

# Eskimo Law Can Improve Justice

By MARGIE BAUMAN

Introduction of the formal American court into the bush has changed the shape of law in Eskimo villages, to a method conflicting with Eskimo law ways and produced a system much in need of improvement.

The American court system has replaced the once-effective village council, run by Eskimos and based on traditional Eskimo ways, with the magistrate's court, which attempts to solve disputes by applying Alaska state law.

And that change has been a step backwards in bush justice, wrote Arthur E. Hippler and Stephen Conn, in their recently published notes on Northern Eskimo law ways and their relationship to contemporary problems of bush justice.

Their observations, published by the University of Alaska Institute of Social, Economic and Government Research may be summed up to say that the price of introducing the magistrate system in place of the

council system is a high one.

'It ended a particular historical opportunity to allow northern Eskimo communities to develop their own forums for formalizing Eskimo laws and sanctions to fit unique Eskimo needs,' they observe.

What they suggest is that bush justice reforms will be accomplished best through broadening legal procedures to allow for an optional but formal integration of procedures best performed by the village council.

In other words, leave it up to a council-like body to determine which complaints should go so far as the magistrate and which might be resolved best by informal proceedings before the council.

They also proposed that the village council or council-like bodies be given an advisory role in sentencing and correctional matters. The aim, of course, is to help the magistrate sentence with an eye toward re-integrating the offender into his community, as well as discour-

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aging similar offenses

Response to wrong doings was either mild to the point of non-existence or very extreme, to the point of death.

Village councils, which came into being about the turn of the century, acted in a judiciary capacity, to solve local disputes. Their success was geared on two reasons.

They acted with the backing of a seemingly all-powerful outside authority and no single Eskimo had to take individual responsibility for their overt intervention.

These councils were a substitute in the village for the external law from which they derived their authority. And because council members shared responsibility, the council system permitted the traditional Eskimo values of individual noninterference to be upheld and reinforced in the process of resolving specific disputes.

The price of the magistrate system introduced over the last decade in northern villages, has been high. It does not have the flexibility, the authority or enough Eskimo trust at present to be effective with dealing with Eskimos and their traditional ways, says Conn and Hippler.

Before making these recommendations, Hippler and Conn review for the benefit of those unfamiliar with the Eskimo value system how the present justice systems differ from the traditional justice system of the Eskimos.

From their research into village life in northern Alaska they conclude that "the absence of Eskimo law is largely a function of the personality system and value structure of the Eskimo culture."

Very simply, most Eskimo behavioral norms derive from an attitude that predisposes the Eskimo to believe that one should never interfere in the life of another. This attitude stems from a strong feeling of individuality and the fear that interfering with someone else's individuality will lead to retaliatory violence.

"Flowing from this all-encompassing attitude were such normative beliefs as: one should

not kill, steal, commit adultery, tell lies or in any way intervene in another's life," Conn and Hippler wrote.

Basically, Sanctions in the traditional Eskimo society were very limited since they were based on the conflict-avoiding value system and personality. The net effect of that was a wide range of wrongs ignored.

They conclude that it is neither possible nor beneficial to return to precouncil days nor to a legal system that is not incorporated into the state judicial system.

So what is needed is adequate judicial services, law enforcement and correctional services offered by Native and non-Native personnel; the system must adapt to the people.

(The booklet, "Northern Eskimo Law Ways and Their Relationships to Contemporary Problems of "bush justice" is available from the Institute of Social, Economic and Government Research at the University of Alaska, at \$1 per copy.)