



DRYING THE MUD FOR JUSTICE: DISRUPTED INDIGENOUS LIFEWAYS

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ABSTRACT

For better or worse, some have adopted colonized mindsets and systems of justice and education that do not serve our bodies, our spirits, or our lands. This reflection is both a story and call to action for indigenous leadership, communities, and neighbors.

Keywords: indigenous, justice, native, storytelling

As the story goes, long ago, the original Chikasha people were formed by the Creator, Ababinilli, and we were brought to live on this land. In many ways, these lands have changed and others have claimed ownership of them, but the land remembers us. Our lands were still forming from a mud ball pulled up to dry by our cousins, the crawfish. As our people laid there, newly formed and still becoming who they would be, the foshi (birds) were left flying around, looking for dry places to land on the wet mud of that early homeland.

Unable to land where it was still so wet, they had a problem. The chalhha’ (blackbird) said they would solve this on their own. Still flying, they soared around and around, using the air from their wings to dry the mud. Where the great wings of the chalhha’ went down, the mud dried in the shape of valleys; where their great wings went up, the mud formed tall mountains.

Today, some of those mountains have been excavated and trails have been blazed through them; new laws govern it all. For many of our people and others brought to our lands alongside their siblings, the new laws have created more problems than they could ever hope to solve. Many of our people do not have the tools we once had to make our way through life and we have had to learn new ways of knowing and doing; these new lifeways do not honor the spirits that live within us. Some of the problems are caused by boundaries drawn

by others and by laws we never asked for. Some of the problems came with colonization and differing ideas of what it means to be successful.

When they were finally able to land, the chalhha' and the other foshi lived among the Chickasha people, teaching and guiding them through many generations of ancestors who were and who are still emerging from the mud of our lands. All of our ancestors, even those who have been lost to the pain of colonization and assimilation, carry these stories in their bones. As indigenous people, the traditions that carried our nations through generations before and since contact with nonindigenous visitors shaped and are still shaping who we have collectively become.

For better or worse, some have adopted colonized mindsets and systems of justice and education that do not serve our bodies, our spirits, or our lands. The vertical justice of the European model of law, an adversarial system based on hierarchies and power, declares only a win-loss record. No real solutions are achieved on a global scale, as most cases pertain only to the matter in question. Some higher court decisions make a greater impact, but indirectly and through repeated application over time. In contrast, the horizontal system of justice more closely aligned with many indigenous traditions distributes power equally. The Chief Justice of the Supreme Court of the Navajo Nation, Robert Yazzie, compares this system to a circle. "In a circle, there is no right or left, nor is there a beginning or an end; every point (or person) on the line of a circle looks to the same center as the focus" (Metoui, 2007, p. 520). For indigenous people, Yazzie says, the circle is the symbol of justice because it is perfect and unbroken and serves as a depiction of unity and oneness. It represents individuals gathering for community discussion. Rather than a focus on perceived superiority as the federal system does, the indigenous justice model instead focuses on the cultural importance of community accord.

The same can be said of Western education styles. Early colonization saw boarding schools where children were separated from their families, many for the first time ever. This was not new for Anglo families, but for First Americans, this was not how our children learned. The impact of that historical and educational trauma is still being felt to this day, as there are many indigenous and Latine peoples who are counted among the 42.1 million adults who do not have the skills and resources to enter higher education programs (Comings et al., 2020). These potential adult learners do not see themselves among the rich resources offered by our lands, not only because they have been separated from our ways of knowing, but also because our communities are adrift like our feathered cousins, with no safe place to land.

In the terminal chapters of Ruggiero's *The Art of Thinking*, reference is made to Martin Luther's response to the initial presentation of Copernicus's theory that the sun and not the earth is the center of the solar system. The text recounts Luther's oft-quoted response: "This fool wishes to reverse the entire scheme of astronomy" (p. 217). The text continues to detail the trials and tribulations of scientists who knew their theories to be true, including physicians and midwives, labeled as witches, heretics, and blasphemers, who went on making changes to the status quo despite often being threatened with torture and death. It sounds quite familiar for many of us, especially to those working in professions like education, social work, and poverty alleviation programs with the most vulnerable among us.

Those same commonly cited rejections for new ideas are being touted now, as indigenous leaders and others rally to fight injustices in unjust laws and an educational system that has alienated our people in our own lands for centuries. Like the genius fools before us, many indigenous leaders are working to dismantle the entire scheme of injustice perpetrated on people like us—indigenous, displaced, and oppressed by traits ingrained from birth. We may not be able to reverse the effects, but we can protect our future generations from suffering as we have been made to suffer. The tears and blood we have shed have wet the clay again; this time, we will ask the chalhha’ to help reshape minds. Perhaps with their help, the lessons of the foshi will be better heard by decolonized ears. ✂

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