

# REFORM AND RESTORATION: A DUAL STRATEGY FOR INCREASING THE SAFETY OF NATIVE WOMEN

Jacqueline Agtuca<sup>1</sup>

What do we mean when we say traditional law? This is where we must begin any discussion that addresses the use of traditional law. A critical beginning point is to consider the term in the native language. In Tiwa, for example, there are words for law and custom derived from the Spanish words for both; there is also a word referring to white's man law or the law of the courts, demonstrating the introduction of outside law from two separate sources, but also the distinction such law has from traditional law. The word that comes closest to "law" in Tiwa is the word for tradition - keynaithue-wa-ee, which translates "this is our way of living" That way of life is elaborated upon in prayer.<sup>2</sup>

## INTRODUCTION

Among advocates working to reform justice systems, there is ongoing debate about if and how such reforms make women safer. For Native women, an additional question arises of how reform of the western justice system will support restoration of tribal beliefs in which the respect of women is a way of life. The urgency created by the escalated rates of violence experienced by Native women challenges advocates to institute immediate reforms of the justice system and work to restore the indigenous worldview honoring women. The strategy of affording Native women safety through reform and restoration efforts provides a two-prong approach to guide our daily work as advocates who face long to-do lists on limited budgets. Exploring this two-prong approach is also particularly important now as many tribes are working to enact new laws and other policies to protect women and hold offenders accountable. It is helpful to approach justice reform and the restoration of tribal life-ways in the context of: the reality of tribal governments as sovereigns; the erosion of the safety of Native women through colonization of Indian tribes by the United States; the historical response by Indian tribes to woman abuse, and current efforts to restore safety for Native women using practices as old as the tribes.

---

<sup>1</sup> Currently the Director of Public Policy for Clan Star, Inc.

<sup>2</sup> Christine Zuni, Tribal Law as Indigenous Social Reality and Separate Consciousness - Reincorporating Customs and traditions into Tribal Law, UNM Tribal Law Journal, 2002, [tlj.unm.edu/index.htm](http://tlj.unm.edu/index.htm). (The Tiwa words and translations used here are from a discussion and interview between Isleta Pueblo member and Tiwa instructor, Doris Lucero, with Christine Zuni, October 14-15, 2000.)

Our purpose here is a brief examination of how, and in what context, tribal beliefs and life-ways, can enhance safety for Native women. Three specific tribal life-ways are discussed that enhance the safety of women. The examples here are offered not as replicable models of practice, but instead as examples of how the restoration of tribal life-ways and beliefs is an important step in restoring the inherent safety of Native women and their children.

## BACKGROUND

Historically, Native women have enjoyed the protection of their communities against violence. In fact, the early suffragettes in the United States looked to Indian tribes as a source of inspiration and guidance and while this historical fact is relatively unknown outside of feminist scholarship, it is an important truth in the development of early women's rights. In 1839, Mississippi passed the first married woman's property law in the country.<sup>3</sup> Explaining this improbable occurrence, the President of the State Bar Association stated: "Let it not be forgotten, however, whence came to us the conception. It is said, and it is no doubt true, that our first married women's law in the statute of 1839 embodied and was suggested by the tribal customs of the Chickasaw Indians, who lived in our borders."<sup>4</sup>

The multitude of tribal justice systems that exist within the 570 federally recognized Indian tribes<sup>5</sup> are replete with lessons for advocates looking to develop policies that increase the safety of women. Being sovereign, tribal governments possess the inherent authority to self-government; this includes the administration of justice within their respective jurisdictional boundaries and/or membership. This legal authority is the political foundation for the existence of non-western, indigenous justice systems within the United States. While many Indian tribes have adopted domestic violence codes similar to that of state governments, many maintain indigenous justice systems guided by traditional law. Still others blend traditional and western laws and systems in response to acts of violence against women occurring within the jurisdictional boundaries of the tribe.<sup>6</sup>

Traditional and customary laws in tribes have endured over time and social upheaval, existing prior to contact with Europeans and surviving the efforts by the United States to eliminate Indian tribes. "The historical record shows how Federal policy created a system that served the

---

<sup>3</sup> Mississippi Married Women's Property Law (1839), Miss. Laws, 1839, ch. 46, p. 72.

<sup>4</sup> *Report of the Proceedings of the Mississippi Bar Association*, Jan. 6, 1891, Alb. L. J., 5 Mar. 1892.

<sup>5</sup> 25 U.S.C.A. § 479a-1 requires the Secretary of Interior to publish annually in the Federal Register a list of all tribes recognized by the United States.

interests of the U.S. government and non-tribal citizens and failed to promote the ability of Indian nations to design and exert meaningful control over their own policing institutions.”<sup>7</sup>

The colonization process of Indian tribes is well documented as genocidal<sup>8</sup> in both intent and scope; Native women were particular targets of elimination.

Women perpetuated clans and lineages. If the women of a lineage died, the lineage died regardless of the number of surviving males. Therefore, an attack on a woman was an attack upon lineage, clan, and even tribe (since to be a Cherokee, one had to have a Cherokee mother).<sup>9</sup>

The United States Constitution places Indian Affairs within the power of Congress. The colonization process imposed a western worldview upon Indian tribes and concentrated on changing their indigenous worldview, and within the context of understanding violence against women, the specific relationships of Native men and women, and mothers to their children.

American Indian societies generally hold a common worldview that seeks to achieve balance or harmony in all relationships. The cultural principles of American Indian, reflected in this worldview, do not espouse or approve of the abuse of women. Although there are differences among the tribes, respect for the physical integrity of women is not an area where cultural values among tribes differ significantly.<sup>10</sup>

The intent of the Boarding School Era, 1880s to the 1950s, and the Adoption Era, 1950s to the 1970s, was assimilation<sup>11</sup> and thus the changing of such relationships. The intent of these two eras is captured in the following statement of the 1886 Commissioner of Indian Affairs:

It is admitted by most people that the adult savage is not susceptible to the influence of civilization, and we must therefore turn to his children, that they might be taught to abandon the pathway of barbarism and walk with a sure step along the pleasant highway of Christian civilization ... They must be withdrawn, in tender years, entirely from the camp and taught to eat, to sleep, to dress, to play, to work, to think after the manner of the white man.<sup>12</sup>

---

<sup>6</sup> See generally Ada Pecos Melton, *Indigenous Justice Systems and Tribal Society*, *Judicature*, Nov.-Dec. 1995, 126.

<sup>7</sup> Stewart Wakeling, Et Al., *Policing on American Indian Reservations*, Res. Rep. Nat'l Inst. Just., U.S. Dep't of Justice, Office of Justice Programs, NCJ 188095, at viii (July 2001).

<sup>8</sup> DAVID E. STANNARD, *AMERICAN HOLOCAUST* (1992).

<sup>9</sup> THEDUE PERDUE, *CHEROKEE WOMEN*, 88 (1998).

<sup>10</sup> Gloria Valencia-Weber & Christine P. Zuni, *Domestic Violence and Tribal Protection of Indigenous Women in the United States*, 69 *St. John's L. Rev.* at 71 (1995).

<sup>11</sup> Lila J. George, *Why the Need for the Indian Child Welfare Act?*, *Journal of Multicultural Social Work*, Vol. 5, NO3/4, 1997, at 165-175.

<sup>12</sup> MONROE E. PRICE, *LAW AND THE AMERICAN INDIAN CONTEMPORARY LEGAL EDUCATION SERIES* (1973), as cited *id.* at 166.

Despite the efforts of the federal government to eliminate the indigenous worldview, all tribes have retained the fundamental belief of respect. This belief is reflected in the traditional practices of Indian tribes and within these practices lie lessons for the safety of all women.

### INDIGENOUS WORLDVIEW AND THE SACREDNESS OF WOMEN

While specific tribal practices may offer lessons for enhancing the safety of women, the indigenous worldview serves as the foundation for the safety of Native women.

Each tribe's experiences, in combination with other factors, produce a model of law and governance tailored to a tribe's needs. In the aggregate, the tribes produce many models. Yet underlying the tribal variation is the common worldview that is of key importance to American Indians. The indigenous peoples of the Americas have the shared belief that achieving harmony and balance are the goals of their societies.<sup>13</sup>

Within this shared worldview, the roles of women and men were balanced and Indian tribes were organized accordingly; producing social conditions of safety in which abusive behavior toward a woman was consequential to the life of the offender. In the Alaska Native Villages, such abuse was rare and when a man committed such acts the response of the Village reflected the seriousness of the offense.

My grandmother told me that such a crime seldom happened but when it did the response of the village was well known. The person would be staked to the floor of the ocean during low tide and it would be left to the creator. If the tide came in and the person survived then he survived, if he did not then he did not. It was the consequence of such behavior.<sup>14</sup>

The traditional response amongst the Haudenosaunee to a wife batterer according to the interpretation of the teachings of Handsome Lake also reflected the seriousness of the offensive behavior.

A man, who was in the habit of beating his wife, was led to the red-hot statue of a female, and requested to treat it as he had done his wife. He commenced beating it, and the sparks flew out and were continually burning him ...<sup>15</sup>

Of course, "rather than a single Indian model, there are many; each tribe's practices derive from a blend of its cultural, historical, and contemporary experiences."<sup>16</sup> However, across tribes one finds that abuse of a woman was enormously consequential to the abuser. Perhaps of equal

---

<sup>13</sup> Valencia-Weber & Zuni, *supra* note 1, at 133.

<sup>14</sup> Interview with Tammy Young, Co-Director Alaska Native Women's Coalition (May 2002).

<sup>15</sup> SALLY R. WAGNER, *SISTERS IN SPIRIT, HAUDENOSAUNEE (IROQUOIS) INFLUENCE ON EARLY AMERICAN FEMINISTS* (2001), at 66.

<sup>16</sup> Valencia-Weber, *supra* note 10, at 72.

importance, however, tribes also provided women the social conditions required to live independent of an abuser. These social conditions included the customs of tracing descent and relations through the mother, banishment of the offender and support of the woman, and teaching the tribal worldview of women through tribal creation stories and beliefs. These social conditions were not legal rights held by women according to western law but life-ways that assured Native women a position of respect within their community.

### TRADITIONAL LAW:

#### DISTINCT AND SEPARATE FROM THE RESTORATIVE JUSTICE MOVEMENT

Shortcomings in the western criminal justice system,<sup>17</sup> including the over-incarceration of people of color,<sup>18</sup> have led justice practitioners to explore alternative approaches to responding to crime. The restorative justice model has gained the support of some governmental justice agencies.<sup>19</sup> The restorative justice movement emerged in the 1970s as an effort to reform or improve the western justice system. While it has often been associated with indigenous justice systems, the restorative justice movement arose from within the western justice system as an alternative, less punitive approach that promotes accountability and behavior change.

While battered women and their allies have also sought to reform the justice system since the early beginnings of the United States,<sup>20</sup> this movement has not adopted a restorative justice model. A primary concern of domestic violence advocates about the use of the restorative justice model is the power a batterer has over a woman due to the intimidation factor of violence and/or threat of future violence.<sup>21</sup>

The reference at times to state-based restorative justice models as Native based approaches is often inaccurate. Indigenous justice practices are not “alternative” or “experimental” programs. Traditional and customary law existed within Indian tribes prior to contact with Europeans and

---

<sup>17</sup> Howard Zehr, *Changing Lenses*, Herald Press (1990); Charles Phillips, *Circle Sentencing: A Victim Centered Process*, Crime Victims Report, Vol 5, No. 1, (March/April 2001)

<sup>18</sup> Thomas P. Bonczar, *Prevalence of Imprisonment in the U.S. Populations, 1974-2001*, (NCJ-197976)(2003) . “At the end of 2001, about 16.6 percent of adult black males were current or former inmates, compared to 7.7 percent of Hispanic males and 2.6 percent white males.” “Prevalence rates at the end of 2001 were lower among females, with 1.7 percent of black females, 0.7 percent of Hispanic females and 0.3 percent of white females having ever been incarcerated.”

<sup>19</sup> Anne Seymore, Final Report on National Focus Group on Restorative Justice and Community Justice, National Institute of Justice, U.S.D.O.J. (1998);

<sup>20</sup> Elizabeth Pleck, *Criminal Approaches to Family Violence, 1640-1980*, The University of Chicago, 19-53 (1989).

derive their origins from the inherent authority<sup>22</sup> and beliefs of the respective tribe. In that the intent of a practice is based upon the beliefs of a tribe, it is difficult to transform the practice into a model for replication in communities not holding the beliefs that the practices are based upon.

Many Indian tribes exercising their inherent right to self-government are engaged in efforts to strengthen and restore their tribal justice systems. Under the current federal policy of support for government-to-government relations and tribal self-government, Indian tribes are turning toward their indigenous systems to provide a longer-lasting response to crime than incarceration. This is particularly significant given that on June 30, 1999 only 69 jail facilities were operating in Indian country with a limited capacity to hold 2,118 persons in total.<sup>23</sup>

The Peacemaker Court of the Navajo Nation, first established in 1982, is one example of the reemergence of indigenous justice reform efforts. The Navajo Supreme Court with the goal of creating social, cultural, and legal reform initiated the alternative court system based upon traditional Navajo law. It is important to note that traditionally Navajo people were matrilineal, matri-loc and women held economic rights. The Federal government altered the position of Navajo women in many ways: the reduction of sheep campaign, in that many of the sheep were owned by women; the issuance of land titles during the Allotment Era, in that titles were only issued to men; and in the removal of children from their mother's and matrilineal clan based system through the Boarding School Era.<sup>24</sup> Restoration of the traditional Navajo worldview of women is important to restoring social conditions of safety for Navajo women and culturally shifting away from a western worldview of women. This process although connected to the safety of women, is also distinct from responding to the immediate physical safety issues of a woman in danger of attack by a batterer, rapist, or stalker.

While restorative justice efforts to reform state and federal agencies are also seeking to better address crime, this process is distinct from the efforts of tribal governments to strengthen the traditional beliefs and life ways of the respective tribes. Thus while the goal of better addressing crime is similar, the end goal is distinct in that tribes are engaging in the restoration of indigenous beliefs and state/federal reform efforts are attempts to better organize the western justice system.

---

<sup>21</sup> Rashimi Goel, *No Women at the Center: The Use of the Canadian Sentencing Circle in Domestic Violence Cases*, 15 Wis. Women's L. J. 293 (2000).

<sup>22</sup> *United States v. Wheeler*, 435 U.S. 313, 323 (1978) (recognizing existence of some "inherent powers" in Indian tribes).

<sup>23</sup> Paula Ditton, USDOJ, Bureau of Justice Statistics, NCJ 173410 (July 2000).

<sup>24</sup> Donna Coker, *Enhancing Autonomy for Battered Women: Lessons from Navajo Peacemaking*, 47 U.C.L.A. L. Rev. 16-32 (1999).

In this context, the domestic and sexual violence codes under consideration or enacted by Indian tribes may prove a more powerful deterrent if based upon tribal beliefs and inclusive of customary law.

### **TRIBAL LIFE-WAYS:**

#### **A STRATEGIC COMPONENT OF INCREASING SAFETY FOR NATIVE WOMEN**

This paper seeks to share three specific tribal practices: 1) tracing descent through the mother; 2) support for a woman to remain in the community and the banishment of an offender; and 3) the use of tribal teachings to restore safety for women within tribal communities. These three practices based in specific Indian tribes continue to honor and support the safety of women. They are illustrative of practices whose effectiveness is premised on the worldview of the tribe. Just as the response of any community to violence against women is not linear but multi-dimensional, these three practices reflect only a fragment of the traditional and contemporary response of Indian tribes to violence against Native women.

Such practices described below are also important given the objective conditions in which Indian tribes continue to survive; specifically the lack of sufficient funding for existing tribal justice systems and the continued failure of many Public Law 280 states to adequately prosecute violent crimes against women. Where no or minimal justice services exist, such as in many Alaska Native Villages, a tribe's reliance upon traditional and customary law may be the only support available to a woman. In this sense, traditional and customary law may serve as important components of an Indian tribe's response to violence against women.

The adoption of these practices is clearly not transferable or appropriate to all communities; however within the specific Indian tribes discussed below they are traditional. In reviewing these three specific practices, a reader may draw the following themes: sacredness of women, respect for women, and the need for a tribe to ensure the safety of women.

#### ***Recognizing Descent through the Mother***

Common among many Indian tribes is the practice of recognizing descent through the mother, not the father. This practice while fundamentally challenging a basic precept of western culture is consistent with the worldview of many Indian tribes. It is a practice that stood in sharp contrast to early English and American Law, and contemporary state child custody codes. In 1871, Matilda Joslyn Gage a historical advocate for women's rights wrote in the San Francisco Pioneer,

Blackstone, the chief exponent of common law, says: “A mother has no legal right or authority over her children; she is only entitled to respect and honor.” The United States, governing itself by English law, inherited this with other oppressions, and it to this day holds force in most of the thirty-seven States of the Union.<sup>25</sup>

The Hopi Tribe of Arizona traditionally and contemporarily traces descent through the mother. “Wuuti a’ni hiikya’ta’ translating to ‘women are highly valued.’ Hopi culture is based around the women, as we are matriarchal-matrilineal society. Women for generations have ownership of the homes, lands, and fields and are the nurturers of the children. ‘Kyap tsi’ (respect) was afforded all.”<sup>26</sup>

“If a man and woman with children separated, the children lived with the mother and the mother’s clan was responsible in the raising of the children.”<sup>27</sup> This traditional custom is not a legal right per se but more a Hopi way of life. The introduction of a western approach and code raises the challenge to the tribe of blending traditional custom with a contemporary western code and social conditions. The impact of this challenge touches individuals, clans, villages, and the Hopi tribe. This traditional Hopi custom may appear to be inconsistent with contemporary Hopi code and a matter of conflicting laws, but represents a challenge many tribes face in the constant balancing of the worlds in which Indian tribes exist.

Hopi trial court judges, in hearing matters before them will often be able to identify when and how substantive Hopi legal norms apply in a given situation and may take judicial notice of a custom. For example, it is widely understood at Hopi that children belong to their mother’s clan and that the child is expected to engage in clan activities at certain times of the year. This “custom” would be highly relevant in establishing a common law custody standard, or as a factor in establishing what is best for the child.<sup>28</sup>

Maintaining the traditional practice of tracing descent and relations through the mother serves as a significant social condition of safety for Native women from the abuse of a man. It is well known that many women stay with a batterer out of fear of either harm to her children or fear of losing her children. The traditional Hopi practice of mother’s right removes the ability of an abuser to use a child or children to coerce a woman into staying.

---

<sup>25</sup> Matilda Joslyn Gage, *The Mother of His Children*, (San Francisco) Pioneer, Nov. 9, 1871.

<sup>26</sup> A TRIBAL COORDINATED COMMUNITY RESPONSE to STOP VIOLENCE AGAINST HOPI WOMEN, Women Are Sacred Conference, U.S. Dept. of Justice, Violence Against Women Office, 1999.

<sup>27</sup> Interview with Dorma Nevayaktewa, Chief Prosecutor, Hopi Tribe (July 2002).

<sup>28</sup> Pat Sekaquaptewa, *Evolving the Hopi Common Law*, 9 Kan. J.L. & Pub. Pol’y 761 (2000). See *Polingyouma v. Laba*, AP-006-95\* (Hopi App. Ct. 1997) (accepting judicial notice that a child is born into mother’s clan and receives ceremonial training from mother’s household; holding these customs relevant to child custody arrangements).



### *A Woman's Right to Remain within Her Community*

Traditionally, a common tribal response to violence against a woman was to exclude or banish the wrongdoer from community. This tribal practice prevented the perpetrator from committing further acts of violence against the woman and supported a woman's right to safety and her ability to remain within the community. It is a practice consistent with the worldview of many Indian tribes, but one that stood in contrast to early English and American Law. Indicative of this contrast is the 1864 decision of Supreme Court of North Carolina affirming the right of a husband to commit violence against his wife and remain living with the woman he has abused.

A husband is responsible for the acts of his wife, and he is required to govern his household, and for that purpose the law permits him to use towards his wife such a degree of force as is necessary to control an unruly temper and make her behave herself ... the ... law prefers to leave the parties to themselves, as the best mode of inducing them to make the matter up and live together as man and wife should.<sup>29</sup>

Today numerous Indian tribes exclude batterers and rapists from their tribal jurisdictional boundaries. These tribes include the Zuni Pueblo in New Mexico, the Umatilla Indian tribe located in Oregon, and several Alaska Native Villages. The banishment of these perpetrators allowed the woman and her community the confidence that the perpetrator was excluded from entering and remaining within the pueblo, reservation, or village.

Historically, the impact of banishment carried with it the objective consequence of being cut off from community resources such as shelter and food, and also participation in ceremonial practices. The common contemporary practice of a woman, and many times her children, being forced to flee her community and home is clearly the opposite of this traditional custom. The necessity of "hiding" or "exiling" battered women is a tragic statement on the inability of a community to protect a woman from such abuse. Unlike state and county governments, Indian tribes have the authority to protect their members by restricting perpetrators of such crimes from entering their borders.

### *Tribal Teachings Honoring Women*

The use of tribal teachings and journey stories are a critical component to restoring community safety for Native women. Such teachings are reflections of a tribe's experience as a

---

<sup>29</sup> State v. Black, 60 N.C. 266 (1864).

people and in this sense, while not transferable, hold values that other communities can draw upon, as did advocates for women in the early years of the United States.<sup>30</sup>

In the following journey story of the Haudenosaunee the sacred role of women in creating life is told. From creation stories such as this, communities held women in respect.

The grandmother buried her daughter and planted in her grave the plants and leaves that she had clutched in her hands when she fell from the sky world. Not long after, over her daughter's head grew corn, beans, and squash. These were later known as the "three sisters" and became the main life support groups for the people of the Haudenosaunee. From her heart grew the sacred tobacco, which would later be used as an offering to send greetings to the Creator. At her feet grew the strawberry plants, as well as other plants that would be used as medicines to cure sickness. The earth was referred to as "Our Mother" by the Master of Life, because their mother had become one with the earth.<sup>31</sup>

In the teaching of White Buffalo Calf Woman, community members learn of the sacred role of women in the spirituality of the Lakota.

She took from her back the bundle, and holding it with both hands in front of the chief, said: "Behold this and always love it! It is lela wakan [very sacred], and you must treat it as such. No impure man should ever be allowed to touch it, for within this bundle is a sacred pipe. With this you will, during the winters to come, send your voice to Wakan-Tanka, your Father and Grandfather. ... With this pipe you will walk upon the earth; for the Earth is your Grandmother and Mother, and She is sacred. Every step that is taken upon Her should be as a prayer."<sup>32</sup>

In the collective memory of Indian people rests the indigenous view of women. These teachings provide a path for reeducating Native perpetrators and also a path for restoring respect for the women. The following words of Paula Gunn Allen provide images of women that live in the memories of Indian tribes that can assist advocates for women in organizing safe communities for women.

[W]hite Buffalo Woman who came to the Lakota long ago and brought them the religion of the Sacred Pipe which they still practice; Tinotzin the goddess who came to Juan Diego to remind him that she still walked the hills of her people and sent him with her message, her demand and proof to the Catholic bishop in the city nearby. And from the Laguna I take the images of Yellow woman, Coyote Woman, Grandmother Spider (Spider Old Woman), who brought the light, who gave us weaving and medicine, who gave us life. Among the Keres she is known as Thought Woman who created us all and who keeps us in creation even now. I remember Iyatiku, Earth Woman, Corn Woman, who guides and counsels the people to peace and who welcomes us home when we cast off this coil of flesh as huskers cast

---

<sup>30</sup> See SALLY R. WAGNER, *SISTERS IN SPIRIT, HAUDENOSAUNEE (IROQUOIS) INFLUENCE ON EARLY AMERICAN FEMINISTS* (2001).

<sup>31</sup> *The Creation Story*, Legends of Our Nations, as cited in Wagner, *Supra* note 30, at 57.

<sup>32</sup> BLACK ELK, RECORDED & EDITED BY JOSEPH E. BROWN, *THE SACRED PIPE*, 1953, at 5-6.

off the leaves that wrap the corn. I remember Iyatiku's sister, Sun Woman, who held metals and cattle pigs and sheep, highways and engines and so many things in her bundle, who went away to the east saying that one day she would return.

## CONCLUSION

The battered women's movement views battering as gender based violence driven by power and control. Hope for reversing this process of destruction for Native women lies in strengthening the sovereignty of Indian tribes, tribal life-ways, and indigenous worldview. Recognizing the right of Native women to fulfill their physical journey in safety is essential within this process of change. The passage of the Violence Against Women Act is a watermark in American history, and is particularly significant to Indian tribes because the strengthening, and in some cases restoration, of a traditional worldview that places the safety of women as sacred is inherent to the future existence of Indian tribes as indigenous peoples.

The adoption of justice practices foreign to a tribe, not based on tribal beliefs, should not be confused with a return to traditional law and worldview. In this context, as advocates for women develop new policies, consideration of tribal life-ways, law and indigenous worldview maybe of assistance to our efforts: not in a pragmatic sense of replication, but in the premise it offers to our work—a foundational belief in respect for women. While traditional law is tribal-specific in its development and in its application, lessons can be drawn that provide insight and inspiration to our task of creating social change. This both counters the impact of colonization and returns tribes to the tradition and custom of honoring women and establishing the unacceptability of violence against women.

*"We think we're human beings on a spiritual journey but we're not.  
We are spirits here on Earth making a journey in a physical form."<sup>33</sup>*

*Developed by Praxis in partnership with the Office on Violence Against Women, U.S. Department of Justice, for recipients of grants under the Rural Domestic Violence and Child Victimization Enforcement Grant Program. Points of view expressed in this article are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

---

<sup>33</sup> *Domestic Violence Is Not Lakota/Dakota Tradition*, Handbook of SD Coalition Against Domestic Violence and Project Medicine Wheel, 1983 at 33.