

Reaction to: “In the Aftermath of Rampage Shootings”

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Mass shootings have regrettably become an integral part of the modern American experience. While *In the Aftermath of Rampage Shootings* explores mass shootings as recent as 2012, mass shooters have continued to kill dozens of people in public places. Each incident seems a bit more stinging, inconceivable, and horrendous than the last: the Pulse Nightclub shooting in Orlando, Florida, the Emanuel AME Church shooting in Charleston, South Carolina, the shooting at Marjory Stoneman Douglass High School in Parkland, Florida, and the Las Vegas, Nevada, shooting. Thus, James Diamond’s argument is all too timely.

In this piece, Diamond analyzes the incongruence between the American and Native American systems of justice and community reactions in the wake of mass shootings. Diamond argues that the American system could benefit from replicating certain Native American practices. As Diamond suggests, the American “vertical” system of justice is modeled as society-versus-shooters, which seeks to impose retribution, punishment, or punitive damages on the shooters and the shooters’ families. The purpose of that system is reflected in its mechanisms—adversary civil and criminal proceedings—and communities’ reactions to unequivocally condemn the shooters, ostracize the shooters’ families, and to reject mitigating factors to excuse the shooters’ behavior. On the other hand, the Native American “horizontal” system of justice furthers community healing, reconciliation, and forgiveness. These alternative outcomes are similarly demonstrated through the mechanisms in the system: healing circles, cathartic face-to-face interactions between victims and shooters’ families, and memorials for the shooters to evoke the community’s sympathy and compassion.

To be sure, the Native American practices of community healing circles, funds for the shooters’ families, and hallowed burials of the shooter seem misplaced in an American system. Indeed, the adversarial system of justice and condemnation of the shooter may work exactly as designed: to impose retribution and punishment. But, as Diamond suggests, this may be pursuing the wrong ends, or at least ignoring other important considerations.

America desperately needs communal healing in this modern era of mass shootings. The traditional “vertical” system of justice seems inadequate and improperly tailored to achieve healing. Did the prosecution of white supremacist Dylan Roof assuage the fears of the faith community that they can be shot in their place of worship? Did it deter the shooting of the Pittsburgh Tree of Life synagogue by white supremacist Robert Bowers? Despite the social condemnation of Marjory Stoneman Douglas shooter Nikolas Cruz, do students at the school suffer unresolved psychological and emotional harm from having to attend classes where their friends were

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killed? More importantly, can the American system resolve these problems? As Diamond posits, communal healing and restoration are objectives that the “vertical” system of justice are not designed to achieve. Unfortunately, Diamond does not lay out a specific proposal for how Native American practices can be integrated within the American system, or adopted as a supplementary practice on a local level. Nevertheless, at this point in history, many Americans are frustrated, emotionally exhausted, and in desperate need of healing. Thus, the American system could stand to at least experiment with the cathartic, therapeutic, and restorative practices unique to the Native American system of justice.