

<b>Differences in Justice Paradigms</b>	
<b>American Justice Paradigm</b>	<b>Indigenous Justice Paradigm</b>
Vertical	Holistic
Communication rehearsed	Communication fluid
English language used	Native language is used
Written statutory law derived from rules and procedure, written record	Oral customary law learned as a way of life by example
Separation of powers	Law and justice are part of a whole
Separation of church and state	Spiritual realm is invoked in ceremonies and prayer
Adversarial and conflict oriented	Builds trusting relationships to promote resolution and healing
Argumentative	Talk and discussion is essential
Isolated behavior, freeze-frame acts	Reviews problem in its entirety, contributing factors are examined
Framed approach to process and solutions	Comprehensive problem-solving
Time-oriented process	No time limits on process, long silences and patience are valued
Limits participants in process and solutions	Inclusive of all affected individuals in the process and solving the problem
Represented by strangers	Represented by extended family members
Focus on individual rights	Focus on victim and communal rights
Punitive and removes offender	Corrective, offenders are accountable and responsible for change
Prescribes penalties by and for the state	Customary sanctions used to restore victim-offender relationship
Right of accused, especially against self-incrimination	Obligation of accused to verbalize accountability
Vindication to society	Reparative obligation to victims and community, apology and forgiveness

Source: Melton, Ada Pecos (2005) Indigenous Justice Systems and Tribal Society