

2024 Fundamental Law of the Diné / Peacemaking Bar Review Handout

by Shawn Attakai &
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❖ **What is Fundamental Law of the Diné (FLD)?**

- ❖ The Fundamental Law of the Diné (Dine Bibeehaza'anii) is the law of our ancestors. Fundamental Law of the Diné (Dine Bibeehaza'anii) - FLD is the very first law, the origin of our law, **nihi beehaz'aanii**. It exists everywhere and is a part of our Mother Earth and Universe. FLD came from the Holy People (1st, 2nd, 3rd and 4th world) and it provides the guiding principles for the Diné life way. The FLD, created by the Holy People, guides, protects, and sustains the Diné people. Fundamental Law of the Diné is immutable (not subject to change.) It is here forever. It provides us with a natural order of life. All other laws come from the FLD.
- ❖ The first and foremost of our laws come from natural laws created by the **relationship between the Universe and the Earth**. In the beginning, there was the Universe, the Earth and the Sun. The **Earth and the Sun were in a chaotic relationship** which created hardship for all life-beings. There was **no order** to the day and night; no rain, plants struggled to grow and there was no food for a long time. The Universe came to the Earth and asked if the Earth and the Sun could create a permanent relationship. Mother Earth responded: **“A permanent relationship will only be possible if you acknowledge me the way I acknowledge you; if you talk to me the way I talk to you; if you treat me the way I treat you; if you support me the way I support you.”** The Sun agreed and there has been order

between them ever since because of their commitment to this reciprocal relationship. This teaching is a guiding law for the Diné. The relationship between the Earth and the Sun was established to create **Hózhóoji** way of life, where all humans are able to continuously live and enjoy life to the fullest. Conflicts that disrupt this hózhóoji become K'ééhwodoodooł, which means it will be straightened up to retain that **Hózhóoji** way through Navajo Nitsahakees, Nahat'a, Iiná and Siihasin.

- ❖ Diné Bi Beehaz'áanii Bitse Siléí--Declaration of the Foundation of Diné Law (1 N.N.C. §§ 201- 206)
- ❖ Through their Songs and Prayers, the Holy People placed the Earth and Universe with Nitsahakees (thinking) , placed Water and the Sacred Mountains with Nahat'a (planning), placed Air and Varied Vegetation with Iiná (life), placed Fire and Sacred Stones with Siihasin (the desired result to be achieved). It is this very placement of natural elements with thinking, planning, life and siihasin that became our first law ever, given to us by the Holy People. This explains how the element of Nitsahakees (thinking) always comes before Nahat'a (planning) and Iiná (life) comes before Siihasin (the desired result to be achieved). All those laws were placed within us and we became one with those laws.
- ❖ The Four Direction defines and explains what Diné Bi Bee Haz'áanii Bitséi Silei is, as declared in 1 N.N.C. §§ 201-206. Four Direction reflects the four sacred mountains. It is their tool for leadership purposes. All the elements are related to one another for a purpose. Each and every element is indispensable to each other. This is where nature teaches us about Navajo common law and concepts.

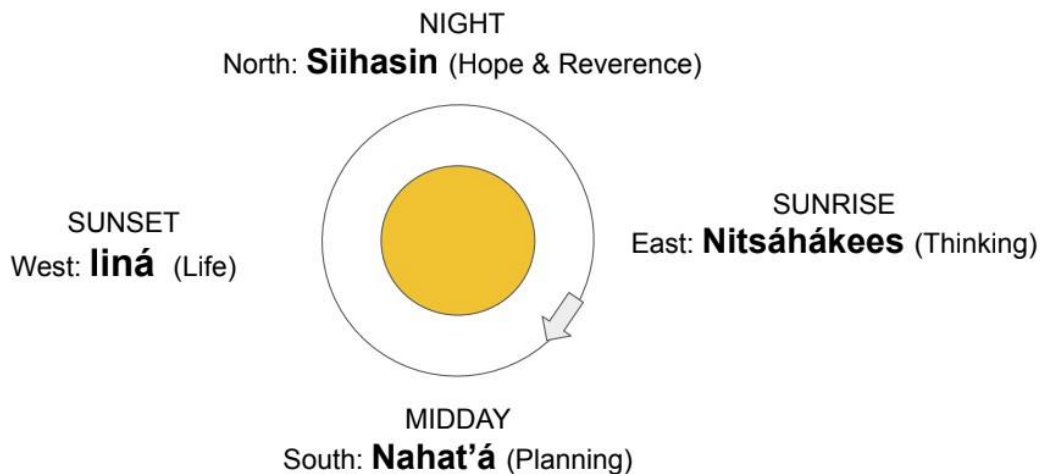
❖ Fundamental Law is the foundation of our Navajo Peacemaking practice. Peacemaking follows the Four Direction as a method to apply Fundamental Law.

❖ [THE FUNDAMENTAL LAWS OF THE DINE](#)

❖ **What is Peacemaking?** In the Navajo tradition, WE HAVE FOUR DIRECTIONAL THINKING. IT IS OUR METHOD OF PROBLEM SOLVING WE HAVE USED SINCE TIME IMMEMORIAL. When there is a problem or dispute, our ancestors taught us to “talk things out.” We do this to resolve the problem so that our lives and relationships can be placed back into Hózhó Nahodoodleę, peace and harmony. In talking things out, we remember we are guided by Four Directions: East, South, West, and North. The Four Directions are reflections of the Sunrise, Mid-day, Sunset, and Midnight.

❖ **What is Four Direction?**

Diné Peacemaking uses the Four Directions and follows the Sun’s path:



❖ According to Diné oral history, The Four Direction Method is based on the four cardinal directions (east, south, west, and north). It teaches different aspects of life and offers a unique perspective

on problem-solving and conflict resolution. This can be very useful for judges. Each direction carries specific qualities and teachings to guide individuals or communities in finding solutions. In this case, they would be guided by the judge as Naat'aanii. Judges can even decide cases using the Four Direction method. As a matter of principle is what the Diné bi beenahaz'áanii expects us to do. Even though the Code states Navajo law is the preference in our jurisdiction; leaders have the duty and responsibility and must apply Navajo Law. Peacemaking is a part of Navajo law, in our understanding of leadership, the Diné bi beenahaz'áanii is our law, and as such we are governed by it.

- ❖ In Diné oral history, the East-**Nitsahakees** represents the dawn, new beginnings, and clarity of thought. It encourages seeking new perspectives and gathering information to understand the problem fully. The South is **Nahat'a**, which symbolizes planning. It emphasizes building relationships, promoting cooperation, and fostering a sense of collectivity (togetherness) where everyone's voice is heard and offers alternative approaches. The West is **Iiná**, representing life with energy and movement. It encourages individuals to commit to their role of duties and responsibilities in the issue. Finally, the North-**Siihasin** represents wisdom, stability, guidance, introspection, reflection, and learning from past experiences. It encourages seeking guidance from the wisdom of elderly men and women, and community leaders for their insights and solutions.
- ❖ To resolve problems or issues using the Four Direction Method, one may engage in a process of reflection, seeking input from others, considering various perspectives, and focusing on restoring harmony. By applying the teachings of the Four Direction Method and hózhó, individuals can approach problem-solving with a holistic mindset, considering the well-being of all families and parties involved and aiming for a resolution that promotes balance and harmony.

- ❖ When we talk about the Four Direction Method we talk about the east, south, west, and north. They are not separate, they exist in everyone and everything. But it is easier to understand them if we analyze them one by one. In addition to the Four Direction Method, Hózhó is a fundamental Navajo concept that refers to a way of living and a state of being, in balance, harmony, and peace. It is a guiding principle for Navajo life, including problem-solving. By embracing Hózhó (the good way of life), individuals seek to restore balance and harmony in their relationships and surroundings, and everyone is entitled to live their life to the fullest.

- ❖ As humans we are always walking in between the Hózhó energy and the Hochxo' energy (negative energy). As a matter of fact, no one can live a perfect state of condition, but can only strive to restore Hózhó (the good way of life). Hózhó is an aspiration to always strive and restore peace, harmony, and balance in our lives. When someone's life becomes disrupted; find the underlying cause of the disruption; find appropriate remedy to heal the problem, and seek to restore oneself to Hózhó. There is also **Nalyeeh**, a form of payment to be considered if requested by the person(s) who are experiencing harm. The person(s) harmed are compensated for the injury they sustained. How much? Enough so they are relieved of their injury or enough so that there are no hard feelings. Talking things out is a way to understand the underlying cause of the pain and is a necessary way of relieving the hurt.

Mini-Approach 4-Direction (Navajo legal analysis) Outline

1. **Nitsáhákees** : Thinking is the first element of problem solving. Thinking comes before planning. Realizing a problem exists. A time to observe and reflect.
 - a. Creates an opportunity to plan a solution.
 - b. It is better to know the end from the beginning.
2. **Nahat'á** : Planning is the second element of problem solving. Planning comes before implementing. Through the process of talking things out, the problem is analyzed and identified, a relevant rule or law (**Beehaz'aanii**) is identified, a plan is created, agreed to, and applied to the problem. There is a flow to the process. Follow the procedural steps of **Nahat'á**:
 - a. **Na'alkaah** (to investigate): Participants are encouraged by **Naat'aanii** to use **Nábi'kiyáti'** (talking things out with respect. Everyone has opportunity to say something and be heard.

Questions (**Ná'ádíkid**) are asked by all about the issue, leading to **Íshjání ádoolnííł** (making things clear) about the source of the problem.
 - b. **Bik'íiyá** (to find): through **Nábi'kiyáti'** the **Nayéé** (disrupting forces) is/are found and Navajo Common Law principles are sought as a remedy. **Alchi'sila** is a teaching that holds, where there is a problem, there is a solution. The **Naat'aanii** (leader) guides the participants to **Beehaz'aanii bee hasht'éédoolnííł** (identify appropriate common law teachings) to transform the **Nayéé** back to **Hózhó**.
 - c. **Nídiilyá** (to adopt): The **Naat'aanii** shares **Na'nitin** (common law teachings) (e.g. **Ak'éi, K'éh, and**

Hózhó), that remind the people how to uphold their duties and responsibilities to adopt by consensus **Diné Bi Beehaz'áanii** that will lead to a remedy.

d. **Bée'heelyá'** (application) The parties reach a workable, agreed-upon solution. **Íshjání ádoolniił** is to make things clear so everyone understands. Consistent with Navajo teachings, the agreement reached requires everyone to keep their word and honor their promises because words are sacred.

e. **Nahootá** (the plan) a conclusion/final agreement is reached. **Hózhó** / (the solution is the **Nahat'á bee hasht'éédoolniił** meaning to “reestablish **Hózhó**”)

3. **Íiná** : Implementing is the third element of problem solving. Implementing comes before reflecting. The plan is given life and executed.

4. **Siihasin** : Reflecting is the fourth element of problem solving. The plan is reflected upon, evaluated, and refined for improvement (if the plan is ongoing).

Questions are asked: Has the resolution of the problem, thought of during **Nitsáhákees** (thought), been achieved? Has harmony been achieved? If no, why not? Is there hope to restore harmony?

Completion of these four stages brings a sense of accomplishment, security, and hope.

DEFINITIONS

Positive elements

1. **Hózhó** - perfect state of condition where everything is in its proper place; a state of balance, peace, and harmony.
 2. **K'éh** - principle of family, emphasizing relationship; the connection and relationship of all life; kinship through Hózhóoji value, unity, duty, and responsibility.
 3. **Ak'ei** - kinship or relatives; nuclear and extended family members, including one's grandparents, uncles, aunts, cousins, and the clan relationships.
 4. **Ádóone'é** - Navajo clans; One's Navajo clanship identity.
 5. **T'áa'ałtsóh ák'ei dáanidli'** - everything in the universe is related and interrelated.
 6. **T'áa'ałtsxoh ałká'iijeehgo** - everyone helping each other through cooperation; full participation; encouraging collective action.
 7. **Nályééh** - restitution, reparation, or atonement for an injury.
 8. **Diné bi'i'ooł** - The Diné Life way. Diné culture.
 9. **Naachid** - Navajo governance; assembly of all Navajo clanship groups to address state of affairs.
 10. **Diné Bikéyah** - Navajo lands between the four sacred mountains and rivers.
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Negative elements

11. **Nayéé'** - something that causes disharmony and disrupts **K'éh** relations.
12. **Hóochxó'** - a state of disharmony; disrupts **K'éh**, peace, and harmony.
13. **Anáhóót'i'** - problem or issue caused by disrupter (**Naayéé'**); a dispute that generates controversy.

Leaders

14. **Naat'áanii** - a leader who thinks, plans with direction; sustains life and brings a satisfied outcome.
15. **Diné binaat'áanii** - Navajo government officials, leaders of the Navajo people including Navajo Nation Council delegates, President, Directors, Supervisors, Chapter Officials, Peacemakers, Judges, Lawyers, and Advocates.
16. **Góldi** -Court
17. **Ánahwii'aahii** -Judges
18. **Ágha'diit'aahii** - Attorneys, advocates
19. **Hózhóojí Náat'áanii** - Navajo Peacemakers

Laws

20. **Diné Beehaz'áanii Bitsé Siléi** - the initial foundational principles that are not man-made; they are immutable laws and give guidance to the many ways in which Navajo people think, plan, and enact laws. For example, the principles of **Ak'éi**, **K'éh**, and **Hózhó** are fundamental and cannot be changed.
21. **Diné Beehaz'áanii** -laws of the Navajo People which derive from the journey narrative through the four or five worlds; Laws that are created from Navajo thinking and experiences on life for the purpose of guiding conduct. For example, decisions agreed upon by People in peacemaking are law.

22. **Beehaz'áh** - what is permitted. Describes an act that is legal.
 23. **Doobeehaz'áada** - what is not permitted. Describes an act that is not legal.
 24. **Nahasdzaan doo Yadiłhił bits'aadaa' Beehaz'aanii** - Diné Natural Law that comes from the earth and universe.
 25. **Diyin Bits'aadaa' Beehaz'aanii** - Diné Traditional Law that comes from the twelve (12) Holy People.
 26. **Diyin Diné'e bits'aadaa' Beehaz'aanii** - Diné Customary Law that comes from the Holy People that dwelled on the earth at the time.
 27. **Diyin Nohokaa' Diné'e Beehaz'aanii** - Diné Common Law, the law of the Earth Surface People.
 28. **Yoołgai Asdzaan Bi Beehaz'aanii** - Whiteshell Woman's law which describes the transfer of land rights (homesite leases, grazing permits, and land use permits), and the life that comes with and from it, passing through the clan, which goes through the female from mother to daughter.
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Problem solving

29. **Nitsáhákees** - the first of the Four Direction; observation and reflection prompts thinking; Thinking is the first element of doing something with a problem and comes before planning. Without thought, there may not be meaningful action. Going step-by-step creates order. The Holy People thought the world into reality.

30. **Nahat'á** - the second of the Four Direction is Planning that takes things that are thought out and puts them into action. A clear plan is the result of people connected to an issue of “talking things out” with respect. Nahat'á is the primary job of a Naat'áanii (leader).

31. **Nábi'kiyáłti'** - talking things out during peacemaking, all participants have an opportunity to speak on every aspect of an issue, which ensures equal consideration of all arguments, claims, and proposals expressed, especially minority views.

32. **Íiná** - the third element of the Four Direction is Life and movement used to implement into action; a desired outcome; the plan. With full voluntary participation (T'a'altsoh alka'iijeehgo) and consensus, a resolution is reached with all participants giving their sacred word (Hazaad jidisingo) that they will abide by the decision. The resolution (guided by Diné Beehaz'áanii), in turn, is the basis for restoring harmony (Bee hozho nahoodoodleł). **Hózhó** is established if all who participated are committed to the agreement and consider it as the final agreement from which the parties can proceed to live in harmony again. Finality is established when all participants agree that all of the concerns (issues) have been comprehensively resolved in the agreement (Nabinahaazłago bee t'aałahaji' ałha'deet'a).

33. **Siihasin** - the fourth element of the Four Direction is the hope created through thinking and planning the desired outcome will be achieved.

Operational principle

34. **Ałchi'silá** - The goal of Ałchi'silá is to bring the parties to Hózhó and the Naat'aanii does that by bringing all those needed to address the Hóochxó' by talking things out. The participants come to understand the nature of the Hóochxó' and gradually change the Hóochxó' to Hózhó with Beehaz'áanii, the guiding common law principles that may include Ak'éi, K'éh, and Hózhó. A state where everything in life comes in twos. When two things come face-to-face, they make things happen. They coexist and are indispensable with each other.

Research

35. **Na'alkaah** - the process of looking and searching for the fundamental laws. These are lessons learned from life's experience, accrued from the beginning of time, that have become Diné Beehaz'áanii. No one person knows all of this knowledge, but every person knows some, and sharing that knowledge is how we help each other. (Investigation) - researching customs; an inquiry during Nábi'kiyáłti' (talking things out process) in peacemaking to find out what, why and how Anáhóót'i' (problem) arose.

36. **Bik'iiyá** - the act of coming upon a principle of Diné Beehaz'áanii which may be found in various sources such as elders, the People, treatises, and Navajo laws, culminating in research results.

37. **Nídiilyá** - (adopt) The particular law that becomes the basis of the agreement; Learning from teaching and stories that show how to follow the Diné Beehaz'áanii in order to fulfill one's duties and responsibilities. The resolution to the conflict is to acknowledge that there is Diné Beehaz'áanii and then to follow the law. Adhering to Diné Beehaz'áanii by adopting solutions that are rooted in the law.

38. **Bée'heelyá'** - (apply) The role of the Naat'aanii (leader/peacemaker) is to advise and guide the parties of the Diné Beehaz'áanii, whether the parties agree with it or not. It must be that whatever Beehaz'áanii that must be the basis of the agreement, the

purpose of the Beehaz'áanii is to transform through talking things out. It becomes the basis of the agreement by consensus, the solution to which is agreed by the people.

39. **Nahootá** - The final, agreed-upon plan. Transforming Anáhóót'i' (problem, situation, or facts) to Nahat'á (a conclusion or plan) using Diné Beehaz'áanii.

Approach

40. **T'áá'hwó'ajitéego** - the principle that only a person can determine his/her being successful or unsuccessful. There is a saying, "If it is to be, it is up to you."

41. **Háshké** - firm discipline with purpose and direction; leading by persuasion and consensus rather than coercion.

42. **Hazhó'ógó** (adj. or adv.) - done in a careful, respectful way; to exercise freedom with responsibility.

43. **Íshjání ádoolníł** - to make things clear; this Navajo concept mandates that Navajo laws, policies, agreements, results, and other communications must be clear so that our people may understand them.

SAMPLE FACT PATTERN & APPLICATION OF FOUR DIRECTION PROCESS

Question 1:

David was distracted while driving his car and failed to see Paula's car slowing down ahead of him to make a turn. David crashed his car into the back of Paula's car. Paula and her passenger, Carla, suffered minor injuries and Paula's car was damaged. David does not want to assume liability and says that Paula was not using her turn signal in making her turn.

Assume that the parties have agreed to use Peacemaking to resolve the dispute. Apply the Four Direction analysis and discuss a possible outcome.

Sample Answer:

Paula and Carla suffered injuries when David crashed into the back of Paula's car as she was attempting to make a left-hand turn. David does not want to claim responsibility for the harm caused toward Paula, Carla, and the damage to the vehicle. David has agreed to participate in Peacemaking to avoid a lawsuit and to resolve any hard feelings.

In Peacemaking, the participants are guided by a **Naat'aanii** (leader), who uses the circle of the Four Directions: East, South, West, and North to help them think about, plan, and implement a solution that will restore **hózhó**. This method is derived from **Diné Bi Beehaz'annii** (Navajo Common Law) to address issues facing the Navajo People.

In *Shirley v. Morgan*, the Navajo Supreme Court discussed the story about the selection of a leader during the journey of Emergence of the Diné and how the elements of Peacemaking were brought from the Four Directions. Wolf, Bluebird, Mountain Lion and Hummingbird each went out in one of the four cardinal directions. Wolf went East and brought back **Nitsahakees** (thinking). Bluebird went South and brought back **Nahat'a** (planning). Mountain Lion went West and brought back **Iina** (life). Hummingbird went North and brought back **Siihasin** (hope). The People felt that these were all crucial elements of life, so the People selected the four animals to lead them.

Shirley v. Morgan, No. SC-CV-02-10, slip op. at 19-21 (Nav. Sup. Ct. May 28, 2010).

The Four Direction process is linked to the thinking, planning and

implementation of an agreement reached through consensus of the participants. The thought (**Nitsahakees**) of the existence of a problem prompts the participants to plan (**Nahat'a**) a solution by Na'bikiya'ti (talking things out). The principle of **Alch'i' silá** holds where there is a problem there is always a solution and there are consequences for doing nothing. **Alch'i' silá** brings opposing forces in life together, face-to-face. Imagine the diagram with two arrows pointing at each other, one identifies the **anahoot'i'** (underlying cause of the problem); the other identifies the **Diné Beehaz'áanii** that transforms **hochxo'** (disharmony) to **hózhó** and gives warning about what will happen if nothing is done.

The participants discuss the problem from all sides and reach a consensus on how to address the problem in accordance with the **Diné Bi Beehaz'áanii**. Carrying out the plan gives the solution life (**Íiná**) and, through its implementation, hope (**Siihasin**) for the future is created by the restoration of relationships between the participants.

First Stage: NITSÁHÁKEES (Thinking) - (East): Nahasdzáán dóó yádilhil nitsáhákees yil hadeidiilaa “Earth and Universe embody thinking”. 1 N.N.C. §201.

In the **Diné Bi Beehaz'áanii Bitsí Siléí**, it is said that “thinking is the foundation of planning.” 1 N.N.C. §201. During **Nitsáhákees**, before trying to solve a problem, one must think about its origin.

One must ask, “Why did it happen?”, “What is the underlying cause?”, “How did it happen”, “What happens next?”, and “How should it be

remedied?”

Anáhóót'i' (problem) arises when **Hóchxó'** (disharmony) disrupts **Hózhq** (harmony of life). When faced with difficulty, the Holy People thought out the distinction between **Hózhq** (positive) and **Hóchxó'** (negative) to understand the nature of the problem and decide how to transform that chaotic situation to **hózhqjii nahodoodleel** (harmony).

Here, although David has not yet admitted it, he was distracted while driving and caused an accident that injured Paula and Carla, damaged their vehicle and David's vehicle. The question of how the injuries should be remedied is one the participants will discuss and try to resolve through an agreement.

Second Stage: NAHAT'Á (Plan) (South): Tó' dóó dzil diyinii nahat'á yil hadeidiilaa: 'Water and sacred mountain embody planning' . 1 N.N.C. §201.

Nahat'á is planning and the stage of Peacemaking where parties come together to talk things out from all sides, facilitated by **naat'aanii** as peacemaker. **Nahat'á** is the action of the mind, a way to plan to solve problems and the result of “talking things out” is a clear plan. The goal of **Nahat'á** is to formulate a plan of action using **Diné Beehaz'áanii** principles.

Nahat'á (plan) has a number of steps as the parties proceed with

nabik'iyati' (talking things out) toward a solution, which uses the following investigation process:

Step One: Na'alkaah (to investigate or diagnose): The participants are encouraged by the **naat'aanii** to talk things out with respect for one another. Each participant is given the opportunity to say something and be heard. They ask questions (**na'idikid**) of one another about the issue, which leads to the source of the problem, which is made **Íshjáníádoolnííl**(making things clear).

Here, Paula, Carla, and David all may ask questions of each other about the situation. How did the incident occur? What harm has been done? How do Paula and Carla feel about the incident considering that they may be related to each other and witnessed harm done to one another? This exchange of information helps the participants to understand the **nayéé** (underlying cause) of the disharmony.

Step Two: Bik'iiyá (to find): In this step of **Nahat'á**, the role of the **naat'aanii** is to encourage further discussion of the **anáhóót'i'** and relate it to teachings to seek solutions. **Alch'i' silá** is one of these teachings and holds: where there is a problem, there is always a solution, as well as consequences for doing nothing. In Navajo thinking, problems arise for a reason.

The parties talk and listen to each other continuously to understand the nature of the **nayéé** (negative force) the underlying cause. To address the **nayéé**, there is accountability and responsibility

to be realized. **Beehaz'aanii bee hasht'éédoolnííł** (Navajo common law repair the harm). The duty of **naat'aanii** is to guide and teach the parties about the **beehaz'aanii** that will transform the **nayéé** back to **hózhó**.

Here, perhaps David has agreed that he was driving carelessly. As the driver of a car behind Paula's, David had the responsibility to maintain a safe distance between them so he could allow for time to adjust to Paula's driving. Perhaps Paula has offered a concession that she cannot be sure she used her turn signal early enough to warn David, who was traveling behind her, of the turn she was preparing to make. However, the facts state

that David was distracted just before the collision, so unless Paula's turn signal was broken or she failed to use it, David bears the primary responsibility for the harm caused. The **naat'aanii** guides their discussion and help them discuss their responsibility to each other.

Step Three: Nídiilyá (select): When everyone understands and agrees to the underlying cause of the **anáhóót'i'**, the parties are guided to a particular principle. The harm is being transformed from **nayéé** to **hózhóji**. The parties may apply the principle of K'e meaning assuming their duty and responsibility to restore **hózhó** to their **k'eh** relationship.

Baa'ahwojilyaago - As an adult, you are aware of your circumstances. You have a choice of **alch'i' sila**, to do things with care or carelessness. Here, David was driving recklessly and with carelessness.

Hazhó'ógó - Do things with care and exercise freedom with responsibility.

Nályééh - Responsibility for injury caused to another; to compensate

for damage and repair the relations so there are no more hard feelings. The selection of one or more of these principles means that there is a recognition of the harm done and an acceptance of the responsibility for acting to apply a remedy to transform the **hoochxo'** back to **hózhó**. As the driver who collided

with the car in front of him, David seems to be primarily responsible. If both David and Paula are accepting a shared sense of responsibility for the incident, then they would both have an obligation to act to restore the relationship between them.

Step Four: Bééhéelyá (Adopt an agreement) - The parties may now reach a workable and agreed-upon solution. **Íishjání adoolníł** means to make things clear to all the participants. In *Claim of Joe*, the Navajo Supreme Court stated that if someone is injured by another, then the victim has the right to redress. So, the solution must include **nályééh**, or compensation for the injury so that 'there are no hard feelings.'

In the adversarial law approach, a person may be compensated for the injury and the perpetrator punished. But in Navajo Common Law/Fundamental Law, **nályééh** does not simply require restitution or reparation, but calls upon the person who is responsible for an injury to provide both compensation and assurance that the parties involved are restored to a harmonious relationship. In the Navajo tradition, the wrongdoing is condemned, not the wrongdoer, who is treated as a relative in the Peacemaking process.

Here, David's actions caused Paula and Carla's injuries and they have a right for redress of the harm done, enough so that 'there are no

hard feelings' going forward. The damage to Paula's car, and to Paula and Carla physically is only one aspect of the harm caused. They have also been disturbed mentally as a result of the accident and David owes them assurance that he will be more careful in the future. This will give Paula and Carla confidence in their safety in the future, which will help restore the relationship between them and David.

Step Five: Nahoot'a (the plan; conclusion): a final agreement is reached and **Nahat'a bee hasht'ezhdoolííł** reestablishes **hózhó**. In this step, the participants reaffirm that the agreement reached by the participants is final and is a solution that addresses the **anahoot'i' haste doolnil** as was first considered in the **Nitsahakees** stage of the Four Direction process.

The agreement could include many different provisions. David may agree to compensate Paula and Carla financially for their injuries. He may also promise to drive more carefully in the future. The solution might not be perfect, but the strength of the result is that the participants reached a common agreement through their understanding and efforts by talking things out. The agreement reached, as Navajos would say, requires everyone to keep their word and honor their promises because words are sacred. *Benv. Burbank*, 7 Nav. R. 224-226 (Nav. Sup. Ct. 1996).

Third Stage: ÍINÁ: (Life) This element of the Four Direction allows the parties to implement the plan. With the final plan in place, the parties give **Íiná** (life) by executing or carrying out the **Nahootá** (plan).

Everyone agrees to give life/energy to implement the details of the final plan. As elders would say **Íinásh bi silá** (is there life in the plan). It requires **Ahil na'anish** that all of the relatives to be involved. The spirit of **K'éh** relationship teaches people to relate to each other with reverence and compassion. And as a matter of **K'éh** all the relatives in the circle will exercise their duties and responsibilities to carry out the final plan to its completion.

Fourth Stage: SIIHASIN (Hope): Siihasin is aimed at accomplishing the desired outcome the parties have agreed upon. Was the outcome successful or not according to **Nahat'a**? One goal here is to restore **Hózhó**. **Siihasin** creates **Ha'ah whonih** (hope) for success. For success, the agreement must be executed. **Bee da'iinaadooleel** means “with which we will sustain our lives”. Carrying out the agreement will give life because the parties will have observed their commitment to the relationship between them.

The following fact pattern is for your own practice and exercise. Apply the Four Direction Approach.

Question 2:

Mattie recently had a child and knows her friend, Frank, to be the father. However, Frank denies that he is the father of Mattie's child. Frank is an alcoholic and since Mattie told him about the child, he has become angry and verbally abusive to Mattie. He told Mattie he will never admit to paternity of the child. Mattie is convinced that Frank is the father and wants his acknowledgement of their child and for him to pay child support.

Assume that the parties have agreed to use Peacemaking to resolve the dispute. Apply the Four Directions analysis and discuss a possible outcome.

**"LIFE COMES FROM IT": NAVAJO JUSTICE
CONCEPTS THE HONORABLE ROBERT YAZZIE***

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