

# Chapter 8

## The Drum Speaks

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### ABSTRACT

*Many aspects of global Indigenous wisdom teach us that true justice is a spiritual force that allows for the ebb and flow of balance to enter and sustain human reality. Within this form of justice is the organic movement of healing and restoration for the continuation of life. Indigenous perspectives on the concept and practice of restorative justice are often expressed as a process that acts to open a pathway for justice intended to restore balance and to engage the healing process for individuals, families, communities, and creation. The chapter presents the kinship system model as a non-linear structure within an indigenous paradigm to reference principles of restorative justice, therapeutic jurisprudence, and Indigenous wisdom through a non-colonial process of discernment, understanding, and ways of knowing.*

### INTRODUCTION

In Native American and First Nation justice philosophy and practice, healing, along with reintegrating individuals into their community, is more important than punishment. The Native peacemaking process involves bringing together victims, offenders, and their supporters to get to the bottom of a problem. While contrary to traditional Eurocentric justice, this parallels the philosophy and processes of

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the modern restorative justice movement. In the Native worldview there is a deep connection between justice and spirituality: in both, it is essential to maintain or restore harmony and balance (Mirsky, 2004).

As illustrated above, the process of Indigenous restorative justice and therapeutic jurisprudence from many perspectives rests on the understanding that all of Creation is interconnected and individual actions create “ripple” effects that affect the whole of Life. As Unci Edna Little Elk stated, “A child is taught that an ant, a butterfly, a plant, a tree, the fish, the sky is just as important as they are...when a person or being dies, the universe shifts to accommodate that loss” (White Hat, L. 2003). Indigenous restorative practices often point to the healing principles of Traditional Law, and that Elders are the embodiment of Indigenous Law (Johnson, 2014). Established through the course of thousands of years of lived experience, the Law provides foundational security, safety and wellness but also moves to accommodate the individual and the experience of societies. When offered to victims of crime and those who perpetrate the crime, global Indigenous wisdom contained in traditional oral libraries and the keepers of those libraries, our Elders, has and continues to provide direction to attain effective results in bringing forth the power of justice, safety, and healing.

## **Need for an Indigenous Paradigm**

This effort seeks to examine and present the conceptual understanding and thematic principles from several diverse tribal perspectives of restorative justice and therapeutic jurisprudence which has been present for millennia and retains its resiliency in face of colonization. In order to form context for a conceptual understanding of this reality and to clearly optimize it, an Indigenous frame of reference needs to be brought into the discussion. A number of Native peoples are calling for the employment of worldviews, paradigms, theories of knowledge, and methods Indigenous to Native cultures in intellectual endeavors (Simpson, 2001). Kuokkanen (2000) discusses the need and significance of an “Indigenous paradigm” as a way of decolonizing Indigenous minds by “re-centering” Indigenous values and cultural practices. Kuokkanen (2000) cites the move toward an Indigenous paradigm as an essential piece of Indigenous peoples’ struggle for self-determination and psychological decolonization which moves away from prevailing Western models and Euro-centered thinking.

Another significant reason for the use of an Indigenous paradigm is connected to the on-going concerns and questions regarding who decides what knowledge is relevant, and how it is relevant, to Indigenous people. In addition, concerns about the decision making process in knowledge construction related to Indigenous peoples also center on the identification and interpretation of ways of knowing and theorizing.

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