

ACTA BOREALIA

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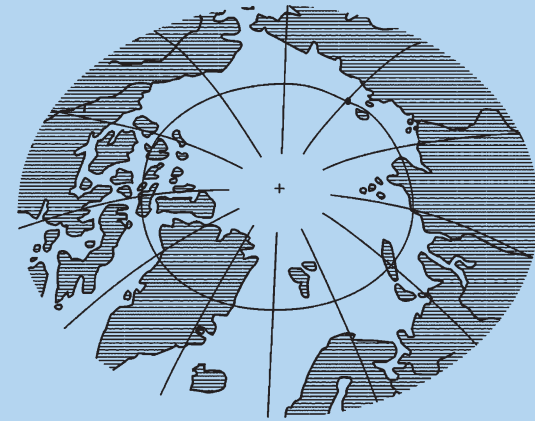
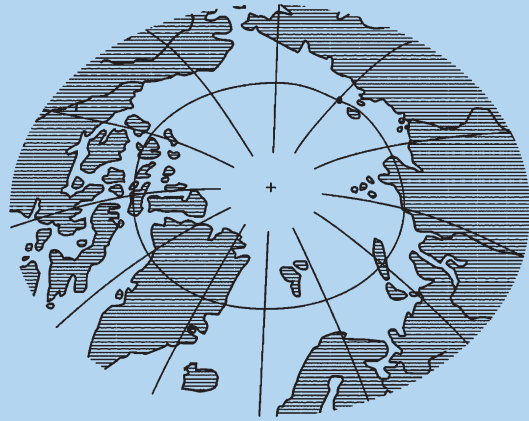
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Self-determining the Self: Aspects of Saami Identity Management in Sweden

HUGH BEACH

ABSTRACT *The topic of this paper concerns the variable essentialist and constructivist perceptions of Saami identity as reflected in the criteria specified by the Swedish state on the one hand and the notions of those who self-identify as Saami on the other. Hence, it deals heavily in the comparison of state as opposed to Saami formal definitions of “Saami”, but it is the general principles and the dilemmas highlighted in these definitions that are under scrutiny here. Although this paper focuses predominantly on the taxonomies of various criteria of ethnicity, it does so in an effort to make these open to changeable, relational content. Just what characterizes Saami relational content or what different content might be emphasized by different Saami groups is not the primary focus here. This heuristic discussion is aimed not to consider the replacement of rights inherited through individual descent lines as per the original conception of immemorial right. Rather it is to chart a possible “phase-in” course by which cultural competency can come in time to warrant rights accorded to members of a collective ethnic ancestry.*

KEY WORDS: Saami, Ethnicity, Indigeneity, Self-determination, Saami Parliament

Introduction

Increasingly, as international conventions and norms espouse the ideals of granting to indigenous minorities limited self-determination, and most especially that of ethnic self-ascription, new problems surface. Classificatory schemes for ethnic membership and their justifications for linking such membership to distinctive resource rights have always been contested topics between indigenous peoples and their encompassing nation states. Now, however, as states gradually abdicate nationally unique classificatory regulation in favour of indigenous self-ascription with an attempt at global harmonization of principles, problems accruing to the criteria of indigeneity become only more apparent (cf. Clifford, 1988: 277 ff.; Kuper, 2003). The foundation of the Saami Parliament in Sweden signals the entrance of a new broker on to this scene. Under Swedish law, “Saamihood” applies to the practical distribution of state-funded Saami cultural support or of facets of reindeer-herding resources legislated as a monopoly for the Saami people.

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With the creation of the Saami Parliament in 1993, the state's recognition of Saamihood also applies to the composition of the Saami Parliament's own Saami electorate.

Saami identity management faces a number of significant issues of principle, which might be, but which might equally not be, internalized on the individual level. Swedish state policies are rife with inconsistencies with respect to such principles, reflecting on a deeper level the problematic taxonomic models of culture and identity categorization that affect us all, from western urbanites and increasingly to indigenous peoples themselves. Studies abound of the shifting relational strategies contextualizing individual manifestations of identity. Yet those concepts that the protagonist's agency relates to, for example legalistic definitions of who is a Saami, are frequently considered as givens and, from the state's perspective, have been largely immutable for hundreds of years, although vaguely addressed by the concept of "ancestry", i.e. blood. Now, however, these legalistic devices are undergoing fundamental reformulation under negotiations with the organizations of indigenous people themselves. As "the Saami" come to be increasingly in the position of defining even the definition of "the Saami" employed by state legislative policy, and not only their own understanding of who is a Saami – of course the two are linked, although not necessarily harmoniously – it is plain that we touch upon a practical and theoretically tricky conundrum: who are the Saami who should decide who is a Saami?

Although this is the kind of issue that has been forever hotly debated by the Saami among themselves, with all manner of refinement, locally shifting identity markers, and status attributes within the larger Saami group, it is only recently that the state has thrown open its own definition of Saami. Of course, there has been a long history of legislation specifying which Saami are to be permitted access to certain resources. Yet, the actual content of Saami ethnicity has never been specified until the need arose with the establishment of the Swedish Saami Parliament in the early 1990s. Resource allocations rested instead (in part although not solely) upon a proven ancestral link to an undefined Saamihood. Those with rights to herd reindeer were those "of Saami heritage". This remains the situation today, but since the early 1990s the issue has taken a major turn of complexity with the introduction of criteria for a definition of Saami.

With the advent of the Saami Parliament, how one defines a Saami, rather than simply if one is of Saami heritage, comes to carry significant practical weight in direct proportion to the political influence the Saami Parliament gains over Saami rights and distributive capital, both symbolic and economic. With mounting impetus for a new Reindeer Act, which would expand the membership of the category of Saami permitted to exercise their herding rights, the new Saami definition could become a powerful factor in practical matters of land use, not just in more cognitive cultural matters such as Saami language support.

Ingold (2000) has propounded a relational model of enskilment with its recognition of embedded generative and inter-subjective learning (as opposed to the transmission of digitalized cultural code packages) to account for

(and therefore to redefine) culture. However, although we might regret the problems occasioned indigenous peoples by the imposition of an inadequate and rigid essentialist culture concept and genealogical model, these are not merely problems devised by western academia. Ideal constructs regulating membership in indigenous and non-indigenous categories along with accompanying differential resource rights might come to us with a better understanding of the relationships governing the transmission of skills and the education of learning among humans and their social and material environment. Yet, we are still all of us, and especially indigenous peoples (however defined), enmeshed by legislative constraints derived from a long history of ancient and modern, contradictory and wrong-headed (and occasionally enlightened) beliefs. Paine (1991) draws attention to the distinction between the term “aboriginal”, indicating earliest or at least first on record, and the term “indigenous”, indicating born in or native to place, and how the two are often mistakenly conflated. Rights recognized by the state for the Saami in Sweden, however, their immemorial rights, were not originally based on either of these constructs, and their careful distinction is of limited value to the discussion carried on here. Rather than attempt to correct the misnomers of national legislation or international covenants, I shall confine my use of the term “indigenous” in the Swedish context, not to define, but to refer explicitly to the Saami, and make it plain when I am referring to others who have also been born there. The often heated discourse among Saami in Norway between so-called “Pluralists” and “Integrationists” illuminated by Paine (1991) is but palely reflected in Sweden. One can even speak of genealogies of such conceptual lines of thought, e.g. different ways of reckoning indigeneity that have diffused along different networks (Tsing, 2007).

These policies and laws, and the understanding by which indigenous people construct their own identities, are commonly predicated in terms of “culture” and what is authentically “traditional”. Culture is a term whose inadequacies Ingold illuminates, but its conceptual flaws do not free us from the need to cope with it. In the final analysis, although we might be inclined to grasp as flawed the genealogical concept of ethnicity, if it is what people believe and conceptualize their ethnicity to be built upon (even when muddled, with contradictions, and much else of greater importance slighted), then it must be credited with a certain authenticity nonetheless. Moreover, the content and concepts born of the inadequate genealogical model, identified and criticized by Ingold, can themselves be objects of relational enskilment. Individual identities and group identities are never right or wrong; they simply are. It is our understanding of how they are generated that is open to such qualifiers.

Indeed, for indigenous peoples (as they know themselves today) the risks involved with abandoning the genealogical model in the legal arena might outweigh the benefits of embracing the traditionally resonant concept of “enskilment”. The very criteria of indigenesness, truly, those very individuals conceived of as indigenous, must alter radically as one moves from a genealogical to a relational model. Naturally, as indigenous membership categories become fixed by legislation and international conventions, so does the risk factor of abandoning such a model become fixed for any set clientele

based upon them. Not only the composition of the indigenous category, but also the special rights its members enjoy, are likely to change with transition to a relational model. The land rights currently granted the Saami are conceived and encoded in terms of the genealogical model. According to the Swedish Reindeer Herding Act, for example, rights to utilize land for a traditional form of occupation only (reindeer herding), inherited through Saami *descent*, are definitely not rights by which residents of the land regardless of genealogical heritage are permitted to generate and develop their occupations (and identities) freely.

Deep-rooted legislative policies concerning the access to and use of limited resources can rarely be blithely “corrected” without causing further grave injury to someone. It is only under the starkest genealogical model that rights are justified fully by ancestry, and a proper re-alignment of rights according to descent might be regarded as the path of least pain for the greatest number, a kind of natural and cultural order of things. The relational model, on the other hand, assures us that with each ongoing enskilment, in each embedded context of learning and memory (regardless of historical accuracy, scientific validity, or moral standards), perceptions and bonds are formed and renewed whose disruption is almost never painless (even with regard to traditional practices that most of us might abhor). But although one might not shy from the disruption of morally intolerable traditions, what loyalties do we owe to the preservation of a more innocuous relational process of enskilment for one group of people, mode of livelihood, or self-proclaimed “culture” over any other? What is the substance of indigenesness, and who are indigenous people? What arguments are given for their positive discrimination with respect to resources? And how do these arguments in turn come to affect the indigenous peoples who inevitably must construct their own identities in relation to public opinion, state legislation, and international conventions? This article probes these issues through the particular case study of the Saami in Sweden and draws upon my lengthy observations from this field.

Such a focus provides ample scope for the analysis of essential principles. Throughout most of the history of Saami indigenesness, a condition activated by the northern penetration of the dominant society and nation state, the genealogical model has become dominant, but its scope of application, that is, what Saaminess means concretely in the way of special rights, has steadily decreased. Special Saami land rights in Sweden are open only to those of Saami descent. Yet, whereas previously Saami land rights could include exclusive hunting and fishing rights beside the right to herd reindeer exclusively, Saami hunting and fishing rights have been embedded under the herding right so as to be accessible only to practising herders, and in 1993 the exclusivity of the Saami small game hunting and fishing right was confiscated. Of course, conflicts with other land-based forms of resource utilization have over the years resulted in major expropriation of lands, so that whatever forms of special Saami land rights remain, apply to a significantly diminished area. Different aspects of the genealogical and relational models have been activated in policy. Most recently, with the creation of the Swedish Saami Parliament, Saamihood has been recognized as

determined by the least essentialist and most relationally open, subjective terms imaginable. The debate of who is Saami and what such an identity might morally justify in an increasingly global society is very much alive today in ever-new guises.

All Saami Are Not the Same

The Saami are known to the world as a reindeer-herding people, and it is through the reindeer-herding livelihood only that the immemorial rights of all the Swedish Saami find practical land-based recognition in Swedish law. Significantly, and despite the fact that the Saami reindeer herders in Sweden today constitute only about 10–15% of the Saami population, the Saami also know themselves largely through the reindeer-herding livelihood and its accompanying cultural idioms as expressed in Saami handicraft, music and language. Obviously there is far more to Saami culture and identity than reindeer herding, but it is this that Swedish legislation has enshrined as distinctive and the prime criterion for special Saami resource privileges. Among Saami too, it is the herder who is a Saami *par excellence*, without question.

Non-herding Saami face the question to different degrees. Many of those who still live in the north on the lands of their forefathers often resent their exclusion from the herders' resource privileges, but have a strong family history of herding and do not necessarily feel their "Saamihood" under question. Many are confident in their Saami identity regardless of any historical family association with reindeer herding. Then there is the large number of Saami (maybe with considerable generational depth) who have left their core areas to settle in the populous southern urban centres. Some of them are fully content with their individual "Saaminess", would never deny it, but care little for recognition as a co-member by any larger Saami group. For others such recognition is essential, and they profess their Saami identity loudly to the "Swedes" and defiantly to the herders, basing it on criteria removed from any dependence on reindeer herding. Recent studies (Olofsson, 2004) indicate that such stances do not only differ from individual to individual, but that these positions of self-proclaimed identity commonly change for individuals along their lifeline progression¹.

Although herding is a great strength, and for many the essence of Saami culture, it places the Saami culture at the same time in a position of vulnerability. Swedish reindeer-herding policies make it plain that herding is to be considered a special privilege conferred solely upon the Saami minority in order for them to preserve the unique Saami culture. With this foundation, herding legislation takes the logical, if drastic, position that to the extent a Saami herder strays from his traditional herding culture so should his special rights be terminated. For example, the Reindeer Act specifies that the approximately 44 territorial and social herding entities in Sweden, the so-called mountain and forest *Samebys*², can engage in no economic activity other than herding. Furthermore, no individual herder can obtain more than 50% of his income from a non-herding source without running the risk of expulsion from the *Sameby*³. Technological advances and the ever-present

pressure to increase profits from herding, while at the same time battling steady rangeland encroachment, has driven herding into forms hardly recognizable to the Swedish majority as protective of traditional Saami culture. Modern herding, especially when accused of ecological malpractice, waves a red flag in the faces of those northern residents who feel they suffer from the discrimination manifest in the special Saami herding privilege. Without sympathy and support from the majority, the Saami minority stands to see its rights reformulated as privileges and eroded further by the democratic process.

To turn this tide, Saami herders have become very conscious to present themselves in media as protectors of the environment who, with an unbroken heritage of environmental concern, leave little to no trace upon the landscape even though they have modernized reindeer herding and make use of the latest technological developments. For example, current posters in Saamiland depict a modern reindeer herder dressed in the latest synthetic Gortex materials, carrying an aluminium hiking stick, leading an old-style reindeer pack caravan (not used in the area for at least 40 years). The reindeer carry old traditional equipment and harnesses. Only a few years earlier, before the Saami were so threatened by eco-criminal accusations (cf. Beach, 1997, 2004), nostalgic tourist posters of the same motif usually featured a herder also dressed in the old traditional reindeer-hide clothing in keeping with the old caravan. Although highly similar, the two posters are speaking to radically different issues: that with the herder in modern gear makes a statement of the continuity of traditional Saami small-scale environmental impact still maintained by contemporary herders; that with the herder in traditional clothing is simply one of the romantic genre enticing tourists to a supposedly living exotic past.

Those who might think the issue of Saami ethnic membership hardly problematic, especially in the north in this period of post-stigmatization, are quite mistaken. Although most people who know of their Saami ancestry are proud of it, not so many understand the controversies involved with government classification schemes and what the consequences of various definitions of "Saamihood" might hold for them and their offspring. The ambient population is usually quite ignorant of the issues and what assumptions underlie them. In fact, in 1993, a good number of the Saami students I encountered at the university were not at all aware that recently enacted legislation altering §1 in the Reindeer Act had elevated them to a new status. Few people fully grasp the disparity between the concept of Saamihood as espoused by the Reindeer Act and that espoused by the Saami Parliament (Sameting) Law. Fewer still understand the dangers posed by each definitional model, or, yet more complex, the potential interaction of the two models. I shall address these points below in what can only be a highly selective treatment of a broad topic.

The Saami on many counts have criticized the regulation of Saami resource rights by the Swedish state for many years. Although much of the criticism is justified, it is rare that workable alternative solutions are provided. Considering the relational aspect of identity determination and the procreative enskilment process for the stuff we have called culture on the one hand,

and the fact that those indigenous categories defining the “self” of self-determination struggles have been constructed according to genealogical models on the other, it is readily apparent that a problem exists that stems from conceptual dilemma, and not simply the abuses of colonial power. As a useful exercise, I have sketched some terms of a possible “enskilment-of-ethnicity” model that might patch the equation between the existing indigenous clientele and the characteristics that justify to the ambient population (and to the Saami themselves) special indigenous rights. It seems that no set of criteria for the determination of ethnicity will please all of the people all of the time; yet, it is a worthwhile exercise to trace the logical repercussions of different policy types. In the final analysis, it is impossible to escape the dilemma of who first decides those who should decide the indigenous category. What one might hope to target nonetheless is a definitional system, which through time will be by each generation considered fair both by those defined in, as well as those defined out.

Membership Criteria

There is a major difference between acknowledging the wealth of criteria that give meaning to the concept of ethnicity and might be said to constitute it, on the one hand, and determining a minimal set of these criteria sufficient to sort a certain set of people out from the crowd, on the other. Whereas in the former case one grapples seriously with the problem of determining the variable and complexly interrelated factors composing Saami ethnicity, in the latter one is merely interested in finding a *shibboleth* that can be used to identify most effectively an already predetermined ethnic constituency. A full descriptive definition, however, is never identical with one of its definitive marks. Although both principles might be considered to compose definitions of Saami, they are quite distinct and if conflated cause confusion. The following three recent definitional approaches illustrate both the turmoil involved in creating definitions of the Saami and the problems in their implementation.

The Reindeer Act prior to 1993

Prior to 1993, which saw the enactment of a Swedish Saami Parliament, the only special rights accruing to the Saami *in practice* were those related to being a reindeer herder. Reindeer-herding rights have been regulated in Sweden according to a series of Reindeer Acts, the first in 1886. The current Reindeer Act stems from 1971, and has since been modified a number of times. Because all the rights the Saami might conceivably possess as indigenous people have been confined to the exercise of herding, one might suppose that the government has defined that only the reindeer herders are Saami. Nevertheless, I argue that, on the contrary, the government has *not* defined who the Saami are, it has simply defined which people are allowed to herd and which are not. In fact, it seems that the government has made an express point of not defining who is a Saami, even though the Act refers to “Saami ancestry” as an essential qualifying criterion for reindeer herding.

According to the Reindeer Act of 1971, persons who possessed reindeer-herding eligibility were those of Saami ancestry if they had a parent or grandparent who had had herding as a steady livelihood. We can note that the above paragraph contains both an ethnic criterion, Saami ancestry, which is not in the least defined, and an occupational criterion. The formulation of the occupational criterion can easily come to generate what I have termed elsewhere (Beach, 1981, 1986) a “phase-out clause”, whereby with each succeeding generation removed from the herding occupation, Saami descendants lose their so-called herding eligibility.

Before 1993, Saami could be fitted into three distinct categories: (1) those who were herding Saami and were members of Samebys; (2) those who were eligible to herd but did not (i.e. were not Sameby members, but had at least one grandparent who had been a herder); and finally (3) those who were no longer even eligible to become reindeer herders (their last herding ancestor having been perhaps a *great* grandfather; or maybe none of whose known ancestors had ever herded).

This occupational criterion encoded in the Reindeer Act of 1971 was a reiteration of a paragraph in the previous Reindeer Act of 1928, and it was this Act, that of 1928, which for the first time carried the further stipulation that only reindeer-herding Saami could be Sameby members and thereby *practice* their herding (and supplementary hunting and fishing) rights as Saami. Saami with herding eligibility might apply for Sameby membership, but their acceptance or rejection by a Sameby would be left up to the vote of the current Sameby members. This stipulation was maintained in the Act of 1971, and as each Sameby has been assigned a maximal total reindeer quota above which the sum of the privately owned reindeer stock of its individual members must not go, it is obvious that the current Sameby members will exercise great restraint (“closed shop”) in granting the applications of new aspirants to Sameby membership from category 2, i.e. those with herding eligibility.

At the same time, however, Sweden has ratified a number of international conventions upholding the right of people to maintain their cultural heritage, and it has never been denied that reindeer herding is an essential facet of Saami culture. On the contrary, reindeer herding has been the single Saami cultural trait that has been recognized by the Swedish authorities as laying the ground for special Saami resource access, precisely to maintain the Saami culture. Only those of Saami ancestry are allowed to possess the reindeer-herding right in Sweden (although prior to 1993 this right was alienable due to the phase-out clause). Saami immemorial rights based on traditional resource usage for hunting, fishing, and herding have been narrowly redefined by the state as privileges granted the Saami in order for them to maintain their unique cultural heritage, reindeer herding. As previously indicated, this seemingly protective occupational monopoly brings with it a corollary: to the extent a Saami departs from the herding occupation, so should he be deprived of his special privileges. The Sameby, as a collective business enterprise, can engage in no economic activity other than herding, and individual herders risk forfeiting their Sameby membership should the major part of their income derive from a non-herding source⁴.

Clearly, the Swedish state was hard pressed to follow the requirements of the international conventions it had ratified. What I have termed the “phase-out clause” deprived many Saami of being eligible to practice their reindeer-herding culture. Besides its directive to design and propose a Swedish Saami Parliament, the Saami Rights Commission, whose work extended through much of the 1980s, was also advised to bring Swedish Saami policies in line with Sweden’s international agreements.

Legal developments after 1993

The government proposal (Proposition 1992/93: 32) that resulted from the work of the Saami Rights Commission, and that came to establish the Swedish Saami Parliament, also brought about a number of significant modifications to the Reindeer Act of 1971.

Among these changes was the reformulation of paragraph 1, defining the criteria for reindeer herding. With this revision, one had merely to be of Saami ancestry to have reindeer-herding rights. With a stroke of the pen, in 1993 the phase-out clause was eliminated! Saami who had previously been members of category 3 and who therefore had lacked herding eligibility were now reunited with their brethren in category 2. All Saami now have the right to herd reindeer in Sweden, seemingly a change that brings Sweden in line with its international commitments. However, little has altered in the concrete practice of herding, for although all Swedish Saami now indeed have herding rights, the stipulation of Sameby membership prevails, so that only 10–15% of the Saami in Sweden have membership and thereby *the right to practice their herding right*.

Remarkably, the revision of the Reindeer Act’s first paragraph did not stop with eliminating the phase-out clause. It also justified Saami resource rights on the basis of the immemorial right accruing to “the Saami people”. Although Saami immemorial rights were confirmed by the Swedish Supreme Court in the famous Taxed Mountain verdict of 1981 (Nytt Juridiskt Arkiv, 1981: 1), it was never previously regarded as the collective right of an ethnic population. Rather, its legal history and textual formulation in the Swedish law books have marked it clearly as an individual right passed down in direct lines of descent regardless of ethnicity⁵. The claim of collective immemorial rights at the Sameby level has been admitted for consideration in the Swedish Supreme Court during the Taxed Mountain Case, because the Sameby defined a specific jural body of given membership. However, “the Saami people” hardly constitute such a well-defined group with uncontested representation. Note also that a small number of individuals of the Swedish majority ethnic population (but not *because* of this ethnicity) possess certain specific fishing rights in defined areas on the basis of immemorial right inherited over the generations and linking them through their consanguines to the area in question. This change from an individual to a collective right for an unspecified jural body is problematic (Beach, 1994: 67).

The mis-formulated ethnic collectivized concept of immemorial rights (at least with respect to the Swedish historical and legal roots of the construct)

can come to block Saami appeals to international courts contesting state regulation of Saami resource utilization. The international courts will hear only individual juridical persons as plaintiffs, not vaguely defined and improperly represented collectives and populations (Beach, 1994: 67–68)⁶. It is my opinion that this radical mis-formulation of the very content of the immemorial right concept stems from the government's well-recognized need to bring its modern Saami policies in line not only with international law, but also with the conclusions of its own Supreme Court as voiced in the Taxed Mountain verdict – *while occasioning as little real change as possible*. The result is mere “lip service”, for little can be further from the spirit of immemorial rights than the Reindeer Act, which was formulated long before the confirmation of immemorial right by the Supreme Court and which recognizes only the limited resource rights of the Sameby members narrowly defined as herders.

The current Reindeer Act with its modifications of 1993 makes fleeting reference to the immemorial rights of the Saami people and eliminates the occupational phase-out clause (without real consequence because of the persisting “closed shop” construction of the Sameby). However, no other changes in principle in the Reindeer Act have been made that address in any way the changeover from legislation composed with no recognition of an immemorial right to one predicated upon immemorial right as confirmed by the Swedish Supreme Court in the Taxed Mountain verdict. Although there are only approximately 900 active reindeer-herding Saami in Sweden (with family members ca. 2500 Saami for whom herding is an important, if not the dominant, livelihood), there is still a vastly larger number of Saami with immemorial rights who still occupy the lands of their forefathers but who are barred from practising their right to hunt, fish or herd that these forefathers established. Naturally, with limited land resources and so-called “rational herd size limits” set by the authorities for each Sameby and related to grazing capacity, the existing Sameby members generally lack the flexibility necessary to welcome new members. Even in the days prior to Swedish regulation, all Saami could not gain or wanted to gain their livelihood from reindeer herding. Regulatory mechanisms certainly existed then too, but what regulation there was, was determined by the Saami themselves and, as ever, by the “hard knocks” of life.

The Sameting

The establishment of the Swedish Saami Parliament (Sameting) in 1993 brought with it, for the first time, the need for the government to attempt to define who was and who was not a Saami, that is, who would be eligible to vote for Sameting representatives and who would be able to be a Sameting representative. In short, this meant that Swedish policy concerning Saami has come finally to confront the legal ramifications of dealing with the Saami as an ethnic group and not merely as an occupational category (Beach, 1990).

In the spirit of Nordic harmonization of Saami policies, the governments of Norway and Sweden (following the Finnish precedent) have instituted a

combination of subjective and objective criteria defining those Saami who, if they so desire, can register themselves to vote in their respective Saami Parliament elections. In order to join the Saami electorate, one must feel oneself to be a Saami (subjective criterion), and one must have used the Saami language in the home or had a parent or grandparent for whom Saami was a home language (objective criterion)⁷. The Saami Parliaments of Finland, Norway and Sweden are composed of Saami representatives elected by freely registered Saami. However, some Saami fear that apathy already causes many Saami to refrain from joining the Saami electorate, and that if Saami language skills decline further over the generations, the potential electorate, not to mention those who actually register, will decrease severely. (This constitutes in effect a new kind of phase-out clause.) Sweden, unlike Norway and Finland, from the outset has added a further clause to the objective criteria: if someone of Saami descent is not eligible to join the Saami electorate in Sweden according to the language criterion, this person might still register simply if a parent has been registered. Continuity of registration can in effect substitute for language continuity; yet, nonetheless, if both registration and language continuity lapse for more than two generations, eligibility to join the electorate under this legally constructed Saami definition is lost.

Although there are proponents among the Saami for a mandatory, objectively determined Saami census, many agree that ethnic registration should only occur voluntarily. Critics of the Saami voting definitions point out that the reliance on language for those eligible to vote is extremely narrow compared with other provisions in international texts for the definition of both minorities and indigenous peoples. The Swedish case illustrates the tangle of difficulties involved with attempting to design both a practical and a just definition for an ethnic group.

Contrary to the complaint that the definition is overly narrow, a cause for concern among many Saami has been that the so-called objective criterion involving Saami as a “language used in the home”, has shown itself to be, for many, all too subjective. The Swedish government’s Law Committee has stated that it is up to every individual to decide to what extent and to whom he or she chooses to make use of the Saami language in order to qualify under “use in the home”. Some Saami, protesting the acceptance of the proclaimed Saami identification of those they consider interlopers, say ironically that it is apparently enough to be able to swear at the dog in Saami.

When questioned about the propriety of the Saami Parliament Law’s Saami definition, one Saami leader said, “it is good enough for us now and for the time being”. He and other Saami have argued that the reliance upon the language criterion, extending back for two generations, casts a net broad enough to capture all those whom the Saami today consider to be Saami. If this means that a few fish of another sort can also throw themselves into the net to vote for Saami Parliament representatives, it is an insignificant problem. Thus, it is a definitional construction made to capture an already conceived group at a critical time period, not a definition conceived to derive or embrace all Saami irrespective of the starting point, past, present or future. Arguably, had Saami language loss been yet more pronounced, it is doubtful

if Saami leadership would have accepted an objective criterion for the Sameting electorate with only a two-generation mechanism built into its phase-out clause.

Repercussions

We are now in a position to consider repercussions and possible trouble spots stemming from the above situation. Of course one might expect problems to occur from the juxtaposition of occupational and ethnic perspectives, that is, the undefined ethnic criterion for herding eligibility encoded in the Reindeer Acts (Saami ancestry), and the so-called Saami definition as encoded in the Sameting Law.

One evident possibility, if not already an actuality, is that someone who is a Sameby member and active reindeer herder with Saami ancestry might not qualify under the Sameting definition of Saami. For example, a herder in the southern herding areas, where language loss has been greatest, might not speak Saami and might lack even a grandparent who has done so. He would still be of Saami ancestry, and he would still be a practitioner of a livelihood viewed by Saami as the apical expression of Saami culture, but he would not be a Saami according to the definitional requirements of the Sameting Law.

Even more significant might be the reverse, the case whereby someone does qualify as a Saami to the Sameting electorate but is of questionable Saami ancestry. This seemingly improbable situation is not at all so far fetched considering the apparent subjectification of the objective language criterion in the Sameting Law's Saami definition. If use of the Saami language in the home to any degree by an individual is accepted towards the definition of this person as Saami, then someone considered non-Saami by almost all customary measures can qualify. The case has already been brought to wide attention when a Dane, living with his Saami partner, registered himself as a Saami to vote in the Sameting election and was accepted under the Sameting's Saami definition amidst great debate (*Samefolket*, 1993 no. 5: 22 ff.). This Danish Saami made an excellent defence of his position when subjected to the unavoidable attack of the "true" ethnic Saami. He fulfilled the letter of the law, and moreover, claimed the right to function as cultural guardian to his small children with his Saami partner concerning issues aired in the Sameting. He was doing his best to learn the Saami language and to bring up his children within the Saami socio-cultural context. Because of this and many years spent in Saamiland among Saami, he felt himself to be a Saami in keeping with the Sameting Law's subjective criterion.

When taken to their extremes, these two scenarios – that of the language-deficient reindeer herder and that of the Saami-speaking foreign national – illustrate the contrast between a cultural foundation of ethnicity and one based on pure genetics. The Sameting Law's Saami definition is clearly culturally biased with respect to this dichotomy. Indeed, lacking a genetic Saami criterion that *exclusively* identifies *all* those who fulfil Saami cultural criteria and who also identify themselves as Saami and are so acknowledged by others, any other course is hardly possible, would prove useless in practice,

and furthermore be little appreciated by a large number of Saami who might suddenly find their ethnicity threatened for lack of proper or sufficient Saami “blood”.

Despite these evident problems with seeking any form of fixed, essentialist grasp of what constitutes a Saami, the looseness of the subjective, acquired (cultural) definition has occasioned a backlash. According to an amendment in the Sameting Law, introduced in 2004, those who self-identify as Saami for the Sameting electorate can have their Saaminess subjected to review upon the request of anyone else on the (preliminary) electorate list (Sameting Law §5a). For some, this change was called for in order to enforce the cultural criterion, to check on the linguistic ability of those who claim to speak Saami in the family. For others, however, it appears to be applauded for providing a means to rid the list of those without *real* Saami ancestry, those who therefore have maybe learned the language (less proficiently) later in life and do not have a family context where it is practised. For them, the concept persists that critical Saaminess is something that really exists “out there” and can be tried, regardless of what is in the mind and heart of the person in question. Confusion is widespread in all camps and prey to a wide range of “brokers” with an equally wide range of motives. Newspaper coverage (e.g. DN 2 May 2005, p. 6) of the last Sameting election features embittered would-be Saami (a subset of them being non-Saami speaking “biological” Saami) who have been jettisoned from the electorate list upon the instigation of their kinsmen. Even those who have, after review, held on to their positions on the list resent having had their ethnicity on trial. The Proposition (2003/04: 86) that spearheaded this amendment is studded with the contradictions of its own making and all the more remarkable for not seeing them. For example:

The Saami Parliament, according to the government investigation, has judged the definition of the term Saami to be unclear. As a result, the election committee, after decision of the full Saami Parliament has allowed even non-Saami who have married a non-Saami speaking person to become a member of the Saami electorate (Proposition 2003/04: 86, p. 21).

The governmental investigation suggests that the law be changed so that even the decision of the election committee to accept another person in the preliminary electoral list can be appealed. The right to appeal should be open to Saami (Proposition 2003/04: 86, p. 21).

But who are “the Saami” who have the right to appeal the classification of other Saami? Should an epidemic of appeals ensue, whereby all question the classification of all others, only a standardized language examination applied to all might establish a workable norm, but the “price” would surely be far higher than the loss of “the Dane”. Most disturbing is a permutation of the same case, but one that would bar acquisition of cultural competence from carrying weight. According to the new amendments, a child to someone who was once on the list but who then was barred from it for not fulfilling Saami eligibility requirements, should not be considered a Saami. The intent is evident: a child cannot ride into membership on the false membership of a parent. But what if after many years this child had learned the Saami

language and participated in Saami society all the while believing fully that he or she was Saami?

One wonders if those critics of the Danish Saami would be more willing to accept, for example, a Dane who had learned to speak Saami excellently. Perhaps what they really object to is the idea of anyone who is born non-ethnic Saami becoming Saami according to the Sameting Law. As we have noted, it could well be that their desire for greater Saami language proficiency for the objective criterion is not motivated by the conviction that cultural competence is the most valid component and measurement of ethnicity, but by the hope that tougher language demands will automatically filter out (almost) all those not born as ethnic Saami. Critics of the Sameting Law's Saami definition, however, do make a good point. It seems that, on the one hand, a culturally based criterion too easily won opens ethnic membership to all so-called "wannabes", in effect destroying the distinctiveness of culture. Then again, on the other hand, overly stringent cultural demands may disqualify a large number of those who are in fact born into the ethnic group and function as members of it and may in practice even mean a confirmation of (dubious) genetic rather than cultural measures of ethnicity – a highly complex "shibboleth" where conscious study and "imitation" can never bridge the gap of *enskilment* from birth.

There are a number of conceivable compromise positions. For example, one whereby significant cultural standards are set for ethnic membership, but standards that nonetheless can be achieved by those not born into the group. Consistency would imply that even those born into the ethnic group, but who for some reason were lacking in cultural proficiency, would be required to meet minimal cultural standards to maintain their ethnic membership. Such a model has elements attractive to Saami traditionalists, as the incentive to maintain ethnic membership could prove to be a major aid in combating language loss and the loss of other cultural elements. The conjectured case of the active herder who could not fulfil the Sameting Law's language criterion to qualify as a member of the Saami electorate is a case in point. According to the current, but vague, regulations, this herder need only begin to "swear at his dog" in Saami to qualify for the electorate. Were the linguistic standards for ethnic membership set higher, this herder might, for example, have to enrol in a Saami language course, pass an examination, and learn the fine art of Saami reindeer terminology if, unfortunately he could not acquire it from *entilment* in the field.

Problems arising from the case of an ethnic non-Saami being registered as Saami according to the Sameting Law's Saami definition might not be only academic. One of the further special characteristics of the so-called "concession *Samebys*", where herding is granted on a 1–10 year renewable basis, is that non-Saami reindeer owners have the right to sit as voting members on the *Sameby Board*. Although such non-Saami reindeer owners do not possess the regular inalienable Saami monopoly right to herd their reindeer in the legal sense according to the Reindeer Act, they are in fact by remarkable legal juggling to be considered "like" herders, thereby preserving the Saami monopoly on the reindeer-herding right. In the concession

Samebys, “The owner of contract reindeer is to be considered like a reindeer herding member” (SFS 1971: 437, §86). Nonetheless, each concession Sameby must hire a Saami herder (although the Sameby will most probably accept, encourage, and even expect the herding labour support of those owners who are only “like” herders). Moreover, these contract owners maintain a good deal of power over Sameby affairs through the Board. The non-Saami owners can in fact control the Sameby vote entirely, the responsible Saami herder, holder of the concession, having little chance to keep his position if he defies the will of the non-Saami owners. Conflicts can well occur within concession Samebys between the non-Saami owners and their (often single) Saami herder, although relationships are commonly characterized by trust and mutual dependency. The non-Saami owners are not interested in maintaining herding as a necessarily Saami cultural livelihood; their own herding traditions are on record for many hundreds of years. Nor might they want to engage themselves for Saami rights issues when herding interests collide with the interests of other extractive industries more important to the non-Saami than herding. To the non-Saami in these concession areas, the possession of, and concern for, reindeer may have long traditional roots, but herding is not the apical idiom of their culture (cf. Jernsletten & Beach, 2006).

With the advent of the new Sameting Saami definition, non-Saami concession Sameby reindeer owners were suddenly given what to many appeared as a means to out-manoeuvre the Reindeer Act’s insistence upon granting the concession to an ethnic Saami with reindeer-herding rights. They could simply promote one of their own as a Saami, since all such a concession Sameby reindeer *owner* need do would be to declare that he felt himself to be Saami and to swear at his dog at home in the Saami language. Then, armed with his newly gained Saami identity, he could supposedly gain herding rights according to the Reindeer Act (Saami ancestry) and then be hired by his comrades to be their Sameby *herder* and be granted the herding concession by the government’s herding authority. Such attempts have been made, but without success. The special motivation to the Sameting Law is explicit on the point that its Saami definition applies under the legal jurisdiction of this law and none other (Proposition 1992/93: 32, p. 61). That is, a Saami according to the Sameting Law is not at all necessarily someone of Saami ancestry who could thereby qualify for herding under the Reindeer Act. In short, the government’s new Saami definition is operative only in a certain specific context; it is possible to be a “Saami” in one sense, but not in another.

It is fitting to provide some comments on the course of change in matters of Saami definitional criteria, even if these can only be conjectural. The move towards the legal recognition of Saami as a culturally based ethnic group, as evidenced by the Sameting Law, also appears to be gaining momentum within the occupational domain of the Reindeer Act. In fact, the Sameting has provided non-herding Saami with a growing political voice in general Saami affairs, and it is in part this influence that accounts for new pressures for reform of the Reindeer Act. (It has even been suggested that the Sameting

come to take over more of the government's herding administration.) In 1997, the government issued directives for the construction of a new Reindeer Act (Dir. 1997: 102). The committee was directed to consider the question of the so-called "expanded Sameby" and to draft a Reindeer Act that would contain environmental objectives. The expansion in question is commonly interpreted in two ways: (1) an expansion of the rights of Sameby resource use, that is, a revision of the paragraph barring the Sameby from engaging in economic activities other than herding, and (2) an expansion of the Sameby membership base to include also those Saami who have immemorial rights on Sameby territory, but who are not now herders and who might not even intend to become herders. The first form of expansion can be actualized without necessarily expanding the membership base. However, if the second form of expansion is to be actualized, it will almost surely demand at least a limited increase in the acceptable kinds of economic activity for the Sameby in order to provide incomes for the new members. Income obtained from management of the Sameby's maximal, "rational-sized" reindeer herd alone is currently often hardly sufficient to sustain even the current members.

Sameby expansion in either or both of these ways would almost certainly bring about a major change in the occupational view of Saamihood. Saami who stand outside of the Samebys have always been engaged in all manner of "regular Swedish" professions; but were the Sameby "expanded", Saami could be employed in numerous ways other than herding, as part of a special user group possessing a monopoly on certain land-based resources. New Sameby freedoms in pursuit of non-traditional Saami livelihoods would undoubtedly also bring new threats and social debates similar to those raging in North America regarding the "gaming" activities of certain Indian tribes on their reservations. Although the narrow concept of Saami culture as dominated by the reindeer-herding occupation alone puts Saami cultural maintenance in a highly vulnerable position, dependent upon a minority of herding practitioners within the Saami minority, so might indiscriminant occupational expansion threaten the perceived distinctiveness of Saami culture and undermine vital support for Saami rights from the majority population. The directives issued in 1997 resulted in the presentation of a two-volume government investigative report (SOU 2001: 101), but this in turn has still not managed to bring about enough support in the Swedish Parliament for the government to hazard launching a proposition based upon it.

Obviously the Saami must be permitted to develop their society and culture. They should not be forced to maintain others' images of themselves. It is certainly desirable that Saami themselves be empowered to conceive of, and to implement, definitional criteria that might be "good enough for us now". Yet, it is important for them to consider also what is good for them in the future, and this is not necessarily served by simply finding the criteria to identify themselves as they are. One possible course for them would be to design criteria, which would aggressively enhance their cultural goals and survival. In concrete terms this might mean upholding stringent linguistic standards for Saami resource-user status and the careful composition of new

Sameby occupations, perhaps refraining from maximal profits in order to maintain Saami values.

The above issue of definitional criteria devised by Saami themselves to regain more of their former self-determination, to regulate the distribution of limited resources, and at the same time aggressively to promote the continuity of Saami culture demands rigorous inspection. An important question raised is if such a position need imply that those of Saami ancestry who do not speak decent Saami or who do not choose to conform their occupations according to Saami values are not true ethnic Saami. Would it not be sufficient to state that they would not qualify for Sameby membership and utilization of special Saami resources while still being Saami? Such a position seems at first quite acceptable, and yet the serious question remains: who decides those who are to determine the cultural criteria for resource use (or voting eligibility)? If we abide by the position that this is not a matter for the Swedish state to decide, consistency would demand that those who set the criteria, “the Saami themselves”, must be those who have qualified as members of the Saami ethnic group, whether or not they then utilize their special Saami resources. As eligibility in this model is culturally based, it is an “open shop” system into which even those who are non-Saami by birth can *with effort* gain admittance. However, by the same token, it must follow that ethnicity so defined once gained can also be lost. Would a Dane who once spoke excellent Saami still qualify as a Saami and be eligible for Saami special resource rights should he come to forget how to speak the language? Similarly, should someone born of Saami ancestry always be a Saami even if failing completely in the agreed-upon standards of Saami cultural competence? That is, besides the forfeiture of his right to utilize special Saami resources, would he not also forfeit his Saami ethnicity (and right to be among those deciding about Saami ethnic criteria)? That which he cannot ever lose is his Saami ancestry, but this is perhaps neither necessary nor sufficient for Saami ethnicity. Then again, we all both lose and gain competencies with age, and it would be absurd to demand forfeiture of ethnic status with growing forgetfulness or senility. The point can be negotiated, but it would seem reasonable to suggest that once attained, the ethnic status of an individual cannot be forcibly revoked. The cultural-enhancing benefit from such an alternative strategy would derive precisely from *not* permitting the cultural proficiency of one’s parents (or that of any forefather) to substitute for one’s own lacks. Instead, each person, for example, would have to attain required fluency in the Saami language regardless of the fluency of past generations. Skills are enskilled, not inherited.

As for the regulatory mechanisms determining which of those eligible might actually practice their resource-user rights, the Saami as well as the Swedish state must be bound by the same principles of international law. Members of ethnic groups should not be hindered by law from engaging in their cultural activities (or as one might prefer to say, their enskilment). Although ecological limitations endure and may demand total herd-size quotas, there should be no “closed shop” principle instituted to hinder those

of Saami ethnicity from practising reindeer herding. As a result, it is conceivable that every herder would be able to become a “hobby herder”. However, the herding profession is such that, on the whole, expertise and effort are rewarded. At least some of those who want to gain their livelihoods from herding can probably in time do so even if they might begin with “combination livelihoods”, featuring major non-Saami elements. Difficult market realities and herding competition will, as in every profession, force from the field others who might also wish to be successful full-time herders.

A final consideration seems called for at this point concerning the relationships between, on the one hand, criteria based on the enhancement of culture (presented here as a heuristic device) for resource access and, on the other hand, historical Saami immemorial rights. As noted previously, the historical and textual construction of immemorial rights (expressed, for example, in the Swedish *Jordbalken* of the early 1700s) is not ethnically based. The rights individual Saami hold on the basis of (this version of) their immemorial rights are not predicated on the fact that they are Saami *per se*, but only according to the criterion that their forefathers came to the area so long ago that no one remembers or can say how they first got there. Were the principles of immemorial right to reindeer herding, hunting and fishing recognized by the Swedish state in practice, this would mean that a great number of Saami, far more than those now enrolled as Sameby members, could herd, hunt, and fish in areas so utilized by their ancestors. That one must be of Saami ancestry (or ethnicity) to be eligible for immemorial rights is an idea foreign to the stated principle of immemorial rights. The principle of immemorial rights seems, therefore, far more closely related to that of regular property ownership (and indeed as confirmed by the Supreme Court *can* lay the foundation for land ownership in specific areas) than it conforms to the principles involved in special minority or indigenous rights (ethnic rights).

I see no reason why the Saami need to choose between these two basic principles for their resource use, or how the state could legally justify suppressing one in favour of the other (or in creating inconsistent hybrids). The essential point is not to confuse them; so that the rules of identifying eligibility for each form of right are clear, and that the rights accruing to each form are well defined, even if possibly overlapping.

Saami herders find themselves in a precarious position. The diminishing Saami grazing-land base, together with the rising subsistence minimum in the number of reindeer needed to sustain the same living standard, form the impetus for increased rationalization efforts on the part of the herders and thereby a constant push further into the modernist model. The modernist, rational-herding impetus brings herding to clash with ecological principles, sustainability for the global good. The extreme modernist stance – rationalized herding for a select “chosen” closed-shop Sameby membership – can withstand the moral justice of environmentalist arguments for the greater common good only under the shield of open, non-ethnic immemorial right or full land ownership. Yet acceptance of the paradigm of immemorial right for

“early comers” along individual lines of inheritance as opposed to that of broader (state bestowed) ethnic privilege must also by the same token entail the acceptance of the immemorial resource rights of the Saami who are now closed out of the Samebys, those who are today barred from practising their rights. As noted previously, but worth reiterating, the herders are of course worried that the already hard-pressed resources cannot carry more users and that if divided equally among all Saami, the land resources would supply each Saami merely a pittance. This would destroy the herding livelihood, with profound repercussions for the Saami culture.

In short, protection for the herders from the onslaught of the resource access of all Saami (and even from that of all Swedes) requires the shield of the need/privilege paradigm, privilege for Saami only and, further, within the Saami category, privilege for Sameby-member Saami only. Yet, holding this course thrusts the ever increasingly so-called rationalized and modernized herding necessary to maintain decent living standards for the herding minority of Saami (Beach, 1981) into collision with the environmentalist block, increases disapproval from the dominant majority population, and risks political implementation of new policies constraining Saami resource utilization still further. One of the more recent enactments of this scenario was the government confiscation of the exclusive Saami small game hunting right. According to the logic of what is sauce for the goose is also sauce for the gander, Saami could hardly promote and enjoy positive resource discrimination in relation to the larger non-Saami Swedish category without also buying into legal constructs that divide (and conquer?) the Saami internally, for example, distributing resources to herding Saami as opposed to non-herding Saami.

Saami identity, cultural imagery, and self-determination must negotiate these dilemmas. The result will depend largely upon the terms provided them with respect to the following questions below, and the choices they make on one issue will influence their conditions of possibility for the others. Once having embarked upon a course, there may be no turning back to another route; arguments taken and possible solutions become to a considerable degree channelled.

1. Is the land base better preserved through political lobbying or courtroom confrontation?
2. If the confrontational course is chosen, should one aim to win long and expensive domestic suits with arguments based on historic national treaties?
3. Should one risk dispensing with these national court cases quickly by default in order to exhaust local remedies and thereby gain the possibility of admission to international courts?
4. Will the international conventions and institutions devised to protect the environment, frequently armed with minimalist penalties based on consensus and without enforcement agencies, provide better resource conservation than that exercised by traditional local users or their national governments?

5. Finally, should one abandon entirely the quest for historical and legal justice, by either national or international means, instead to embrace fully the need/privilege paradigm? In this latter case, Saami *rights* embodied in past legislation (non-ethnic immemorial right or outright ownership) are exchanged for protectionist *privileges* offered the Saami because Saami culture is considered “endangered”.

Conceivably, the divided stance among Saami rights brokers concerning how best to frame Saami rights (either historical individual immemorial land rights or international collective indigenous status rights) and how best to frame Saami ethnic classification (either essentialist ancestry or constructivist cultural competence) hints that a just solution needs not be merely an either – or proposition. For example, in the case of Saami land rights, perhaps the individual–collective dichotomy is too simplistic and could give way to a recognition of both, operational on different levels in the same way that a state upholds individual ownership by its citizens within its borders, yet claims sovereignty for the nation as a whole. By analogy, individual Saami descent lines own certain kinds of land rights on the basis of immemorial use, but beyond that there is also a kind of collective Saami sovereignty over Sápmi. This Saami sovereignty would not be designed to keep encroaching states at bay (as in the case of national sovereignty), but in keeping Swedish “internal colonialism” in check. That is, it could regulate (according to negotiated degree) forms of exploitive land encroachments. Hence, one can imagine the rights of individual Saami existing within a framework of collective Saami protection.

With respect to Saami ethnic classification, resolution of the above land resource framework would yield two related classificatory aspects for regulating the practical meaning of Saamihood. First, individual immemorial right generates the “we-were-here-first” (or, if not first, than at least beyond memory) aspect of aboriginality/indigeneity and justifies the essentialist, ancestral paradigm just as any Swede has the right to pass his private property down to descendants. The “here” where a family line has been first in this instance could not refer to a whole continent, but to the actual territory used concretely for the subsistence by a social unit as recognized by its own social categories. This can be regarded as the “land-implies-indigeneity aspect”. Although the *content* of this aspect with respect to actual land rights (e.g. outright ownership, right of use, surface and/or subsurface) might differ considerably from the rights of individual non-indigenous local residents (and it could even differ in type among indigenous individuals depending on the type of immemorial use – hunting, fishing, herding – underlying it), its legal foundation would be basically similar to that of the land rights of other local property owners. Nor would this land-implies-indigeneity aspect necessarily differ at all from the content of the rights of local property-owning residents. However, were it to differ, it should be a difference generated along the axis of the agreed-upon historical derivation of rights according to use, such as intensity of use and exclusivity of use (as are the principles supporting immemorial land rights), and be

completely “blind” to matters of claimed or ascribed ethnicity. In short, the essentialism of this concept of the indigenous becomes separated from the construct of ethnicity.

The second classificatory aspect regulating the practical meaning of Saamihood is much the reverse: a collective based, constructivist aspect, which I shall term the “indigeneity-implies-land aspect”. This aspect is derived from the collective rights of an ethnic group over an extended land area inhabited (with current or at least historical relative exclusivity) by that group. The rights accruing to this collective aspect might provide general protective measures analogous to those invoked by National Park status, and they might form the basis of special ethnically based resource monopolies, such as the Saami monopoly for inalienable reindeer herder rights in Sweden⁸. The point here is that it is precisely on the basis of one’s culturally based collective ethnic identity that one enjoys such rights; they are not based on genealogical ancestry.

Given these two aspects, we can contemplate their relationships in various possible ways. For example, the rights accruing to a person from one aspect need not fall away because the other aspect might not pertain. Using an “A” to designate the possession of ancestral Saami rights, a “C” to designate the possession of culturally constructed Saami rights, and a “0” to mark the lack of either, we can generate the following possible permutations: 00, A0, 0C, and AC.

- The 00 category is comprised of what can be termed regular (non-Saami) “Swedes”, i.e. no Saami ancestry and no Saami culturally constructed ethnicity. A0 and AC are categories closed to them, but not 0C.
- A0 indicates those with Saami ancestry but without sufficient Saami cultural competency; they could hold rights through individual lines of inheritance commensurate with the *kind* of immemorial usage (perhaps sufficient to be ranked as full ownership) of their forebearers⁹. However, it is their resource rights accruing to them as descendants of and heirs to the Saami ethnic (indigenous) collective which concern us in this aspect. Someone able to invoke A0 status might still choose to deny it, identifying as 00. Holders of A0 status might attain AC status with Saami cultural enskilment. For A0 to transit to 0C, that is, denying recognition of Saami ancestry while at the same time investing in Saami cultural enskilment seems hardly plausible.
- 0C indicates those with sufficient Saami cultural competency to hold *legal Saami ethnic status*. For example, to secure the possibility of membership in the Sameting electorate, full participation in all culturally directed government programmes and investments for Saami, and the ability to *exercise* indigeneity-implies-land aspect rights. However, they would be without Saami genealogical ancestry and those accruing rights. One might consider if 0C might lapse to 00 should former cultural enskilment be lost through passivity. The most interesting point to reflect upon is if 0C might ever transit to AC, precisely that case invoked by the concession Sameby reindeer owner attempting to gain reindeer-herding

rights under the Reindeer Act. Of course, this was held to be impossible by decree, but if it were possible, then a route for 00 to transit to AC via 0C would be opened, perhaps over the course of many generations. Naturally one can expect that someone of 0C status living in a Saami social context and becoming increasingly enskilled (over generations) by it, might well end up, through intermarriage with an A0 or AC person, short-circuiting the issue of generational AC acquisition through cultural enskilment. This also short-circuits the point of principle raised here and does not warrant further discussion. More of this enskilment of ethnicity below.

- AC indicates those with the rights of both ancestral and culturally constructed Saami ethnicity; they would obviously share in all the rights of the two previous categories. Presumably AC could lapse to A0 with cultural passivity, and Saami ancestry might be freely denied, resulting in transit to 00. Transit from AC to 0C would not seem plausible, although possible.

It is evident that some of the possible transitions between categories deserve greater attention and have already been targeted by certain cases already presented. For example, the gaining of sufficient cultural competency for legal Saami ethnic status would move a person from the 00 or the A0 category to the 0C or the AC category, respectively. Although Saami genetic ancestry can never be lost, it might be (self-) denied and with time, over generations, forgotten. Its necessary connection to Saami immemorial land rights might be lost through the application of so-called “passivity” noted earlier. In fact, a significantly large proportion of those with Saami ancestry today can be found in this position: they no longer inhabit the immemorial subsistence lands of their ancestors, or else they may have had their share of inherited common ancestral Saami property reduced to practical insignificance through its continued generational divisions and subdivisions. A large contingent lives in Stockholm. The issue of what special Saami resource rights this disinherited A0 category might possess, if any, has been the subject of long debate both between Saami and the state and also between the different categories of Saami. For example, we have noted the revision to the Reindeer Herding Law made in 1993 which dissolved the phase-out clause and also reframed Saami immemorial herding rights as a *collective* right for all Saami, it was under government scrutiny with the directives issued in 1997 to investigate the grounds for an “expanded Sameby”; and it is the inevitable theme of the Saami Parliament through its embrace of the non-herding Saami majority. It seems as though while Saami ethnic-based rights are on the rise, those able to maintain Saami resource rights in practice decline.

Probably the most interesting and challenging case to consider would be the reverse scenario: if the legal attribute of Saami collective ethnic indigenous ancestry might somehow be gained rather than lost. Might Saami ancestry and its accruing land rights be gained through long-standing cultural and social *activity* (that is, the 0C to AC transition), as opposed to its loss by

passivity? Despite the possible transitions and revisions noted above, it seems that the state is intent on maintaining the strict divide between, on the one hand, access to and use of land resources, which it bases on ancestry and, on the other hand, distinct rights of cultural maintenance, which it extends to those of constructed Saami ethnicity. There is as yet no formal means by which 0C can transit even over the generations to AC.

The structure of linkage between Saami ethnicity and resource access and utilization in Sweden seems to generate the taxonomic distinctions elaborated here, even if not so intentionally conceived from the start. Choices taken lead to path dependencies, which specify further conditions of possibility and constraint. For the Saami, awareness of these paths and their alternative destinations can help in the formulation of dynamic policies, which foster desired goals at an appropriate pace.

Ironically, too great a concern with taxonomic stringency in the service of just principles can sentence Saami ethnicity and culture to deadly inflexibility through a lack of the regenerating capacity of creative relationalism. Before the days of written records, and before even the concept of genes and their impact on perceptions of ethnic ancestry and laws built upon it, the Saami and their culture flourished. Transition from categories 00 to 0C to AC was probably as smoothly unproblematic as these categories were without legal content. Level of enskilment in the art of living has always been determinant, of course, and surely there has always been a social context regulating human resource activities. However, without the construct of ethnicity *per se* or any choice or status related to it, no resource specifications would be made on such grounds. The ability to relate unhampered by such constructs – free from ethnic monopolies on resources, phase-out clauses, or negative discriminatory policies moving from an inter-ethnic context to an intra-ethnic context – was probably at the root of the development of Saami culture and herding livelihood. Although this is not possible today, it may be wise to keep transitional paths open at the level of “what is good enough for us now”. Hence, the “us” will change, as will “what is good”. This does not mean capitulation of all criteria and related rights to the whims of any and all “wannabes”. Instead it means criteria that are ever specified, but also ever open to negotiation.

Concretely, in dealing with the 00–0C–AC transitional path in its dual stages of “wannabe”, 00–0C and then 0C–AC, the first triggering rights encompassed by, but also exceeded by, the later stage, one might find it least intrusive and most justifiable were a generational shift required so that the same individual could not run the entire route. A generational shift requirement for 0C–AC transition could be set at one or more generations and require 0C continuity in the meantime. The settings of such weights and values are negotiable; it is the basic circuitry that concerns me most here. This would in effect introduce a “phase-in” clause to the system. Such a clause could hinge upon and thereby help strengthen Saami cultural values, satisfy the desire for (dynamic) cultural integrity when upholding special ethnic rights or privileges, and promote trans-ethnic (also intra-ethnic) sympathy and unity, as rigid essentialist divisions could be overcome by the appropriate effort of

enskilment. For such a system to work, if indeed there is sufficient desire for it, then it would be essential for Saami of all denominations to reject the role of victim reacting to government taxonomic decrees and to formulate and promote the meaning of their own “ethnic capital” as pro-active agents.

Notes

- ¹ Although the strength of identity aspirations might vary with time, Olofsson’s (2004) work addresses specifically the aspired identity switching that can occur during the lifelines of persons born of mixed Saami and non-Saami parentage.
- ² With the new Reindeer Herding Act of 1971, the Swedish term “*sameby*” came to replace the earlier *lappby* designation. The term *sameby* refers to the territorial and social units recognized and confirmed in legislation for the reindeer-herding Saami; Sameby borders specify where these particular herders can herd their reindeer. Sameby lands are derived to a great extent from original Saami patterns of seasonal land use. Beneath these defined units and externally imposed constraints there still exist previous layers of individual and group associations to land and resources recognized by the Saami and extending well beyond mere herding society. These Samebys also form juridical entities and nowadays must also function as collective business firms for reindeer herding encompassing the private firms of its individual family herding entities.
- ³ Besides the mountain and forest *Samebys*, there is yet another category called the concession *Samebys*, currently eight in number, where those without Saami ancestry, but with land in the area under concession, can become *Sameby* members even if not responsible for the herding of the concession *Sameby* (which still requires one of Saami ancestry). Note here that although most of the articles in the Reindeer Act apply to all the *Samebys*, the concession group is unique in that herding in their territories is not maintained expressly for Saami interests, and, contrary to the norm, the dominance of the herding livelihood is therefore not encouraged. In fact, in the concession *Samebys*, non-Saami members (the great majority of concession *Sameby* members) are restricted to 30 head each.
- ⁴ According to the Reindeer Act, the active herding members of the (non-concession) *Sameby* can vote for the expulsion of so-called “hobby herders” (those for whom herding is not the main source of income). Of course, many *Samebys* refrain from implementing this legal right, as it pits family and friends against each other. However, when flexibility is diminished, for example when the *Sameby*’s maximal herd size is reached, leaving no further room for herd expansion, pressures rise to expel hobby herders.
- ⁵ A description of immemorial right can be found in the 15th chapter of the old Swedish Code of Land Laws from 1734 (*Jordabalken*):

It is immemorial right, when one has had some real estate or right for such a long time in undisputed possession and drawn benefit and utilized it that no one remembers or can in truth know how his forefathers or he from whom the rights were acquired first came to get them. (*Jordabalken*: 15; Promulgation of the new *Jordabalken*, SFS, 1970: 995; cf. Undén, 1969: 142).

- ⁶ I do not mean to rank the recognition of immemorial right for the individual as superior in general principle to immemorial right recognized for a collective people. Each model has its pluses and minuses. The relative merit of the two models can only be judged in each particular context when integrated with other variables, such as demography, prior national law, and the protection available through international law. In this specific Swedish Saami case, the shift from an individual to a collective formulation of immemorial right further divorces a large number of individual (especially non-herding) Saami from their land rights (even possible land ownership) as confirmed by the Swedish Supreme Court. Those who previously could stake a claim for immemorial rights along individual family lines are now made to accept the claims of any and all Saami to the same lands.
- ⁷ In Norway the descent requirement was extended in 1997 to at least one great-grandparent.
- ⁸ Elsewhere, the significance of the inalienable quality of the Saami reindeer-herding right monopoly in Sweden as opposed to that of the reindeer herding practised by non-Saami so-called “contract reindeer owners” in Sweden’s concession *Samebys* has been analysed (Jernsletten & Beach, 2006).
- ⁹ However, such rights are subject to dissolution if not maintained over a long period according to the passivity clause.

References

- Beach, H. (1981) *Reindeer-herd Management in Transition: the Case of Tuorpon Saameby in Northern Sweden*. Uppsala Studies in Cultural Anthropology, Vol. 3 (Uppsala: Uppsala University).
- Beach, H. (1986). The phase-out clause in minority rights legislation: a comparison of the Swedish and Alaskan methods, *Nordisk Tidsskrift for International Ret*, 55, Fasc. 1–2, Copenhagen.
- Beach, H. (1990) A summary of MRG's second discussion day concerning the Saami, about the Saami Rights Commission's work on Saami rights and a "Sameting" (SOU, 1989: 41). Available through Swedish-MRG, Uppsala.
- Beach, H. (1994) Shots heard round the world, in: A. Arnesson-Westerdahl (Ed.) *Beslutet om Småviltjakten – En studie i myndighetsutövning*, pp. 44–69 (Kiruna: Sametinget).
- Beach, H. (1997). Negotiating nature in Swedish Lapland: ecology and economics of Saami reindeer management, in: E. A. Smith (Ed.), *Contested Arctic: Indigenous Peoples, Industrial States, and the Circumpolar Environment*, pp. 122–149 (Seattle: University of Washington Press).
- Beach, H. (2004). Political ecology in Swedish Saamiland, in: D. Anderson, & M. Nuttall (Eds), *Cultivating Arctic Landscapes: Knowing and Managing Animals in the Circumpolar North*, pp. 110–123 (Oxford: Berghahn Press).
- Clifford, J. (1988). *The Predicament of Culture: Twentieth-century Ethnography, Literature, and Art* (Cambridge: Harvard University Press).
- Dir. 1997: 102. En ny rennäringspolitik samt en översyn av stödet till rennäringen och samisk kultur, rennäringsadministrationen och rennäringslagstiftningen, m.m. (Jordbruksdepartementet).
- DN (Dagens Nyheter) 2 May 2005: 6. Samer måste bevisa ursprung. Anders Boström.
- Ingold, T. (2000). *The Perception of the Environment: Essays in Livelihood, Dwelling and Skill* (London: Routledge).
- Jernsletten, J.-L. & Beach, H. (2006) The challenges and dilemmas of concession reindeer management in Sweden, in: B. Forbes, M. Bölter, L. Müller-Wille, J. Hukkinen, F. Müller, N. Gunslay & Y. Konstantinov (Eds) *Reindeer Management in Northernmost Europe: Linking Practical and Scientific Knowledge in Social-ecological Systems*. Ecological Studies: Analysis and Synthesis, Vol. 184 (Berlin: Springer).
- Jordabalken from 1734, sections regarding immemorial rights (Chapter 15), see the 1971 or earlier editions of the semi-official Swedish Law Book, Sveriges Rikes Lag.
- Kuper, A. (2003) The return of the native. *Current Anthropology*, 44 (3) pp. 389–395 with comments pp. 395–402 and further CA Discussion 45 (2) pp. 261–267.
- Nytt Juridiskt Arkiv (1981) *Rättsfall från Högsta Domstolen, ansvarig utgivare Carl Holmberg*, Häfte 1 (Stockholm: P.A. Nordstedt & Söners Förlag).
- Olofsson, E. (2004) *In Search of a Fulfilling Identity in a Modern World: Narratives of Indigenous Identities in Sweden and Canada*, Dissertations in Cultural Anthropology Vol. 2 (Uppsala: Uppsala University).
- Paine, R. (1991). The claim of aboriginality: Saami in Norway, in: R. Grønhaug, G. Haaland, & G. Henriksen (Eds), *The Ecology of Choice and Symbol: Essays in Honour of Fredrik Barth* (Bergen: Alma Mater Forlag).
- Proposition 1992/93: 32. Samerna och samisk kultur m.m., 1 Riksdagen 1992/93. 1 samling. Nr. 32, Sweden.
- Proposition 2003/04: 86. Ändringar i sametingslagen (1992:1433), m.m.
- Samefolket*, 1993 nr. 5. Kan Dansk bli Same och få rösträtt i Sametingsvalet?
- Sameting Law, SFS 1992: 1433.
- SFS 1970: 995 (Svensk Författningssamling, Swedish Statute-Book). *Lag om införande av nya jordabalken*.
- SFS 1971: 437 (Svensk Författningssamling, Swedish Statute-Book) *Rennäringslagen* [The Reindeer Herding Act], Stockholm.
- SOU 2001: 101 (Statens offentliga utredningar) *En ny rennäringspolitik: öppna samebyar och samverkan med andra markanvändande. Betänkande av Rennäringspolitiska kommittén*, [A new reindeer husbandry politic: open Samebys and cooperation with other land users.] av: Rennäringspolitiska kommittén (Stockholm: Fritzes).
- Tsing, A. (2007) Indigenous Voice. Keynote address to the Swedish Anthropological Association annual conference, Uppsala University, Sweden, 23 March 2007.
- Undén, Ö. (1969) *Svensk Sakrätt, Fast Egendom* (Lund: Gleerups Förlag).