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Indigenous Peacemaking
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Question: *How have traditional Indigenous peacemaking practices evolved over time? (Could look at one tribe or multiple). How do Indigenous communities intertwine traditional peacemaking methods into their modern court systems*

Introduction:

The intersection of traditional Indigenous peacemaking practices between the Karuk Tribe and the Mashpee Wampanoag Tribe offers a rich narrative of resilience, cultural preservation, and community empowerment. Both tribes have faced significant challenges due to colonial policies that sought to dismantle their social structures and erase their cultural identities. As they navigate the complexities of modern society, the Karuk and Mashpee Wampanoag peoples have revitalized their traditional methods of conflict resolution, adapting them to contemporary contexts while maintaining their cultural integrity.

The Karuk Tribe, located in Northern California, has developed a unique peacemaking process that emphasizes community involvement and ecological knowledge, rooted in their deep connection to the Klamath River ecosystem. In contrast, the Mashpee Wampanoag Tribe, situated in Massachusetts, has focused on restoring relationships and healing within their community, drawing from their rich cultural heritage and historical experiences. Both tribes have established peacemaker courts that prioritize healing over punishment, creating spaces for open dialogue and mutual understanding.

This paper will explore the similarities and differences in the peacemaking practices of the Karuk and Mashpee Wampanoag Tribes, highlighting how each tribe's cultural values and

historical contexts shape their approaches to conflict resolution. By examining the intersections between their practices, this paper aims to demonstrate the enduring relevance of Indigenous peacemaking in fostering community well-being and resilience in the face of contemporary challenges.

II. Historical Context of Indigenous Peacemaking Practices

Indigenous peacemaking practices have deep roots in the cultural traditions of various tribes across North America. These practices often involve rituals and methods that emphasize community, healing, and restoration. For instance, the Navajo Nation employs a peacemaking process that is centered around the concept of "Hozho," which signifies harmony and balance. In Navajo culture, peacemaking sessions are led by a peacemaker, who facilitates discussions among community members to address conflicts and restore relationships. These sessions often begin and end with prayers and traditional rituals, reinforcing the spiritual dimensions of the process (Yazzie, 1994).

Similarly, the Lakota people utilize a practice known as "Wiiyukta," which involves community gatherings where individuals come together to discuss grievances and seek resolutions. Elders play a crucial role in these gatherings, offering wisdom and guidance based on their life experiences. Storytelling is also an essential component, as it helps convey cultural values and lessons that inform the community's approach to conflict resolution (Costello, 1999).

The Haudenosaunee Confederacy, composed of six nations, employs a consensus-based decision-making process known as "Gayanashagowa," or the Great Law of Peace. This framework emphasizes the importance of unity and collective responsibility in resolving disputes. Elders and leaders within the Confederacy guide discussions, ensuring that all voices are heard and that decisions reflect the community's values and needs (Pranis et al., 2003).

The arrival of European settlers had a profound impact on Indigenous peacemaking practices, disrupting traditional methods that had been in place for centuries. Colonization led to the loss of land, culture, and autonomy, which significantly affected the ability of Indigenous communities to practice their traditional forms of conflict resolution. As Indigenous peoples were forcibly removed from their ancestral lands, their social structures and cultural practices were undermined, leading to a disconnection from the very rituals that had sustained their communities (Costello, 1999).

The imposition of Western legal systems further marginalized Indigenous practices, often viewing them as inferior or primitive. This shift not only disrupted the communal nature of peacemaking but also introduced adversarial approaches that prioritized punishment over healing. As noted by Gatensby, the punitive nature of colonial justice systems fostered anger and resentment within Indigenous communities, creating a cycle of conflict that traditional practices sought to resolve (Gatensby, n.d.).

The legacy of colonization continues to affect Indigenous peacemaking today, as communities work to reclaim their cultural identities and restore traditional practices. The revival of peacemaking courts, such as those established by the Navajo Nation and the Grand Traverse Band, reflects a growing recognition of the importance of Indigenous knowledge and the need for culturally relevant approaches to justice (Costello, 1999; Yazzie, 1994).

III. Evolution of Peacemaking Practices

Indigenous communities have demonstrated remarkable resilience and innovation in adapting their peacemaking practices in response to external pressures, including colonization, cultural assimilation, and the imposition of Western legal systems. These adaptations reflect a deep understanding of the need to preserve cultural identity while addressing the challenges posed by modern society.

Modern social issues, such as substance abuse, domestic violence, and economic disparities, have significantly influenced Indigenous peacemaking practices. These challenges often disrupt community harmony and create complex dynamics that traditional methods alone may not fully address. As a result, Indigenous communities have adapted their peacemaking processes to respond to these contemporary issues more effectively.

For example, the Karuk Tribe has recognized the impact of substance abuse on its members and has integrated this understanding into its peacemaking practices. The Peacemaker Court may require individuals involved in disputes related to substance abuse to participate in treatment programs as part of their resolution agreements. This approach not only addresses the immediate conflict but also promotes long-term healing and recovery for individuals and families.

Additionally, the integration of traditional values with contemporary conflict resolution techniques has become increasingly important. Many tribes emphasize the role of community support and collective responsibility in their peacemaking processes. By fostering a sense of

belonging and accountability, these practices help individuals navigate the complexities of modern life while remaining connected to their cultural roots.

The use of restorative justice principles within Indigenous peacemaking also reflects this integration. Restorative justice focuses on repairing harm and restoring relationships rather than punishing offenders. This approach aligns closely with traditional Indigenous values, emphasizing healing and community cohesion. By adapting these principles to their unique cultural contexts, Indigenous communities can address contemporary issues while remaining true to their heritage.

IV. Case Studies of Specific Tribes

The Karuk Tribe is the second largest Native American tribe in California, primarily located in Northern California along the Klamath River. With a rich cultural heritage and a deep connection to their ancestral lands, the Karuk people inhabit a region characterized by diverse ecosystems, including forests, rivers, and mountains. Historically, the Karuk were known for their fishing, hunting, and gathering practices, relying heavily on the natural resources of the Salmon River and its tributaries. Salmon fishing, in particular, played a central role in their diet and culture. The tribe has a strong tradition of basket weaving, utilizing materials from their environment to create intricate and functional art.

Traditional Indigenous peacemaking practices, such as those found in the Karuk Tribe's oral traditions, have long served as vital mechanisms for conflict resolution within communities. The story of “Coyote’s Journey”¹ exemplifies the teachings embedded in Karuk culture,

¹ Karuk Tribe. (n.d.). *Coyote’s journey: Oral traditions*

illustrating the interconnectedness of individuals, families, and the broader community. "The survival and flourishing of American Indian Peoples depends on their ability to know, retain, make use of, and pass on their special connections with their homelands."² This sentence highlights the importance of storytelling as a means of preserving cultural identity and community values among Indigenous peoples. In the context of peacemaking practices, storytelling serves as a vital tool for conveying lessons, morals, and the significance of relationships within the community

Teaching that our actions have reactions. Elders are noted as vital parts of indigenous peacemaking through stories. It's the same our elders hold this knowledge and teachings. Through storytelling, the Karuk people pass down important lessons about geography, customs, and the responsibilities individuals have towards one another. These narratives not only entertain but also serve as moral guides, helping community members navigate their relationships and responsibilities.

Another example of problem solving in my community is what we call settle up which is very similar to peacemaking. We come together as a community in a circle with either the person who was harmed or the family. A few elders, community members, and a mediator. Everyone would come together and voice their concerns then a few of the community members would come together and discuss what they felt was owed to the family. Sometimes it was as simple as an apology, or payment, and or service. This was even a system that made its way into our school systems. If it involved payment we would use dentilum dollars which we got for being good. Which stood in as a symbol of real payment that our people would make, even though it was just a picture of dentilum on a piece of paper. It was effective too because that money could also buy us prizes or snacks. This has since evolved into a more formal court practice of peace making.

² Karuk Tribe. (n.d.). *Coyote's journey: Oral traditions*

The evolution of traditional peacemaking practices into contemporary court systems reflects a broader trend among Indigenous tribes to reclaim their cultural heritage while adapting to modern legal frameworks. The establishment of the Karuk Tribal Court, as outlined in Chapter 3.05 of the Karuk Tribal Code³, represents a significant step in this direction. The court is designed to address civil disputes and criminal acts occurring on Tribal lands, emphasizing the importance of customs and traditions in the resolution process.

The Karuk Tribe, located in Northern California, has developed a unique dispute resolution process that reflects its cultural values and traditions. Central to this process is the establishment of the Karuk Tribal Court, as outlined in Chapter 3.05 of the Karuk Tribal Code (KTC)⁴. The purpose of this court is to encourage cooperation among community members, reduce bitterness, and develop agreements that meet the needs and best interests of all parties involved. This approach aligns with the principles outlined in KTC 10.10.270, which emphasizes the importance of customs and traditions in resolving disputes.

The Karuk Tribal Court was established to exercise jurisdiction over civil disputes and criminal acts occurring on Tribal lands, particularly those disputes and acts over which the courts of the state of California lack jurisdiction. The Tribal Council ordains that: Public Law 83-280 did not divest the Tribe of its inherent sovereign authority to establish and operate its own judicial system. The establishment of a Tribal Court is necessary to maintain peace and order on Tribal lands. The court consists of a Peacemaker Mediation Forum and divisions for Administrative, Civil, Family, and Criminal matters, along with a Court of Appeal. This framework allows the Tribe to address conflicts effectively while ensuring that resolutions are culturally relevant and resonate with the community's values.

³ Karuk Tribe. (n.d.). Chapter 3.05 KTC: Tribal Court Establishment.

⁴ Karuk Tribe. (2024). Title 10, Children and Family, Chapter 10.05

The Tribal Court has been granted civil and criminal jurisdiction over all matters arising within Tribal lands. Specifically, the court has: Civil Jurisdiction: Over all persons who are members of the Tribe or have consented to its jurisdiction, as well as those with "minimum contacts" with the Tribe. This includes individuals who conduct business on Tribal lands or have familial ties to Tribal members. Criminal Jurisdiction: Concurrent jurisdiction over all criminal offenses committed by Tribal members or other Indians consistent with Tribal law. The court is empowered to create specialized divisions as necessary and is granted all powers necessary to exercise its jurisdiction in accordance with the procedures set forth in the Tribal Code.

In addition to the formal court structure, the Karuk Tribe has established a Peacemaker Mediation Forum. This forum serves as a non adversarial method for resolving disputes before they escalate to formal court hearings. The Peacemaker Mediation Forum is designed to reflect the Tribe's historical traditions and modern methods of dispute resolution, providing a space for community members to engage in dialogue and reach mutually agreeable solutions.

The Karuk Tribe's approach to dispute resolution emphasizes the importance of community involvement and cultural relevance. The court system integrates traditional practices, allowing for the customs and traditions of the Karuk people to guide the resolution process. This is evident in the role of community members and elders, who often participate in the mediation process to provide guidance and support.

By prioritizing cooperation and mutual understanding, the Karuk Tribe fosters an environment where individuals feel heard and respected. This approach not only addresses conflicts effectively but also strengthens the bonds within the community, promoting healing and restoration rather than punishment.

V. Comparison To Different Tribe

As I was reflecting on my own tribe's experiences with peacemaking I wanted to compare it with another tribe who may struggle with federal recognition. To look at some of the differences between the two systems of a large tribe who hasn't necessarily struggled for recognition and a smaller one who has. My first thought in doing this was just looking up tribal peacemaking and seeing what I could find. I found the Mashpee Wampanoag Tribal website labeled peacemaking. As stated on their website⁵, they are known as the People of the First Light, and have inhabited present-day Massachusetts and Eastern Rhode Island for over 12,000 years. As part of the larger Wampanoag Nation, the Mashpee Wampanoag people have a rich cultural heritage deeply rooted in their history, traditions, and connection to the land. After a lengthy process lasting more than three decades, the Mashpee Wampanoag were re-acknowledged as a federally recognized tribe in 2007. In 2015, the federal government designated 150 acres of land in Mashpee and 170 acres in Taunton as the Tribe's initial reservation, allowing them to exercise their full tribal sovereignty rights. Today, the Mashpee Wampanoag Tribe has approximately 3,200 enrolled citizens and continues to incorporate peacemaking practices within their community, fostering harmony and understanding among their members.

The Mashpee Wampanoag Tribe's quest for federal recognition began in earnest in the 1970s. The tribe faced numerous obstacles, including bureaucratic hurdles and the need to provide extensive documentation of their historical continuity, cultural identity, and political organization. The process required the tribe to demonstrate its existence as a distinct community

⁵ Mashpee Wampanoag Tribe. (n.d.)

with a continuous history, which was complicated by the impacts of colonization, land loss, and assimilation policies that had disrupted their traditional ways of life. In 2007, after decades of advocacy and perseverance, the Mashpee Wampanoag Tribe was granted federal recognition by the U.S. Department of the Interior

The Mashpee have a whole page on their website dedicated to peacemaking and it is as follows. The Mashpee Wampanoag Tribe's Peacemaking process reflects a deep commitment to traditional conflict resolution methods that prioritize community healing, mutual respect, and the restoration of relationships. As outlined in the Peacemaker Court's guiding principles⁶.

Peacemaking encourages individuals to solve their own problems by communicating in a safe environment. This approach is based on respect, responsibility, and the importance of good, conscious, meaningful relationships. The Peacemaker Court serves as a vehicle through which parties arrive at consensual solutions to conflicts within the tribal community, emphasizing that the court need not determine who is at fault in any given situation to reach an agreeable solution.

Participation in peacemaking is voluntary, allowing individuals to engage in discussions that lead to mutually acceptable resolutions. The Peacemakers strive to create an environment that allows active participation by all parties involved in the conflict, provides a safe space for conflict resolution and healing, and assists in locating traditional practices and community-based services relevant to the individuals involved. The guiding principles further emphasize that a positive, conscious, meaningful relationship between parties is valuable, and harmony is achieved through “Weech8humôkanee N8hswehtamuk,” meaning “working together by observing the law.”

The Peacemaking process is characterized by non-coercion, as the most constructive way to preserve positive relationships and settle disputes is through voluntary participation, expressed

⁶ Mashpee Wampanoag Tribe. (n.d.). Peacemaker Court Ordinance

as “Muhchee cheekunum N8hswehtamuk,” meaning “without a forceful hand.” This principle underscores the importance of informality and consensus in resolving conflicts. Additionally, the health of the community is recognized as dependent on the interconnectedness of all individuals, achieved through “Wutahkeemôwuneayee N8hsweetamuk,” which signifies community well-being through adherence to the law.

The Peacemakers, who are respected members of the community, play a vital role in facilitating discussions and guiding participants toward mutually agreeable solutions. They are tasked with mediating conflicts, using traditional forms of mediation, and encouraging individuals involved in a conflict to meet and discuss the issues at hand. The Peacemakers’ authority is grounded in the understanding that their role is to foster healing and resolution rather than to impose punitive measures. Ultimately, the Mashpee Wampanoag Tribe's Peacemaking process embodies a holistic approach to conflict resolution, aiming not only to resolve disputes but also to heal relationships and restore balance within the community.

VI. Intersections Between The Two Tribes

Both the Karuk Tribe and the Mashpee Wampanoag Tribe have developed unique peacemaking practices that reflect their cultural values and traditions. Despite their geographical and historical differences, these tribes share several similarities in their approaches to conflict resolution, emphasizing community involvement, cultural relevance, and the importance of healing relationships.

Both tribes draw upon their rich cultural heritage to inform their peacemaking practices. The Karuk Tribe utilizes oral traditions and storytelling, such as the tale of “Coyote’s Journey,” to impart lessons about interconnectedness and responsibility within the community. Similarly, the Mashpee Wampanoag Tribe emphasizes traditional conflict resolution methods that prioritize community healing and mutual respect. In both cases, the teachings of elders play a crucial role in guiding the peacemaking process, reinforcing the importance of cultural continuity and the wisdom of past generations.

The peacemaking processes of both tribes are deeply rooted in community involvement. In the Karuk Tribe, the Peacemaker Mediation Forum allows community members to engage in dialogue and collaboratively seek solutions to disputes. Likewise, the Mashpee Wampanoag Tribe’s Peacemakers Court encourages open dialogue among participants, fostering an environment where individuals feel heard and respected. In both instances, the emphasis on community participation helps to strengthen relationships and promote a sense of collective responsibility.

Both tribes emphasize the voluntary nature of their peacemaking processes. Participants in the Karuk Tribe’s mediation forum and the Mashpee Wampanoag Tribe’s Peacemakers Court choose to engage in the process, which fosters a more genuine and cooperative atmosphere. Additionally, confidentiality is a key feature in both systems, allowing participants to speak freely without fear of repercussions. This aspect is crucial for building trust and encouraging honest communication, ultimately leading to more effective conflict resolution.

The ultimate goal of peacemaking in both tribes is not only to resolve disputes but to heal relationships and restore balance within the community. The Karuk Tribe’s approach emphasizes the importance of addressing conflicts holistically, recognizing the emotional and social impacts

of disputes. Similarly, the Mashpee Wampanoag Tribe prioritizes healing over punishment, fostering a sense of interconnectedness among its members. Both tribes view conflict resolution as an opportunity for growth and reconciliation, rather than as a punitive measure.

In both tribes, respected community members, including elders and trained Peacemakers, play a vital role in facilitating discussions and guiding participants toward mutually agreeable solutions. These individuals are seen as trusted figures within their communities, equipped with the knowledge and skills necessary to navigate complex interpersonal dynamics. Their involvement not only lends credibility to the process but also reinforces the cultural significance of peacemaking as a communal responsibility.

Both the Karuk Tribe and the Mashpee Wampanoag Tribe have adapted their traditional peacemaking practices to fit contemporary contexts. The establishment of formal court systems, such as the Karuk Tribal Court and the Mashpee Wampanoag Peacemakers Court, reflects a commitment to reclaiming cultural heritage while addressing modern legal challenges. These adaptations allow both tribes to maintain their cultural identity while effectively managing disputes within their communities.

VII. Differences Between The Tribes

While the Karuk Tribe and the Mashpee Wampanoag Tribe share several similarities in their peacemaking practices, there are also notable differences that reflect their unique cultural contexts, historical experiences, and contemporary challenges. These differences shape how each tribe approaches conflict resolution and community engagement.

As outlined in the tribal codes the Karuk Tribe has established a formal Tribal Court system that includes a Peacemaker Mediation Forum, which serves as a non-adversarial method for resolving disputes. This court structure is designed to address civil and criminal matters while integrating traditional practices. In contrast, the Mashpee Wampanoag Tribe's Peacemakers Court operates under a more informal framework, focusing primarily on community-based conflict resolution without a formalized court structure for civil and criminal matters. This difference in formalization reflects varying approaches to integrating traditional practices with contemporary legal frameworks.

The Karuk Tribal Court has jurisdiction over civil disputes and criminal acts occurring on Tribal lands, allowing it to address a wide range of issues, including those involving non-Tribal members with "minimum contacts" with the Tribe. This broad jurisdiction enables the Karuk Tribe to engage with a diverse set of conflicts. Conversely, the Mashpee Wampanoag Tribe's Peacemakers Court primarily focuses on resolving disputes among Tribal members and does not have the same level of jurisdiction over non-Tribal members. This difference may impact the types of conflicts each tribe encounters and how they are addressed.

In the Mashpee Wampanoag Tribe, peacemaking sessions are conducted with the inclusion of one male and one female peacemaker to ensure a balanced perspective. This practice emphasizes the importance of gender representation in the peacemaking process. In contrast, the Karuk Tribe does not have a specified requirement for the gender of their Peacemakers, which may lead to different dynamics in their conflict resolution sessions.

Additionally, the Mashpee Wampanoag Tribe employs the use of a talking feather during their peacemaking sessions. This traditional tool facilitates communication by allowing only the person holding the feather to speak while others listen, reinforcing the importance of respectful

dialogue. The Karuk Tribe, however, does not utilize a similar practice, which may affect how discussions are structured and how participants engage with one another. These differences in the roles and practices of Peacemakers between the Mashpee Wampanoag and Karuk Tribes can significantly influence the dynamics of their respective peacemaking processes and the types of resolutions that are achieved.

The Karuk Tribe's peacemaking practices are more explicitly integrated into a formal legal framework, with established procedures and guidelines outlined in the Karuk Tribal Code. This formalization allows for a structured approach to conflict resolution while still honoring traditional practices. In contrast, the Mashpee Wampanoag Tribe's Peacemakers Court operates with a more flexible and informal approach, relying heavily on community consensus and traditional values without the same level of codification. This difference may affect the consistency and predictability of outcomes in peacemaking sessions.

The challenges faced by each tribe in their peacemaking efforts may differ based on their historical experiences and contemporary contexts. The Mashpee Wampanoag Tribe has faced significant challenges related to federal recognition and land rights, which may influence their peacemaking practices and community dynamics. In contrast, the Karuk Tribe has focused on environmental stewardship and the restoration of natural resources, which may shape the types of conflicts they encounter and the resolutions sought. These differing challenges can lead to variations in how each tribe adapts its peacemaking practices to address specific community needs.

VIII. Conclusion

The exploration of peacemaking practices within the Karuk Tribe and the Mashpee Wampanoag Tribe reveals a profound commitment to cultural preservation, community healing, and the restoration of relationships. Despite their distinct geographical and historical contexts, both tribes share a common goal: to reclaim their traditional methods of conflict resolution and adapt them to the complexities of modern life. The establishment of peacemaker courts in both communities exemplifies their dedication to fostering dialogue, understanding, and mutual respect, emphasizing healing over punitive measures.

Through their unique approaches, the Karuk and Mashpee Wampanoag Tribes demonstrate the enduring relevance of Indigenous peacemaking practices in addressing contemporary social issues. By integrating traditional values with modern conflict resolution techniques, both tribes not only honor their cultural heritage but also create pathways for healing and reconciliation within their communities.

As Indigenous communities continue to navigate the challenges posed by colonization and modernity, the lessons learned from the peacemaking practices of the Karuk and Mashpee Wampanoag Tribes serve as a testament to the resilience of Indigenous cultures. Their experiences highlight the importance of community involvement, the role of elders, and the necessity of maintaining cultural identity in the pursuit of justice and harmony. Ultimately, the intersection of these two tribes' peacemaking practices offers valuable insights into the potential for Indigenous methodologies to enrich contemporary justice systems, fostering a more inclusive and holistic approach to conflict resolution that benefits all members of society.

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