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The Place of Women in the Modern Saameby:

An Issue in Legal Anthropology

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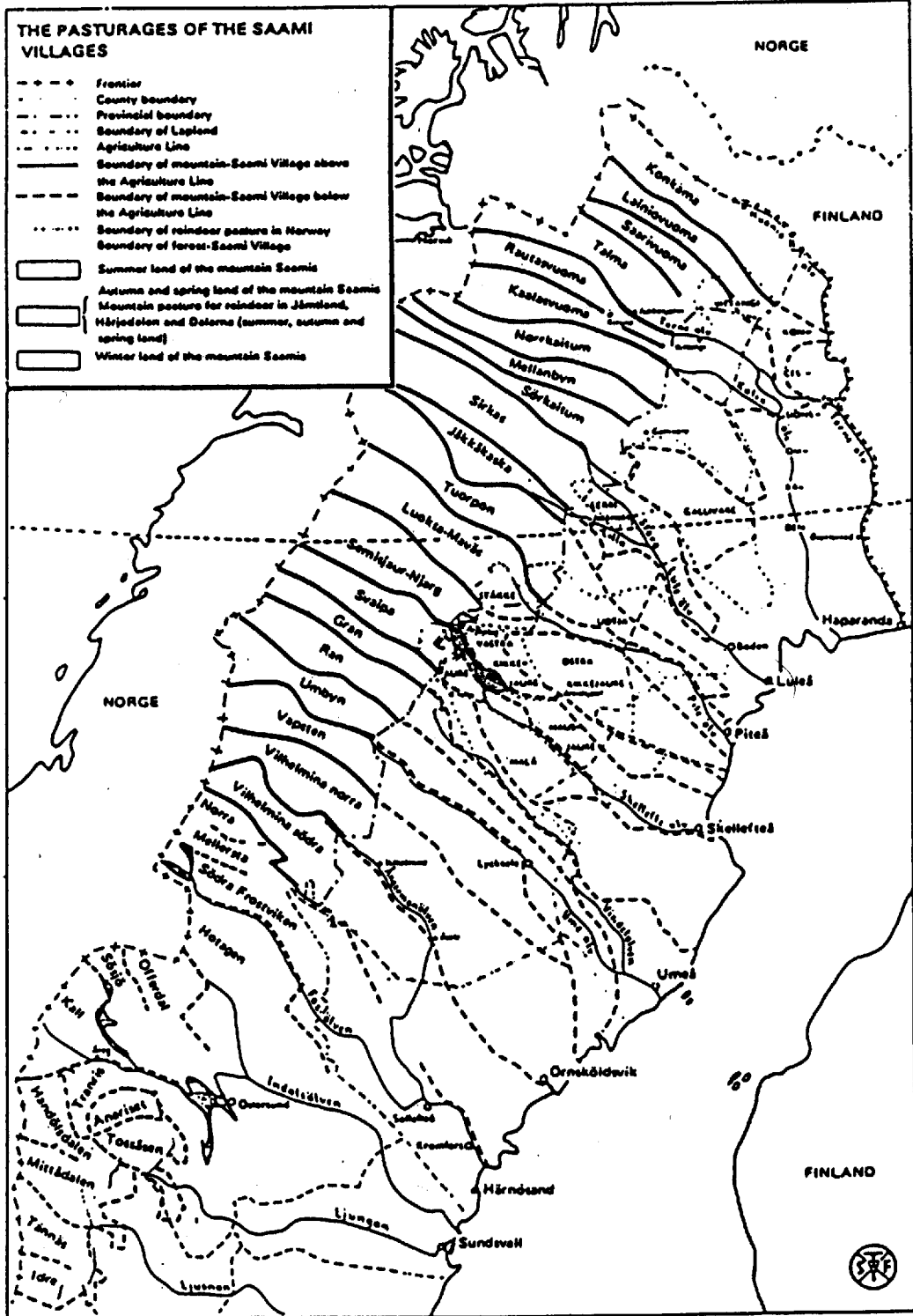
Introduction

The position of women in the modern Saameby of the reindeer herding Saamis (Lapps) of Sweden is often significantly unequal to that of the men. Today, in many Saamebys (the social and territorial herding units in Sweden), women are unable to vote in herding affairs or about collective economic matters. Their property counts as belonging to their husbands or fathers for purposes of computing voting strength. Frequently a girl does not enjoy the same official membership status in the Saameby as her younger brother. However, little is known about *why* this situation exists or how it evolved. The issue is all the more complex because the position of women in the different Saamebys can vary enormously.

An important question is whether the inequality of women in herding matters derives from traditional Saamish cultural patterns or stems from administrative policies of the Swedish government. In order to examine this question, it is important to take account not only of legal documents but of the personal opinions of herding men and women. The purpose here is not to give a broad account of the herding woman's life, but to focus upon her current legal situation.

The reindeer herding Saamis in northern Sweden provide an interesting case where the encounter with a modern, industrial society—despite that society's espousal of ideals and standards of sexual equality—leads paradoxically to role changes involving a degree of legal discrimination against women. This curious process occurs as the result of two conditions: 1) the fact that the ideals of business rationalization are applied to reindeer herding, and 2) that the native minority rights of the Saamis are reduced to include almost nothing other than the occupational rights of reindeer herders. Consequently, it follows that the current position of women in the modern Saamebys of Sweden can only be understood within the larger context of Saamish minority rights. Indeed, I shall argue that the dilemmas of sexual inequality which have developed will never be satisfactorily resolved as long as the Saamis' native rights are expressly linked to the pursuit of reindeer herding.

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Occupational discrimination

Despite an essential cultural unity, the Saamis are differentiated by many—sometimes arbitrary—schemata. The traditional division is in terms of dialect and differences of ecological niche and accompanying livelihood. A secondary mode of classification follows the national borders. Moreover, their increasing involvement with colonial powers, the nations to which they now belong, has brought about the creation of new Saami categories. As specified by Swedish law (the Herding Act of 1971, SFS 1971:437), there are now reindeer herding Saamis as well as Saamis who have the right to herd reindeer but who do not (or cannot) exercise that right. Finally, there are Saamis who are not even eligible to herd reindeer. Furthermore, according to §22 of the current Herding Act, there are three different membership classes in the modern Saameby.

§22: Members of the Saameby are

1. Those with herding rights who participate in herding within the Saameby's grazing area.
2. Those with herding rights who have engaged in herding within the Saameby's grazing area and had this as a steady profession and who have not turned to another major form of income-earning.
3. Those with herding rights who are married to a member specified under (1) or (2) or are children of such a member living at home or who are widows or widowers or under-age children of such a deceased member (SFS 1971:437).

Elsewhere, I have discussed the pattern in the derivation of these categories (Beach, 1979).

Only the reindeer herding Saamis, the members of the Saamebys, enjoy so-called Saami privileges. Besides the initial paragraph of the law, which limits herding eligibility to those of Saamish heritage, little else in the State's regulations of herding recognizes ethnic rights as such. In order to embrace the worthy goal of supporting the Saamis' unique culture, the State is willing to grant the Saamis positive discrimination with respect to certain resources required for herding, but the law implicitly defines that culture as being a herding culture alone. Should the herding Saamis attempt to stray from the occupation which supposedly constitutes their culture, then (it is sometimes argued) they should forfeit their special privileges of resource utilization.

The basis of the opinion that one should grant the Saamis these rights has been, on the one hand, consideration of the herding, so important for the national economy and vital from the social perspective; and, on the other hand, the praiseworthy desire not to ruin unnecessarily the Saamis' special culture (which is for them well adapted), and not to force them to dissolve into the main population. To the extent, however, that Saamis come by the power of circumstance to stray far away from the livelihood of their forefathers and seek their support in the same manner as the settled population, as farmers, lumberjacks, hired

A map of the Swedish Lappbys (now Saamebys) adapted from Manker, E. (1947), *De Svenska Fjällapparna*. Svenska Turistföreningens handböcker om det svenska fjället 4, Stockholm.

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hands of the settlers, etc., to that same extent the reasons disappear for the State to reserve for these Saamis any type of special juridical position. (Prop. 1917:169, p. 56.)

Similar arguments recur on another level to account for the positive discrimination of one membership class within the Saameby over the others. Only class 1 members are supposed to vote on the economic issues of the Saameby. Moreover, there are even some who would apply the same reasoning to the class 1 membership itself. In any case, power over the collective resources is not distributed evenly, but the voting strength of any class 1 member can vary significantly depending upon the size of his herd.

The several forms of political maneuvering within a Saameby are greatly complicated by the weighted voting system, where voting strength for a herder depends upon the size of his herd (Beach, 1981). Political blocks will form on the basis of herding group interests, familiar relations or herd size.

In many Saamebys, manipulation of the voting system involves even various degrees of sexual discrimination, allegedly justified, as usual, by a strictly narrow conception of occupation rights. A class 1 Saameby member is one who *participates* in herding within the Saameby's grazing area: But does the wife of the actively herding man "participate" in herding herself if she washes his clothes, raises the children, cooks his food etc? While she may own reindeer herself (possibly more than her husband) and may handle the family business accounts, she is not always recognized as an active herder. Ann-Mari Spiik of Sirkas Saameby expressed the bitterness of many herding women at the Saamish Parliamentary meeting of 1974 in Jokkmokk. Later, in an interview for the Saamish newspaper, *Samefolket*, Ann-Mari Spiik stated:

Only those who are active with herding in the field have the right to make decisions. But I consider myself active in herding work. I pack the provisions for my husband and drive him where he must go to watch his reindeer. When he comes back at night he must have food and dry clothes. Surely all of this must be counted as a contribution to reindeer herding. (Spiik, *Samefolket*, 1975: 119.)

We see here that the role of the herding wife frequently goes beyond that of a homemaker in that it contributes to essential Saamish activities. Questions about the status of different types of work and the Saameby rights accompanying them were a central theme at a conference six years ago in Kiruna entitled, "The Saamish woman's situation in the Saamish society". Among other things, the women at this meeting demanded clarification of the membership regulations of the Herding Act of 1971 (cf. *Samefolket*, 1975: 120).

Other herding women, however, while willing to admit their decreasing participation in field-related herding tasks, refuse to accept the premise that all work in the home necessarily signifies

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Swedification. They claim that the narrow conceptualization of Saamish culture which the State desires to protect and "not to ruin unnecessarily" is not only outdated, but *never was* really correct. Women's work in the home is and has always been an integral part of the herding livelihood and Saamish culture.

Why we stand in this way on the sidelines in important herding questions within the Saameby depends largely upon ourselves. Nowadays, we are not, like our mothers, active in the sense that we participate in the "outdoors job", e.g. gather reindeer, mark calves etc. We have, so to speak, become comfortable; we have been influenced by our surroundings and become refined. But reindeer herding, as is known, consists not only of the work in the forest, but is also intimately bound to the work in the home. (Stenberg, *Samefolket*, 1975: 112.)

Were the Saamebys always to follow the membership regulations designed by Swedish law, this denial of the female role as constituting real herding participation would mean that only men would be class 1 members. According to this way of thinking, only the actual physical contact and field experience with reindeer can be considered herding participation. Surely this state of affairs takes the occupational criterion for resource rights to an extreme.

Demographic factors and the Saamish balance of sexes

The recent demographic studies of the Saamis in Sweden conducted by Henning Johansson (1974), which composed a considerable part of the official State investigation, *The Saamis in Sweden* (SOU 1975: 99 & 100), confirm the complaints of many young herding bachelors: there is today a frightfully low proportion of Saamish women aged 25 or older in the herding "core area". According to the Reindeer Grazing Act of 1928, the law preceeding that of 1971, a female Saameby member who married a man without herding eligibility would lose her own eligibility. A herding man who married a woman without herding eligibility would, however, by so doing confer eligibility rights upon her. Undoubtedly this law has caused a proportionate decrease of Saamish women within the Saamebys. This unequal treatment of women disappeared in the Herding Act of 1971. Now, even a herding woman who marries a man without herding eligibility retains her Saameby membership and brings her husband into the Saameby. Yet the repercussions of the earlier law are still felt today.

Despite this improvement in the law, economic and political realities continue to pressure a significant number of Saamish women from the herding profession. Moreover, there is a steady influx of Swedish women from the south to jobs in the small northern towns. The revolutionary changes in the nomad's transportation facilities, settlement patterns, herding technology and housing forms of the past 30 years alone make the role of the herder's wife far more manageable to these Swedish women. Fur-

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thermore, while most unmarried herders claim that they would prefer to find a Saamish wife conditioned to the herding life, many admit that marriage to a Swedish girl with clerical or professional skills can have distinct economic advantages. She can bring in a steady salary, and if his herd is small, this "outside" income may in effect subsidize the man's herding work investment.

The champions of Saamish identity have, of course, been worried by the increase of cross marriages. Indeed, a rather acrimonious public debate, the notorious "Norrbönan" (Northern girl) series of exchanges between a few anonymous Saamish women and intermarried Swedish women, has been published in *Samefolket* (cf. 1975). Of course, the problems that a skewed sex distribution causes for the maintenance of ethnic identity are most serious to those striving to preserve it. Much of the concern over the position of women in the modern Saameby, therefore, has focused upon obtaining for them a work niche in the herding enterprise. Questions of equality have tended to remain in the background. For many Saamish women, the most important thing is to find work within the Saameby to avoid the need for a job search in the big cities to the south. Work in the Saameby and egalitarian issues, however, are closely connected, for a woman is far more likely to remain in a Saameby if she feels like an equal with the same rights and privileges as a man. Women have been quick to point out the link between sexual inequality in Saameby rights and sexual imbalance in the Saameby population (cf. Nilsson, *Samefolket*, 1975: 179).

Arguments about "Positive Discrimination": Pro & Con
It is a paradox of complex social systems that what seems on the surface to be most equal may not in the final analysis turn out to be most fair. It is important to realize that we are not dealing here merely with problems easily solved by changes of attitude. The discrimination against women in many Saamebys does not derive solely from sexual prejudices. Rather, the issue involves dilemmas of resource distribution, no final solution of which can be perfectly fair to all parties. One must never cease to be critical of sexual inequalities, but as scholars one must also try to uncover their grounds. In the case of the Saameby today, the discrimination toward women shares much in common with discrimination toward small herders, non-class 1 members and even non-members in general. A common motivation for discriminatory procedures stems from the same basic dilemma: Given a resource which is in scarce supply for a certain population, is it better to distribute the said resource in equal, though miniscule and even insignificant lots, or to select a small minority capable of sustaining itself on the resource and to allocate it exclusively to them? With respect to reindeer herding, the Swedish State has taken a firm stance on this

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question. Since native resource rights exist in order to preserve the unique Saamish culture, and since this culture is identified with reindeer herding, it follows that the continuation of herding deserves special consideration even if practiced by a small minority of Saamis.

Similarly, if collective decisions concerning herding matters are to be made by Saameby members, decisions which stand to benefit members unequally, is it not better that only the truly active herders, the class I members should be allowed to vote? Furthermore, benefits will be distributed unequally even within the class I membership category, and it would seem more "rational", in the sense of being more conducive to efficient herding, that someone with 500 reindeer (the official subsistence minimum) should have a greater say in collective decisions than someone with only 10 reindeer (an economically insufficient number).

There is also another, entirely different argument which comes in at this point to buttress the case for a benign discrimination: for the herder with 500 head has much more at stake in collective decisions, and should, it is claimed, have a proportionately stronger voice in herding affairs than the so-called "hobby herder".

Admittedly, decisions about herding practices in the field lie within the domain of those active herders with field expertise, but one might question whether the active herders should monopolize all other economic decisions as well. In order to deal with this question, it is necessary to consider the dynamics of monetary funding for the Saameby. According to the economic plan organized under the Herding Act of 1971, work inequalities between big and small herders would be prevented by the levying of a herding fee per reindeer, paid by its owner to the Saameby, whose members collectively would be responsible for the care of the reindeer. Those with many head would have to pay more than those with few. Moreover, the members of the Saameby are to share economic responsibility for all Saameby liabilities in proportion to the money they invest in it (i.e. in proportion to herd size). Many Saamis argue, therefore, that a weighted vote system should indeed apply to economic decisions even if these do not directly relate to work in the field. Those who pay more to the Saameby in herding fees should, according to this line of reasoning, have proportionally more to say about how the money is spent.

The law, however, does not explicitly link the use of the weighted vote with the levying of a herding fee. And, in some Saamebys the weighted vote of class I members is used whether or not a herding fee per reindeer is paid to the collective Saameby treasury. According to law, this herding fee is neither demanded nor permitted unless the yearly budget of the Saameby shows a deficit. The fee is then calculated by dividing the deficit by the Saameby's total number of reindeer. In the case that large compensation payments are made to a Saameby for land encroachments, (e.g. a

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Karin Parfa bakes "glödkakor", or ember cakes at the summer camp. The bread is an important staple for her husband when herding and for the family in general. It is also sold to hikers and supplies the family with a not insignificant income. Is such work to be counted as herding participation? Photo Hugh Beach.



Elli Karin Blind scares and prods the reindeer from behind to help her brother pull his stock to the proper side of the corral during a herd separation. There may be a number of separations each year, but work of this sort will probably not give her the status of active herder. Photo Hugh Beach.



hydro-electric power plant), on the other hand, the budget will not show a deficit and a herding fee will not be required. Under these circumstances, many Saamis argue that the Saameby should employ only a one herder/one vote policy in herding matters demanding field competence, and a one *person*/one vote policy in matters of a general economic nature. Others, however, argue that it is the ownership and responsibility for the reindeer themselves and not any fee paid for them which justifies the weighted vote in economic issues as well as in herding and field decisions.

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Ibba Spiik was at least as active a herder when this picture was taken as any man is today. By giving up the herder's staff it seems that Saami women can no longer share their Saami heritage on an equal footing with their herding husbands. Photo Ludwig Wästfelt (ca 1925).

Note that although herd size lies at the base for any herder's total herding fee payment, the Herding Act of 1971 does not specify if it is this sum or his reindeer which justifies a herder's augmented power in economic decisions. The law refers simply to "responsibility" and leaves it unclear as to whether this responsibility is gained through reindeer ownership or money paid to the Saameby for the care of them. Similarly the law fails to distinguish between decisions concerning herding in the field (e.g. when or where to migrate) and economic decisions (e.g. when and where to invest Saameby funds). § 59 point 2 states only that in decisions other than the election of Saameby officials, the weighted vote of class 1 members is the appropriate procedure.

These failures to distinguish different types of responsibility and different kinds of decisions have important repercussions. One might think that all those who pay a herding fee, including reindeer owners of class 2 and class 3, should thereby have a voice in purely economic decisions. However, government policy legitimizes the exclusive authority of class 1 members in all matters of policy, both field-related and strictly economic. This state of affairs is evidently discriminatory. On the other hand, it might be possible to argue that a certain degree of bias is called for, on the grounds that active herders deserve extra consideration for the sake of the long-term perpetuation of Saamish culture. The balancing of these various conflicting arguments is a delicate matter which requires a careful comparison of all the pros and cons.

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Living Standard and Labor Force

According to the Swedish program for the rationalization of the herding industry, the rising subsistence minimum in reindeer can accommodate only a decreasing number of herders if they are to support their families according to a good standard of living. The specification of this standard sets the number of reindeer minimally required per herder; this, in turn, establishes the number of herders able to survive on the limited Swedish reindeer stock. There is a problem here, however: for the Swedish ideology comes into conflict with the goal of maintaining the Saamish culture.

According to the intentions of the report [Prop. 1971: 51], 30 % of the herding population should be peeled away, so that those remaining will attain a living standard which is comparable to that of the society at large. The salary of a normal industrial worker would demand a herd of 500 head per family. Today there is almost no one who reaches this figure Therefore, such a change would have wide repercussions. The population base would be too small to sustain a culture. (Svensson, 1973: 185.)

Of course, Saami politicians do not necessarily agree with the standards established by the State. Yet, as the subsistence minimum in reindeer rises, and as industrial encroachments continually consume grazing land, the number of herders able to live off herding must steadily decline.

Even other aspects of rationalization favor a great decrease of the Saami herding population. From the labor perspective, it is a serious waste of time and money if all the reindeer owners have to be present to perform a task which requires only a few workers. The current Herding Act of 1971 outlines guidelines for the establishment of a herding fee per reindeer and a wage system to pay those who work for the collective good. In this way owners can pay for work, and the jobs can rotate without demanding the presence of all. Snowmobiles, seaplanes and helicopters also reduce the amount of man-hours required for modern herding. As a result, in many Saamebys today, there is an over-large labor force. According to the State's ideals for the rationalization of herding, approximately 30 % of the active herders ought to be superfluous from a labor perspective. By pure coincidence, this figure fits well with the 30 % reduction of herders calculated to ensure those remaining a good living standard according to Swedish norms.

The Rules and their different Applications

It becomes apparent that the issue of voting rights for women in a Saameby is more an economic question than a question of sexual equality *per se*. Assuming the legitimacy of the weighted vote principle, the next basic issue involves *how much more* influence should one Saameby class have than another; *how much more*

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influence should the big active herder have than the small active herder; or *how much more* influence the men should have than the women. There are a number of factors to consider in assessing the appropriate balance of power among the members of a Saameby.

While it might well be argued that a herder with 500 reindeer should have more power over collective decisions than a man with 10 reindeer, just how much more power he should have has been a constant bone of contention. The Herding Act of 1971's § 59 point 4 stipulates that no single herder can represent more than one fifth of the total assembled vote on any issue. Another regulation fixing the balance of power within the weighted vote system states that herders are to be given one vote for each increment of 100 head (e.g. a herder with 199 head has only two votes, while a herder with 201 head has three votes; cf. Beach 1981: 386). Earlier it had been suggested that herders should obtain a vote for each increment of 200 head. It was decided, however, that this policy would give insufficient influence to larger herders, and the point of balance was set at one vote for every 100 head.

According to the Herding Act of 1971, each class 2 or class 3 member of the Saameby (as well as owners who are non-members, so-called "contract owners", cf. Beach 1981: 110) must have their reindeer cared for by a class 1 member. This class 1 member, the active herder, can count the reindeer belonging to the other members (classes 2 & 3) for whom he herds along with his own animals to determine his voting power. He cannot, however, count the reindeer owned by non-members. This means that if a class 1 man has 60 head and his class 3 wife has 45 head, the man wields two votes. Within this context, he is regarded as a kind of reindeer property guardian (*husbonde*). An adult male herder is frequently reindeer guardian for his wife, under-age children, unmarried sister, and maybe his pensioned (class 2) parents or grandparents, all of whose reindeer contribute to his voting power. If, however, a class 1 herder has 40 head and his wife has 40 head, he still has only one vote. Assuming that he and his wife would vote the same on an economic issue, this herder (and his political group) would find it advantageous if his wife had a vote of her own.

In the competition which must of necessity follow between the big herders and the small herders struggling to stay in the field, it may well be to the advantage of the big herders to eliminate the vote of the wives of the small herders even at the expense of losing the support of their own wife's vote. For the big herders it is generally more advantageous to gauge voting power on the basis of reindeer numbers and to minimize the influence of the number of owners.

Now, should one family be comprised of eight active herding children, then this one family would have a very large political voice even if its total herd size is small. The guardianship policy and delegation of (most) women to class 3 status is one way of

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diminishing the chances of a single family's gaining too much power on the basis of people rather than reindeer. Should the family members own many head, its power as an entity would be checked by the rule which states that no single guardian can cast more than one fifth of the total vote on any issue. Should a single, extended herding family be composed of many active men, however, the guardianship model would not limit the family's power if unified in policy. Each active male family member is his own reindeer's guardian, and the one fifth rule will apply to each guardian alone, but not to the family as a whole. A father who votes with the power of his own reindeer plus those of his eight daughters is thus restricted, while a man and his eight independent sons can form a formidable political entity. A man with a family of daughters may be far weaker than a man with a family of sons, even if his family as a whole owns far more reindeer. Hence, contingent differences in the ratio and distribution of the sexes can have very far-reaching consequences for the balance of power in the Saameby.

Political Alignments within the Saameby

Different Saamebys are structured by different types of power concentration. We have just seen, for example, how familiar relations prove determinant in many issues. A single family composed of many active herding brothers with big herds can dominate the Saameby vote (see *Samefolket*, 1980, no. 5). The weighted Saameby vote gives rise to various possible types of power alignments, which can determine such things as wage considerations, spending programs, placement of construction facilities and even membership status (within bounds). Even if the large herders in a Saameby were to band together to take measures disadvantageous to the small herders (conceivably even with deliberate intent in order to drive them from the field and obtain more grazing for themselves) this would be perfectly within the law.

Sometimes, on the other hand, the small herders will be numerous enough to form a majority, so that the big herders complain bitterly. In still other Saamebys battle lines will be drawn instead between different herding "big groups". In a situation of limited grazing availability and with a maximal reindeer limit established for each Saameby, it is plain that what is bad for one group can be precisely (sometimes for that very reason) good for another.

Although the Saamebys demonstrate many types of power structures, there is an inexorable tendency toward the dominance of the largest herders. If one group is consistently able to vote through policies favorable to it, its herd size will probably benefit more than the herds of competitors, and thus the voting strength of the group in power will be even further increased.

For example, in cases where sizable amounts of money come

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into the Saameby treasury as compensation for various sorts of land encroachment, the group with greatest strength within the Saameby has most to say about how this money will be spent. Not surprisingly, the policy of the State in granting loans for the purchase of livestock automatically takes on enormous political implications. In buying reindeer one buys voting power. Not every herder is able to obtain a loan or is in a position fully to utilize one. On the whole, the State favors big herders in the granting of loans. And because of its rationalization program, the State is even inclined to give big herders, or at least those defined as "capable of development", free subsidies for the purchase of reindeer.

It is precisely in those Saamebys which are objects of large-scale encroachment and compensation payments that purely economic issues are most common and vitally important. Similarly, it is in those Saamebys which have reached the maximal total herd size permitted (so-called "rational" herd size specified for each Saameby) that power struggles often become fierce and voting rights become a central issue. As the pressure on resources intensifies, grazing comes to be in short supply. It may even be necessary to impose enforced slaughters. Which reindeer owners are to slaughter, and how much they are to slaughter are questions for the weighted Saameby vote. Understandably, in such situations membership status is strictly regulated and the weighted vote system (limited to class I members) is commonly employed. Hence most women are without voting rights. One justifies their lack of voting rights by the fact that the women are not active herders.

Currently in Sirkas Saameby, for instance, any woman who seeks to become an active herder and thereby achieve independent status as her own reindeer's guardian, may certainly undertake to do so, but her success is not a foregone conclusion. She must pass a three-year test period, after which she is approved or rejected by the other active herders on the basis of her abilities and willingness to work. She must prove herself to be one whose herding opinion should be respected, for her vote affects not only her own reindeer, but those of the entire Saameby. A class 3 boy, however, simply grows into class I status. Although he may be considered incompetent, his right to class I status is never questioned.¹ For women, therefore, the vote is bound to a competency criterion as evaluated by the active herding men.

On the other hand, those Saamebys not subject to such critical problems of resource distribution tend to be more lax regarding membership status and voting rights. One might say that in a sense

1. To be sure, a similar competency requirement might be imposed on non-Saameby males seeking membership with class I status. The point is, however, that the women already within the Saameby are treated in this respect as being on par with new applicants for membership.

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their herders can afford to allow friendship and ethnic identity to gain precedence. The desirability of group solidarity comes first over purely economic considerations.

These conditions prevail in Tuorpon Saameby, and consequently the weighted vote has never been used. Women in Tuorpon are frequently able to maintain voting equality with the men even if their husbands are the official guardians of their reindeer. In fact *all* Saameby members can vote on economic issues whether they are class 1, class 2 or class 3 members (though some might not consider it their place to do so). Furthermore, a member's class rating is not strictly regulated in Tuorpon. If a class 1 member begins to transfer his or her energies to other sources of income and even comes to obtain most of his or her income from non-herding sources, he or she may still maintain class 1 status. Those who are no longer active in herding at all and who are engaged in other economic activities may not necessarily lose their Saameby membership. In Tuorpon there is much flexibility in such matters.

We see, then, that the Saamebys adopt different alternatives in seeking a balance between the criterion of competency and that of responsibility derived from property rights. Given the complexities of the issues, it is virtually impossible to establish a system which is satisfactory in every respect. Sometimes the policies adopted may be *prima facie* unfair to certain groups, in particular to women. Through it all, the Swedish authorities stand by without interfering, on the grounds that the Saamebys have the right to determine their own internal affairs.

Conclusions

A recent newspaper article (*Expressen*, April 14, 1981) had claimed that the election of a female treasurer to Jåkkåaska Mountain Saameby in the Jokkmokk district has transgressed one of the last male barriers in the path of sexual equality. The report was made in such a way as to have one believe that, as in so many other societies, contact with western values and modernization have raised women to a higher position, or at least to a position more like that of the men. In fact, however, it is the encounter with the conditions of contemporary society which have largely brought about the inequality. The nomadic women of the past were more active in field than many men today. They were free to decide their own herding affairs. But now modern technology, State rationalization policy, and the legislation of minority rights as occupational rights have in places reduced the Saamish women to second class herders and in effect second class Saamis. In principle the fate of women in the Saameby is similar to that of small herders and even non-herding Saamis. The rights previously accorded them are victims of a process which limits the number of those able (or

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needed) to herd actively and which then treats this activity as a prerequisite of Saamish rights.

Yet, it is not uncommon to find herding women who support the men of the Saameby in their justifications of sexual inequality. It may be difficult for a herding woman to approve of the occupational premises which grant her herding family resource privileges over other Saamis, without at the same time approving of the special voting rights of her active herding husband. Some might claim that the same criterion which confers special status on the herding group as a whole likewise confers special status on those members within the group from whom the occupational privileges derive. In effect, the argument quoted on page 129 above from Prop. 1917: 169 returns here, *mutatis mutandis*, with special reference to the position of women in the Saameby.

Although the rules governing this process are mainly fixed by the State, they are to be implemented by the herders themselves. Many Saamis see the laws of the Swedish State as part of a conscious and insidious plan to set the Saamis against each other. This accusation goes too far, for the State's legislation concerning the Saamis is just a long series of purely *ad hoc* measures to meet the basic dilemmas of colonial encounter under shifting ideologies. In the same way as the different Saamebys employ different voting regulations depending upon the ecological and economic conditions confronting them, so has the State at different historical periods formulated varying forms of minority legislation depending on the shifting balance of its own socio-economic wants and needs. Of course the policies formed have reflected the prevailing opinions and prejudices of the times as well. Nonetheless, even though current consequences of the law are not so consciously planned, surely the State must accept *some* degree of responsibility for the attendant injustices and should act to overcome their most gross manifestation. Certainly the internal autonomy of the Saameby should be respected, but not to the point of condoning the violation of even more fundamental rights.

Most importantly, however, the reindeer herders, to the extent they are *Saamish* rather than just Swedish herders, bear the responsibility to oppose their splintering as a group. Harsh economic realities may induce a decreasing tolerance of fellow competitors. However, selfishness on the part of few can narrow the limits of tolerance far beyond the degree called for by Swedish State ideology and economic demands.

Saamish culture is, to a great extent, in the anomalous position of pursuing survival within the context of an artificially framed occupational definition. When such an artificial framework generates policies of inequality between different groups at the expense of the minority society as a whole, so that short-term, individual gains take precedence, there is a danger of ethnic suicide. Splintering of any kind is detrimental to the maintenance of cultural identity.

Hugh Beach

Discrimination against women is especially harmful, for to do so is not merely to segregate different groups, but to destroy the core of continuing group formation. Just as survival for a minority encompassed in a larger majority rests upon the ideal of cultural pluralism, by the same token, a progressive minority should recognize the necessity of social and legal parity between the sexes.

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