

# Philosophy of Law in the Arctic

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*The term "Arctic" is not only ecological but also mythical. The term refers to the areas which were thought to be located under the constellation 'Ursa Major' (the Great Bear).*

J. Pentikäinen, *Shamanism and Culture*, Helsinki 2006, p.120.

*If we shadows have offended,  
Think but this, and all is mended,  
That you have but slumber'd here  
While these visions did appear.  
And this weak and idle theme,  
No more yielding but a dream,  
Gentles, do not reprehend:  
if you pardon, we will mend (...).*

William Shakespeare, *A Midsummer-Night's Dream*,  
*Epilogue*, Cambridge University Press 1924.

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## Customary Laws and Nomadic Cosmologies of Art and the Environment

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### Abstract

This paper offers a brief overview of some connections between art, environment and nomadic cosmologies, and relates these to matters concerned with customary laws. The connections are made in a cultural ecological framework which emphasises the transactional basis of how people engage with their environments. Whereas art has always been an integral part of nomadic cosmologies, it now has additional roles in recording customs and traditions and in political and ecological critique.

### 1. Introduction

In 1996, John D. Barrow, a professor of astronomy, wrote *The Artful Universe*, in which he made connections between human aesthetic appreciation and the basic nature of the cosmos. His thesis is that the adaptive behaviour of people in the environments they inhabit has, over many generations, laid foundations for sensitivities and subjective responses which, in turn, are manifest in their works of ornamentation and art.

Twenty years later, some of Barrow's ideas look a little reductionist, but new insights from across the disciplines have added weight to arguments about human aesthetics and environments. My own discipline is cultural ecology which is concerned with the flux of transactions that characterise how people interact with their environments. In this paper, I

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would like to sketch out some connections within a particular cultural ecological configuration, that of art, environment and nomadic cosmologies, and relate these to matters concerned with customary laws. Space permits only the briefest of outlines, a more detailed cultural ecological framing of customary laws can be found in Bunikowski & Dillon (2016) and of art and craft in Dillon (2016).

## **2. Cosmology, nomadism, and customary laws**

The general argument is that cosmology is a form of universal or divine law which becomes internalised as beliefs and values, and these, in turn, are expressed within a community as customary laws. Customary laws are primarily reflected in people's *behaviour* within an environment, but they can also be given form and meaning through *art*. Here I use the term 'art' broadly as the application of creative skill and imagination, typically in visual form, producing works that are appreciated for their beauty and, more importantly in the context of this paper, for their symbolic, emotional and spiritual significance. This definition encompasses the crafting and ornamentation of tools and artefacts that are an integral part of nomadic ways of living.

Nomadism refers to a lifestyle where people move from place to place, taking their possessions with them, and making a living from the resources of the environment immediately to hand. Few people now are wholly nomadic, so the term is taken to include pastoral groups who move periodically on hunting expeditions, to manage their livestock, or to exploit seasonal resources (Ingold, 2008). Nomadism, so defined, is an important component of the lifestyles of the indigenous peoples of the Arctic.

Cultural ecology does not romanticise nomadism, nor does it see it as representing something 'different' or 'other'. Rather it conceptualises nomadism as a lifestyle lying at one end of a continuum of possible engagements between people and their environments. The nomadic end of the continuum is characterised by transactions between people and the primary resources (landscapes, plants, animals) of the environments concerned, and the lifestyles and values associated with living off those resources. Urban living, with high energy demands, consumption of secondary (manufactured) goods and dependence on the provision of services, is at the other end of the continuum.

The customary laws of nomadic people have developed over centuries of adaptation through the people having to respond to the immediate opportunities and challenges of the environments through which they travel and in which they live. These laws are part of cosmologies: customary rules that come from traditions based on common, long-standing beliefs and understandings of the world and of the universe. They work on the principle of reciprocity: a constellation of mutual relationships, obligations and duties among people in a given community interlinked with 'being in' the social and ecological milieu. They recognise and acknowledge the bigger picture but at the same time seek an accommodation that reflects a temporally dependent dynamic between site, location, place and space. Mustonen and Lehtinen (2013) put it like this: "... an appreciation of the continuity of cultural routines that constitute the indigenous practices of ethical and spiritual co-being between humans and natural systems". Customary laws are the basis of social order and may or may not be consistent with state laws.

Customary laws are manifestations of cultural ecologies in the sense that the transactions are shaped by, and are expressions of, social norms, economic conditions, material resources, means of exchange, institutional structures, knowledge, skills, beliefs, values, attitudes, tastes, needs, wants, patterns of production and consumption and so on. This means that 'environment' is more than just physical surroundings and economic activities. It includes social relations and the collective capabilities of all the people who inhabit it. Artistic production is an important part of this mix.

### **3. Art and craft in the customary laws of nomadic people**

Whereas it is self-evident that art is an expression of behaviour, it follows from the arguments made above that, when viewed as cultural ecology, art cannot be understood as *separate* from the behaviour of the people who produce it, nor from the environmental context in which it is produced. All are intricately connected. Thus a 'songline' (Chatwin, 1987), meaning a track across the landscape, often with ancestral associations, that is established and maintained through stories, songs, dances and painting, is art in its most culturally integrated form. This is art that is both embodied and expressed, what Vuojala-Magga (2016), a Finnish anthropologist and reindeer herder who spends a large part of her life in wilderness, describes as sensory experience interacting with the affordances of the environment.

The closer one's lifestyle is to the environment, the more intimately is the art a part of it, and the more difficult it is for outsiders to understand the depth and nuances of its ecological, social and cultural meanings. Kivikäs (2005, 8) makes the point, when talking about the challenge of engaging with Finnish rock art:

“The paintings live in symbiosis with the surrounding environment and are continuously changing... works of rock art look different in different kinds of lighting and weather. Before they will ‘speak’ to you, however, you must have encountered them several times, have certain basic knowledge, and be prepared to approach them without preconceptions and learned ideas about figurative art. Once a painting site and the paintings themselves touch your soul, you will form a lifelong tie and friendship with rock paintings and the natural environment that surrounds them.”

So also with customary laws; one has to put aside preconceptions and acknowledge them for their intrinsic value, to trust that they have meanings and relevance for those whose lives they touch, and accept that such laws will not always align with the thinking of people who are outside them, and with the generalised, relational rules that govern the wider society.

These arguments recognise no hard distinction between art and craft, and between functionality and decoration. In Northern Europe, for example, everyday items made by Sámi people are typically small and unpretentious, made with great care and with very particular ornamentation (Linkola, 2002, 168). Visual symbols and imagery play an important role in Sámi communities. Imagery is, according to Lehtola (2004, 118,) a language of its own in which many meanings may be found, each of which may be followed as its own story. According to Phillips (2015), art in its most fundamental form comprises ornamentation of functional objects: “[the] syntactical elements (stripe, hatching, dot) that are all paraphrases of nature”, which once divorced from nature become abstractions. As Valkeapaa (cited in Franceschi et al., 2001, 61) observes: “... although the Sámi had no art as a distinct phenomenon, at the same time everything was art for the Sámi, and all Sámi were artists... it was part of life... and life was a special kind of perpetual art.”

All the while nomadic lifestyles persist, so too does ‘life as perpetual art’ where it has a role to play in customary laws. Here art and craft are deeply rooted in traditions, oral stories, collective memories and cosmologies. These frameworks for how to act and how to do things constitute unwritten codes of conduct passed on from generation by generation. Ways of living, customs, art, and laws are inseparable. The art is an integral part of lived

experience, celebrated through handicraft, performance and oral tradition; it does not sit comfortably with the consumer view of art as commodity which dominates industrialised societies. Art as a static presence on the wall of a gallery is a long way from life as perpetual art; they have very different cultural ecological contexts.

#### **4. Changing relationships between art and craft and customary laws**

However, as nomadism is increasingly compromised by the economic dominance of urban ways of living, its art can take on additional functions: the interrelated processes of recording tradition, renewing ancient stories, and political and ecological critique. As Lehtola (2004, 118) observes, its production is often triggered by a trauma that highlights conflict between a person's background and new influences, especially those that damage the environment or conflict with the nomadic way of life.

Consider the work of two Arctic artists who were born in the 1930s and have lived through a period of profound change. Ruth Annaqtuusi Tulurialik is from the small island in the Kazan River, 200 miles West of Hudson Bay. She says her coloured pencil drawings are like *Qikaaluktut* – the sounds of people passing by outside the *iglu*, heard but not seen. The drawings are there to talk to the viewer directly, to tell the story of Ruth's people, to acknowledge a way of life that is changing so fast because, as Ruth notes, "even my own children don't know how we lived when I was young." Thomas Frederiksen is from Iginiarfik, on the south western coast of Greenland. He says:

"Art was very much a part of daily life; the decoration of household articles and hunting equipment, the carving of sculptures, patterns in clothing and the decoration of the women's leatherwork all added pleasure to everyday living".

Thomas's art celebrates especially hunting and how it was governed by unwritten laws.

Andreas Alariesto (1900-1989) was an artist and storyteller from North Calotte. His genre paintings record historical and mythological elements of nomadism as a functional economic system. Hautala-Hirvioja (2009, 21) observes:

"Through his paintings, Alariesto recalled and recreated the past. Art, life and story are intertwined. The story, whether painted or told, is not significant only to the

author, but also for the whole community. Memories depicted in the paintings help people understand life and past conflicts. They analyze emotions by depicting and dealing with emotions and memories.”

## **5. Conclusions**

Art continues to have an important role in the cosmologies of nomadic people in the Arctic, but its interrelationships with other elements of their cultural ecologies is constantly changing and adapting. ‘Life as perpetual art’ is now complemented by art as recording tradition and art as political and ecological critique. Contemporary artists have brought in new images based on humour and irony, and new ways of working with colour and composition (Lehtola, 2004, 121). Others have introduced new materials or transferred ideas between different media. But the connectedness of people and nature is ever present, positioning art as a powerful advocate for the environment and for sustainable living. This is artistic practice adapting within the cultural ecology. It is a means by which people can engage in decisions about how their traditions are represented, and how the resources and affordances of the environment might be engaged with so that they serve the common good locally. It bridges between the oral and enacted modes of customary laws and the written statutes of state laws.

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