(Mis)Trust and Pragmatism as Grounded Normativity

by Scott Pratt

English Abstract

The United States Federal Indian Trust obligation was challenged in court and led to a $4 billion settlement. Mistrust of the federal policy had an impact on the treatment of Indigenous Americans, but did it bring about a decolonial result? While mistrust can be understood in the context of pragmatic inquiry as a successful means of resolving the identified problems with the trust relationship, I argue that it is nevertheless unsuccessful as a resource for decolonial action. However, by connecting pragmatic theory of inquiry to what Indigenous North American philosophers Glen Coulthard and Leanne Simpson have called "grounded normativity," an alternative response to the trust relationship is available which, I argue, is decolonial in its potential.

Keywords: pragmatism, Indigenous philosophy, trust, normativity, decolonization.

Resumen en español

La obligación fiduciaria federal india de los Estados Unidos fue impugnada ante los tribunales y condujo a un acuerdo de $4 billones de dólares. La desconfianza en la política federal repercutió en el trato dispensado a los indígenas estadounidenses, pero ¿provocó un resultado descolonial? Aunque la desconfianza puede entenderse en el contexto de la investigación pragmática como un medio exitoso para resolver los problemas identificados en la relación de confianza, sostengo que, sin embargo, no tiene éxito como recurso para la acción descolonial. Sin embargo, al conectar la teoría pragmática de la investigación con lo que los filósofos indígenas norteamericanos Glen Coulthard y Leanne Simpson han denominado "normatividad fundamentada", existe una respuesta alternativa a la relación de confianza que, en mi opinión, tiene un potencial descolonial.

Resumo em português

A obrigação Federal de Confiança Indígena dos EUA foi juridicamente contestada, o que levou a um acordo de US $4 bilhões. A desconfiança relativamente à política pública federal teve impacto em como os povos indígenas são tratados nos Estados Unidos, mas será que levou a um resultado decolonial? Embora a desconfiança possa ser entendida no contexto da pesquisa pragmática como um meio bem-sucedido de resolver problemas identificados na relação de confiança, defendo que, como um recurso para a ação decolonial, ela não é bem sucedida. Não obstante, ao conectar a teoria da pesquisa pragmática com o que os filósofos indígenas americanos Glen Coulthard e Leanne Simpson chamaram de "normatividade fundamentada", há uma resposta alternativa para a relação de confiança que, na minha opinião, tem potencial decolonial.

In 2009, the US federal government settled a class action lawsuit, Cobell v. Salazar, where the plaintiffs, a group of 250,000 Native Americans, declared that the government had "breached and [is] in continuing breach of their trust obligations to class members." The settlement, over the next several years, led to a congressionally approved settlement amount of nearly $4 billion, with roughly $1.4. billion paid to the plaintiffs, about $2 billion for the rematriation of lands taken by the federal government under the 1887 Dawes Allotment Act, and the remainder in a scholarship fund for Indigenous students. In the settlement, the US government "den[ied] and continue[s] to deny any and all liability and damages to any individual Indian trust beneficiary" but nevertheless agreed to pay the settlement and to reform the federal Indian Trust policy. While legal trust and trust in everyday life are not identical, they rely on a similar disposition, namely the idea that one has faith or confidence in another to act in ways that benefit the one who trusts. In the case of Cobell v. Salazar, one could argue that successfully calling into question the trust relationship between Indigenous nations and the government of the United States is a good example of the role of *mistrust*, a failure of that confidence. Could this also be a model for an approach to decolonization? Can mistrust be a resource or tool by which Indigenous peoples, in the US and elsewhere, undermine the structures of colonization that have purported to be "beneficial" and "trustworthy" since at least the late 19th century?

In a way, the settlement of Cobell v. Salazar is a significant decolonial action. It has restored nearly 1.7 million acres of Land[1] to tribal control in the US. In addition to the cash payments to the plaintiff class, it started a process of reforming the US federal trust relationship and has led to changes in the practices of the Bureau of Indian Affairs. In this short paper, I will argue that while mistrust can be understood in the context of pragmatic inquiry as a successful means of resolving the identified problems with the trust relationship, it is nevertheless unsuccessful as a resource for decolonial action. However, by connecting pragmatic theory of inquiry to what Indigenous North American philosophers Glen Coulthard and Leanne Simpson have called "grounded normativity," an alternative response to the trust relationship is available which, I will argue, is decolonial in its potential.

Several recent theorists have taken up the concept of mistrust as a potential response to experienced problems of our day. Most recently, Ethan Zuckerman (2021) has argued that mistrust should be understood as the loss of confidence in institutions and other social structures and practices that sustain the community. When institutions begin to fail to meet the needs of those they are to serve, it becomes, he argues, "increasingly difficult to know how to fix problems," because the institutions that are the means for solving problems are themselves suspect. Members of the community tend to carry out their mistrust in two different ways: some become militant and try to force change from outside the established institutions (66) while others disengage because

they do not believe that they can bring about change (61). For Zuckerman, "Mistrust is the single critical factor that led to the election of Donald Trump in the United States and that may be empowering ethnonationalist, populist autocrats around the world." It is, he concludes, "this loss of trust, both in our institutions and in our ability to change our societies, that should worry us" (xvi). His solution is that "We must harness mistrust so that we don't lose the power, strength, and creativity of those who've lost faith in institutions" (206); that is, mistrust should become a resource for preserving but changing institutions to be better able to address the needs of the present world.

Matthew Carey, in his 2017 book, *Mistrust: An Ethnographic Theory*, argues that mistrust provides a means of entering into relations while maximizing one's own prospects in response to "the fundamental unreliability and untrustworthiness of others" (122). Trust, on the other hand, may be "described as a way of managing the freedom of others, but, …, it is also a way of controlling it" (25). Trust and mistrust are not mutually exclusive, "but are to an extent constitutive of one another. Each implies its shadow: where people assume that others can be known and so trusted, they are also aware that sometimes this does not hold" (25). As in the trust relation of the US government, trust is a means of managing the freedom of others. Mistrust, as a response, recognizes the opacity of the processes of trust and calls them to account. Importantly, mistrust is a resource precisely because there is a trust relation to be challenged in the first place.

Florian Mühlfried, in *Mistrust: Ethnographic Approximations* (2018), sees mistrust as a form of detachment. As Thomas Yarrow summarizes, "mistrust is a way of relating to the world in a distanced manner," a form of detachment, so that, according to Mühlfried, "Interactions with the world are not avoided …, but [are] never entered at full stake" (13). In order to achieve distance, mistrust involves three aspects. First, mistrust "initiates a search for 'defensive arrangements', … i.e., ways to spread risks and weaken dependencies" (11). Second, mistrust seeks "the reduction of complexity" (11), and, third, serves as a form of fallibilism, where a mistrustful agent assumes that engagement will fail and so is "more prepared for unknown outcomes" (11). If trust marks confidence about outcomes and reduces the fear of failure, then mistrust and trust are not properly opposites, but rather are "attitudes of engagement" that are "mutually constitutive: mistrust needs to be possible for trust to come into existence" (11).

For Mühlfried mistrust can serve as a resource for social change in at least two ways. As a source of defensive arrangements, mistrust can promote strategies such as hospitality that seek to integrate strangers and create "bonds of solidarity permitting the host [the mistrustful person] to participate in the power of the guest" (13). This same process, integration, "may lead to a translocation of trust into trust networks" (19). Assuming the initial role of mistrust in the challenge that led to Cobell v. Salazar, it is clear that the result produced a defensive arrangement that included the integration of federal structure with the restoration of Indigenous lands.

In this light, one can argue that mistrust, understood as suggested by all three theorists, provides a means of understanding the Cobell v. Salazar settlement and, to the extent the settlement was decolonial, mistrust can be seen to provide a resource for decolonial action. On the whole, pragmatist theory would seem to agree. From the perspective of Deweyan inquiry, mistrust can be seen as a part of the disruption of a situation that gives rise to inquiry both as a pervasive quality characterizing a situation as problematic or indeterminate and as an attitude of inquiry. As with other pervasive qualities, legitimate mistrust would involve individuals but not in isolation. Just as one can cultivate a scientific attitude, mistrust can be cultivated as part of an investigation. From a pragmatist's perspective, inquiry is always situated. A disruption or confusion or indeterminacy interrupts the smooth flow of experience and the quality of the situation marks the indeterminacy. As Dewey observes, "It is the *situation* that has these traits. *We* are doubtful because the situation is inherently doubtful" (LW12, 109).

The process of inquiry then problematizes the situation, identifying what sort of problem is at hand, and then seeks ways of solving the problem. A successful solution transforms the situation from indeterminate to determinate, ameliorating the problem, and allows the flow of experience to return. But sometimes, the process of inquiry fails at the outset. Problematization can go awry in a number of ways; taking the problem too narrowly in scope, for example, leads either to no solution or a solution that obscures aspects of the original situation in a way that allows the flow of experience to resume without actually transforming the situation. The settlement of Cobell v. Salazar appears to be the successful end of a pragmatic inquiry in response to the legitimate mistrust of established US Indian policy that resulted in a financial settlement and actual policy change. But is it also a decolonial end?

Leonard Harris's critique of classical pragmatism (2021) argues that its emphasis on process over the issues at hand makes it inadequate in support of efforts to radically transform an oppressive society. While it is certainly true that Cobell v. Salazar is a successful legal settlement, and that it called for the restoration of some lands to the Indigenous people they were taken from, it is equally clear that the challenge did not result in a radical change to or ending of the federal trust relation. Insofar as this trust relation is essential to maintaining a colonial structure, the settlement did very little to decolonize the lands involved. One might even observe that the litigation and its eventual settlement in which the US government continued to deny any wrongdoing worked well as a means of supporting and promoting the colonial structures that have been imposed.

Either way, decolonial or colonial, in pragmatist terms, the inquiry that ended in the legal settlement is conceivable as a successful inquiry, regardless of the impacts of settler colonial society on indigenous people, the land, and those others who live there. This is exactly the sort of result that Harris thinks pragmatism will produce. "If the advice a pragmatist would give to persons in a society of racial slavery," he writes, "did not include insurrection and honor for those engaged in insurrection [or in this case decolonization], then pragmatism's penchant for prudence and dialogue is sufficient to

suggest that pragmatism is woefully inadequate" (186). Further, if pragmatism provides no imperatives to demand insurrection or, in this case, decolonial outcomes, then, Harris concludes, "it is defective" (186).

While this criticism may stand if only classical pragmatism is considered, the general principles of pragmatic inquiry point toward a more radical conception of pragmatism from which to criticize trust and mistrust as a framework for decolonial action. At issue is not primarily the theory of the process of inquiry, but rather the underlying metaphysics of situations. Dewey is correct when he identifies inquiries as occurring in bounded situations that have a general quality of disruption and where the end of inquiry is achieved when that general quality is transformed into one that allows the experience of the situation to resume its flow. But no situation is limited to an inquirer or a set of inquirers and the remainder of the situation understood as the product of the inquirer's problematizing activity. Even for Dewey, the components of a situation push back, constraining and affording possible outcomes. What is needed is a conception of *situations* that recognizes a more dynamic and complex engagement by the situation both in its parts and as a whole. What satisfies this theoretical need is the concept of "grounded normativity" as proposed by Coulthard (2014) and Simpson (2017).

Grounded normativity is an idea born of the struggles of Indigenous North Americans to restore the health of their communities: "struggles oriented around the question of *land*—struggles not only *for* land, but also deeply *informed* by land as a mode of reciprocal *relationship*" (60). Here, as Coulthard explains, "the position that land occupies [is] as an ontological framework for understanding *relationships*" (60). "Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes in much the same way we hold obligations to other people. And if these obligations were met, then the land, animals, plants, and lakes would reciprocate and meet their obligations to humans, thus ensuring the survival and well-being of all over time" (61). Individuals (this lake, that animal) deserve respect and stand in a reciprocal relationship with the other members of the land-based community—that is, the place. It is also the case that places themselves, kinds, and groups also are persons or agents that stand in similar relationships.

Simpson calls these relationships "Indigenous internationalism," where the nations are not nation-states, but communities-in-place. She writes, "A fundamental difference between Indigenous and non-Indigenous concepts of internationalism is that for Indigenous peoples, internationalism takes place within grounded normativity" (58). "It is," she continues, "a series of radiating relationships with plant nations, animal nations, insects, bodies of water, air, soil, and spiritual beings in addition to the Indigenous nations with whom we share parts of our territory" (58). On this view, norms are not simply the shared commitments of human beings, but, like reciprocity and dignity—two general ethical principles for Harris—, are emergent norms carried out in distinctive, place-based ways. Norms are not the product of any transcendent set of

rules nor derivable from a set of principles; they are the lived consequences of efforts to flourish in a given Land.

From the angle of grounded normativity, when pragmatists argue that inquiry occurs in a bounded situation, what is at issue is the "place" in which the inquiry occurs, the ground on which it occurs and the relations of all the other beings who likewise share that ground. While situations often seem neutral in terms of the demands they make on outcomes, grounded normativity assures us that the place of inquiry is not neutral. Rather, places assert norms, captured in theory as general or guiding principles (reciprocity, dignity and so on) and in specific contexts as a set of present purposes or goals that are part of the place itself. It is possible that Dewey would agree with this sort of claim (contra Harris's critique) because for him the norms that are necessary for problematization and resolution are not from outside the situation. They are, like grounded norms, *emergent from the situation or place in the course of the inquiry*. Dewey would also likely affirm that the overarching norm that guides an inquirer toward a successful outcome is *some notion of growth or flourishing*—a general principle that is manifest in different situations by different standards depending on just what is growing. In addition to these two Deweyan aspects of inquiry, grounded normativity adds a third: *the recognition of a diversity of agents* with their own interests who, by virtue of sharing in place, also have claims on the situation and how it goes forward.

What advice would a "more-than" pragmatist[2] of the sort described offer to one committed to decolonization? *Engage in your place.* "Grounded normativity," says Simpson, "isn't a thing; it is a generated structure born and maintained from deep engagement with Indigenous processes that are inherently physical, emotional, intellectual, and spiritual" (23). The norms—and so also the intellectual grounds for decolonization—emerge from one's place as a consequence of living there.[3] If the Land one is a part of is disrupted, one is obliged to respond in a way that transforms the situation into one in which the Land and its peoples, human and otherwise, can flourish. Cobell v. Salazar marked a successful inquiry in a narrow sense, but in a deeper sense, it was a failure. From a more-than pragmatist point of view, leaving the structures of colonial rule in place ensures the ongoing disruption of the place, affecting not only the Indigenous people who live there, but anyone who lives and relates to the Land. The norms that emerge from relations present in a place mandate responses that call for respect, reciprocity and, as Simpson puts it, radical resurgence—the radical restoration of relations that promote the health of the place and its ongoing flourishing. By adopting grounded normativity, a metaphysics of place that credits the emergence of particular norms in place, a pragmatist theory of inquiry gains both the resources to demand decolonization and the processes necessary to carry it out.

When Mühlfried held that mistrust was a form of detachment, he identified the issue for decolonization with the relation of mistrust and trust. Both notions—and their mutual constitution—mark attitudes of the dominant culture where solutions to problems come from stepping back and embracing universal principles. Grounded normativity rejects the idea that solutions will be found by stepping *back* and instead suggests

stepping *into* a deeper and more intimate engagement in the situation. In an important way, grounded normativity is a general principle, but it is a general that has the force of affirming the particulars that serve as its grounds.

From the perspective of this more-than pragmatism, decolonizing action is imperative in a way similar to Harris's call for insurrection. Simpson put it this way: "Resurgent organizing, … has to be concerned with building a generation of Indigenous nationals from various Indigenous nations who think and act from within their own intelligence systems; who generate viable Indigenous political systems; who are so in love with their land, they are the land; who simply refuse to stop being themselves; who refuse to let go of this knowledge; and who use that refusal as a site to generate another generation who enact **that** with every breath, birth, and political engagement and in every moment of their daily existence" (188-9). If trust and mistrust are to mean anything in the context of grounded normativity, they will name relations of respect and reciprocity framed by complexity within a place, and engagement at its boundaries.

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Notes

[1] Max Liboiron, in Pollution is Colonization, makes a distinction between 'land' and 'Land', which I adopt. "[W]hen I capitalize Land I am referring to the unique entity that is the combined spirit of plants, animals, air, water, humans, histories, and events recognized by many Indigenous communities. When Land is not capitalized, I am referring to the concept from a colonial worldview whereby landscapes are common, universal, and everywhere, even with great variation" (2021, 6n19).

[2] On the term "more than" pragmatism, see Shepherd, 2021, 162ff.

[3] Simpson writes "We know that place includes land and waters, plants, and animals, and the spiritual world—a peopled cosmos of influencing powers. We know that our practices code and reveal knowledge, and our knowledge codes and reveals practices. We know the individual values we animate in those lives in turn create intimate relationships with our family and all aspects of creation, which in turn create a fluid and collective ethical framework that we in turn practice" (22).