

CPCS Honors Native American Heritage Month – Restorative Justice and the Healing Circle

“You have noticed that everything an Indian does is in a circle, and that is because the power of the world always works in circles, and everything tries to be round.” Black Elk, Holy Man of the Oglala Sioux

In honor of Native American Heritage Month, we should consider a rich cultural tradition that means so much to Native peoples, and which has been shared with non-Native Americans for positive change toward justice and redemption.

The circle has meaning for cultures across the world from antiquity to the present, and this is true in the history of the Native American community. In the Native American context, the circle has held key meanings. The circle represents the four seasons, the heavens and the earth, the universe, and the cycle of life from death to rebirth. It is reflected in cultural icons, including labyrinth mandalas, dream catchers, medicine wheels, and most relevant to our focus, the talking or healing circle.

The talking circle is a rich tradition for building and sustaining community, on wide-ranging matters including religion, treaties, economic development, and eldership, among other topics. In the Native American experience, the talking circle has necessarily included discussions regarding the historical reality of genocide and its more modern manifestations across bias, crime, and poverty. In this tradition, there is no one dominant speaker or leader, nor is there a focus on winning or losing - rather, there is an equal right to speak and be heard for the agreed-upon purpose to achieve positive change regarding difficult situations and issues. In the tradition, there has been reliance on a talking piece, an object that allows a participant to speak and others the chance to listen, and then speak when the talking piece is passed to them.

During the 1990s, in response to the mass incarceration of community members, the First Nations of Canada began teaching the principles and practice of the talking circle to non-Native people. Their purpose was to seek alternatives to this form of punishment that amounted to another form of genocide, and it required that non-Native people across all roles in the legal system learn the practice and power of the circle. In Massachusetts, the First Nations people trained staff and community members of Roca, Inc., a Chelsea-based organization that works with

at-risk youth across 21 statewide communities, and in Baltimore, Maryland. The circle has been used in the contexts of criminal, youth offense, and domestic relations, and it provides a hopeful opportunity for expansion to reach many circumstances that involve our client with the justice system.

Within CPCS, there is a team led by Kristen Graves, Trial Attorney in PDD-Salem, studying Restorative Justice and the circle method. The team has learned from staff both within and outside our agency about their experiences with Restorative Justice Circles, including the training process for bringing people involved in a situation together. We have learned about the approach that Roca has taken in working to alternatively resolve matters involving young people, the experience of Boston PDD Trial Attorney Cristina Rodrigues in collaboratively advancing a Restorative Justice pilot proposal for Suffolk County, the research of Roxbury Defender Trial Attorney Ziyad Hopkins on circles and juvenile diversion in New Zealand and efforts within the federal court and statewide on this theme. This group seeks to make recommendations to establish this alternative means for resolving cases across our practice areas.

The healing circle is a wonderful and powerful Native American tradition that they have strategically shared for organizations and individuals to explore and adopt. For a community that has contributed and lost so much, including generational hardship, cruelty, and death, it is well worth our recognizing and honoring this contribution of such an important tradition of benefit for justice and healing. Attached below are some links that provide further information, and please take some time this month to consider and pay tribute to the Native American community, which deserves much better consideration from us all.

History of Circles in Native American Culture

https://www.americaslibrary.gov/es/ut/es_ut_indian_1.html#:~:text=The%20circle%20is%20an%20important,and%20the%20cycle%20of%20life.

<https://www.inspirationforthespirit.com/native-american-symbolic-circles/>

<http://restorativesolutions.us/restorative-justice-blogposts/the-indigenous-origins-of-circles-and-how-non-natives-learned-about-them>

Circles for Restorative Justice

<https://thewriteofyourlife.org/what-are-restorative-circles/>

<https://xqsuperschool.org/rethinktogether/restorative-justice-circles/>

<https://oscr.umich.edu/article/restorative-justice-circles#:~:text=Restorative%20Justice%20Conferences%20or%20Circles,path%20toward%20accountability%20and%20repair.>

<https://healingjusticeproject.org/circle-process>

ROCA and Restorative Justice

<https://rocainc.org/who-we-are/2021-annual-report-and-annual-appeal/>

Circles in Domestic Relations Context

<http://centeronviolenceandrecovery.org/circles>

Federal Perspective

<https://www.ojp.gov/pdffiles1/ojdp/184738.pdf>