the customs and institutions of one season should continue into the following season.

The nuclear family of the summer is not totally abolished within the long-house. The various families who have gathered together retain some of their individuality. The house is common to all, but each occupies a separate place in it. In the Greenland house, families are separated by partitions;¹⁴⁹ in the houses of the western region, each family has its own compartment;¹⁵⁰ in the snow-house of the central Eskimo, each has its side of the igloo or its own small igloo.¹⁵¹ Each family has its own lamp for cooking, and each is free to depart or to rejoin others when the time comes to leave or to resume their winter quarters.¹⁵²

Another institution that has the same origin is adoption.¹⁵³ The Eskimo are one of the peoples who have made the most use of this practice,¹⁵⁴ but it would be neither possible nor useful, if the winter group retained its unity throughout the year. On the one hand, orphan children as members of a large egalitarian family are supposed to be raised by the entire community; whereas, on the contrary, accounts and folk tales¹⁵⁵ throughout the Eskimo area are unanimous in their description of the sad situation of the orphan. On the other hand, for the same reason, if the nuclear family did not periodically replace the large family, there would be no cause for married couples without children to be concerned about their future material¹⁵⁶ and spiritual welfare. They would feel no need to adopt some young relative or stranger to care for them when they were old and, later, for their spirits.¹⁵⁷

The winter family also has an effect on the summer family and the morals of the one affect the other. In the long-house an Eskimo does not wear clothes, nor does he wear

clothes in his tent, even when it is cold. A feeling of shame at this is simply unknown.¹⁵⁸ In spite of the isolation and individualism of the summer family, a rule of generous hospitality¹⁵⁹ is maintained – doubtless a carry-over from the intense collective life of winter. In some cases, a guest is even allowed to sleep with the family.¹⁶⁰ This right appears to be the special prerogative of kinsmen of the same winter house or companions in the same settlement.

The same kind of interaction can be seen in regard to property rights. We have already noted that, within the long-house, each family has its own lamp and coverings; each individual has his weapons and clothes. Even the rules by which meat from the hunt is divided among members of a house bear hints of the individualistic rights of the summer. Here¹⁶¹ the hunter himself divides the meat and graciously invites his companions to take their share, rather than making this an obligatory exchange. Elsewhere¹⁶² either the owner of the animal or the order in which meat is apportioned is fixed by a set of rules that indicate a kind of compromise between the two conflicting rights: the head of a seal, for example, goes to the person who harpooned it or who delivered the last blow; then come the other hunters, and finally kinsmen. In other areas there are no restrictions on the absolute right of 'housemates' over the animal.

These interactions demonstrate that, in many respects, the resemblances between the two systems of rules are the result of some sort of survival. Without these reciprocal effects, the opposition between the two seasons would be even sharper and this would mean that all individualistic elements in Eskimo culture would occur during the summer and all communal elements during the winter.

No matter how one assesses the relative importance of these extreme differences and their mutual influences, it is still the case that Eskimo law, in its totality, accords with, and only with, a twofold morphology.