

NATIONAL TRIBAL JUDICIAL CENTER  
THE NATIONAL JUDICIAL CENTER

**Educating Peacemakers**

by

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**Learning Objectives**

This session is designed so you will be able to:

1. Describe the processes *Hozhooji Naat'aanii* or Navajo peacemaking uses to select and educate peacemakers.
2. Identify and describe the elements of the education process that are dependent upon the core values of your community.
3. Develop learning objectives and design learning activities that accomplish those learning objectives.

**Thinking About Education**

Before attempting to identify the elements used to train Navajo peacemakers it is important to think out what we mean by "education." There are aspects of the Navajo perspective of it that are important. Just as we have learned a lot about how we educate adults in formats different than a lecture by some person who knows a lot, there are special considerations in educating Navajos.

For example, Navajos tend to think visually, so illustrations, flow charts, graphics and other forms of visual education are important. Navajo children are taught using "learn by doing" processes where they get "hands-on" instruction. Medicine people will instruct people on the meaning of specific parts of the Navajo creation and journey narrative, and tell stories during the winter as a means of education.

Also, we assume to some extent that when a chapter chooses a peacemaker, that person will have the kinds of qualities that they can use to create the kind of transformation we discussed in peacemaking sessions. Selection and the qualities of those who are selected must be taken into account when designing learning and training programs.

## Selection

Our rules ask chapter leaders and chapters to choose and nominate individuals who have the special qualities it takes to be a peacemaker. Each of the Navajo Nation's 110 chapters have chapter meetings that are held in a meeting house, and if we think about picking peacemakers in a western sense, that leads us to visualize people nominating individuals to be peacemakers and holding a vote to choose between nominees. That is not necessarily how the process works at all. We are talking about individuals who are recognized in their chapter community as being spiritual, a good thinker, a good planner, and having leadership ability, marked by an ability to speak well. This story will illustrate:

During a meeting of peacemakers held in Chinle several years ago, a woman who appeared to be in her mid- to late thirties stood to talk about her perception of herself as a peacemaker. She said that she was in a period of life when she was changing from being a "wild" woman to being a mature adult. She said that when her chapter chose her as a peacemaker, she was still drinking and acting a little wild.

She said that she didn't know why she was chosen—she was just told that she was a peacemaker for the chapter. She laughed and said that maybe her chapter leaders picked her to help her get over the wild phase of her life. Recognizing that the community would watch her and see how she held herself out, she said that she quit drinking and acting wild.

Many times, when people talk about traditional justice, they say that they are going to set up a program that uses "elders" to tap their wisdom. That can be controversial. Aside from the problem of defining who an "elder" happens to be, there has been a lot of controversy in Canada where people have said that the "elders" are alcoholics, child molesters or abusers themselves, and they can't be expected to help others who have problems. A probation officer from Saskatchewan said that small Indian and Metis communities there have been ravaged by alcohol, rearing in boarding school where people were subjected to abuse and did not learn traditional values, and intergenerational violence and sexual abuse. Is that true? Have our communities been so disrupted by alcohol and violence that it is impossible to find people with the qualities it takes to be peacemakers? If we say that it's impossible to find "perfect" people, who do we choose? Do we just give up?

There are trust and faith issues in peacemaking. The United States imposed the Court of Indian Offenses in Indian Country in 1883 because it did not trust that people could solve their own problems using traditional wisdom and process. It imposed modern western justice systems on us that rely upon strangers to the dispute deciding what should be done about it, and now we're facing the problem of how to revive systems where people can solve their own problems. The faith issue is the "leap of faith" it takes for us, who are educated in the western system, to trust our own communities. The other leap of faith is to accept that the stuff we've been talking about actually works! It does.

When you set up your own traditional justice system, what kind of people are you going to pick to run it? What qualities must they have? Who is going to choose them — elders, community members, meetings in distinct communities of your reservation, the council, a council committee, the judge? If someone outside the community does the selection, how will you know that person will be respected? Are elections a way of picking such people, given the factionalism we see in Indian Country?

## **Education**

The Navajo Nation has about 250 peacemakers, and the Judicial Branch has not done training for several years because we have a good base of peacemakers. One of the things the Navajo Nation Judicial Branch did early on was set up a “Navajo law” program. Staffers who speak Navajo interviewed men and women singers who know the traditions and asked them what they meant when they thought of “law.” What the staffers got back was statements of Navajo creation and journey narratives, and they were used to design a teaching program for peacemakers.

There were other considerations as well. The Navajo Nation Domestic Abuse Protection Act provides for peacemaking in domestic abuse cases but goes on to require that all peacemakers receive instruction in the “dynamics” of domestic violence. That requires instruction in modern thinking about the nature of domestic violence and how it works.

It may seem to be a small thing, but traditional instruction is different from what we are used to in western education in some important ways. We usually think of the setting of education something like the way this room is set up — there are rows of “students” in lines of chairs and people who supposedly know something stand up in front of you to feed you the information. Traditional educational is “discursive,” meaning that we talk things out and exchange information. The Judicial Branch had large gatherings at border town hotels for instruction, but the more effective programs are one-on-one discussions, like when medicine people teach apprentices, and small gatherings of peacemakers who teach each other.

- One of the problems we encountered with education in peacemaking is that when you discuss core values, you can be talking about sacred stuff. How does your community feel about it?
- Are the core values considered so sacred that you don’t talk about them?
- Is your traditional law a form of property that might be held by only some individuals or clans?
- Are there limitations in what you can discuss, and how you discuss it, depending upon the time of year?
- There are those who see sacred knowledge as something that you don’t just teach anyone — the individual who gets the wisdom must be “worthy” of it. How do you decide that?

- There may be limitations on the place of education — such as education in the sweat lodge. What restrictions are there in your community?

Traditional law and peacemaking have developed in the Navajo Nation because we are able to balance the sacred nature of our creation and journey narratives in such a way that we can teach them. It is one thing to say that your learning objectives will be to teach traditional core values and how they apply to the process of dispute resolution, but you need to think out what will be taught, who will teach it, how it will be taught, where it will be taught, etc.

There is a lot of “circle teaching” among Navajo peacemakers, meaning that they teach each other. As it is with the teaching of medicine people, apprentices will talk out the core values in small sessions that involve a lot of discussion, questions and discussed answers, and the apprentices participate in peacemaking sessions to learn by seeing.

We have another important issue in this process: What is the role of officials such as police, social workers, treatment professionals and other community programs in the selection and education process? Several Navajo peacemakers are women, and many of them have backgrounds in alcohol counseling, social work, and like service programs. A social worker or alcohol counselor may be a peacemaker, but not necessarily so.

For example, our drug court program using peacemaking was based on the idea that individuals and families should develop their own treatment plan so that family members could help individuals in need of treatment recognize the problem that required treatment, individuals would commit to the treatment plan, and families would commit to it and support their relatives. One of the important things about the kind of transformations we are attempting to prompt is that transformation is based on information. Our drug court program involved treatment professionals to give individuals and families information on the nature of the treatment, what would be required for it, how long it would last, etc. so that such information could be factored into a treatment plan made by the patient and his or her family. Peacemaking can be used when a treatment plan breaks down, and it can also involve treatment professionals to work with the family. That is also a form of education for peacemakers.

Many western mediation or restorative justice programs teach techniques. Our knowledge is deeper than that. There are indeed “techniques” that can be used in traditional process, but our knowledge is much more sophisticated. This isn’t just a technique or “paper knowledge,” but a way of life. We need to think of it as a way of life and design our education programs to be more than teaching styles of running sessions or a body of information. We need to think out how to develop the personal qualities of the people we choose.

If two of the major elements of transformation are *identification* and *internalization*, in terms of individuals who have the respect of the community, involving relatives whom the parties respect, and tapping the internal values of our society by talking about them and teaching them, then we need to think out how we choose people who are looked up to in the community, involve relatives and family members in the process, include others with information (such as treatment

providers), and share our core values.

It is also important that the peacemakers who are selected have a major role in how education programs will be driven. When Navajo peacemakers first started talking about organizing, there were problems with how that might create conflicts within the Judicial Branch. When they did organize, they were able to select leaders who helped individual peacemakers grow as individuals, and the organizations developed ongoing training programs of their own.

## **Conclusion**

You're not going to be able to go down to a bookstore to buy books and materials to educate about original dispute resolution. If you talk to people who know the stuff, they may not be able to write a lesson plan or follow one. As it is with trying to define traditional dispute resolution and the core values that drive it, education on how to be a peacemaker and do peacemaking must follow the traditional education methods of your communities. You will need to sort out the extent to which the core values involve sacred information that has special limitations and respect that. You cannot separate the selection process from the education process, because they are related to each other. Not just anyone can be a peacemaker, and although we have about 250 peacemakers, only some are active. As peacemakers organized, they self-selected their leaders and teachers. The peacemaking program of the Judicial Branch supports them with research and information. Initially, there were many questions about how the traditional process worked. As Navajos talked it out, peacemaking was done, and the peacemakers grew in confidence about how to return justice functions to communities, skills and knowledge grew.

It took Navajo peacemaking over ten years to start growing after the judges made the decision to revive peacemaking in 1982. It took a lot of patience, a lot of work, and growth in the belief that peacemaking does work and the people would accept it.

Sometimes Navajos call a peacemaker liaison, peacemaker or court staffer and ask, "What is 'peacemaking?'" When the person they call explains how it works, a caller will often say, "Oh, that!" and recognize it.

When you design your learning objectives and education process, is it going to be a "top-down" kind of thing where you design it and implement it? Or is it going to be a "bottom-up" process where those who are going to learn drive what is taught and how it is taught? That is something you need to work out when you get home.

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