



PARADOXES
OF HAWAIIAN
SOVEREIGNTY

Land, Sex, and the Colonial
Politics of State Nationalism

J. KĒHAULANI
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He ali‘i ka ‘āina; he kauā ke kanaka.
The land is the chief, the people its servants.

—adapted from MARY KAWENA PUKUI,
*‘Ōlelo No‘eau: Hawaiian Proverbs
and Poetical Sayings*

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ABBREVIATIONS

ABCFM	American Board of Commissioners for Foreign Missions
ANPRM	Advance Notice of Proposed Rule Making
DLNR	Department of Land and Natural Resources
DOI	Department of the Interior
DOMA	Defense of Marriage Act
GMO	genetically modified organism
NGO	nongovernmental organization
NHGE	Native Hawaiian governing entity
OHA	Office of Hawaiian Affairs
PLDC	Public Land Development Corporation
UN	United Nations
UNPFII	United Nations Permanent Forum on Indigenous Issues
USPACOM	United States Pacific Command
WGIP	Working Group on Indigenous Populations (later changed to Working Group on Indigenous Peoples)

PREFACE

The Hawaiian kiss is the *honi*, the nose press. In *Studies of Savages and Sex* (1929), British anthropologist Ernest Crawley devoted a chapter to “the nature and history of the kiss,” claiming that “kissing is a universal expression in the social life of the higher civilizations of the feelings of affection, love (sexual, parental, and filial), and veneration.” In its refined form, “kissing supplies a case, in the higher levels of physiological psychology, of the meeting and interaction of the two complementary primal impulses, hunger and love.” According to Crawley, “The European kiss consists essentially in the application of the lips to some part of the face, head, or body, or to the lips of the other person. Normally, there is no conscious olfactory element, and any tactile use of the nose is absolutely unknown. It is thus a distinct species and to describe it as having evolved from the savage form is erroneous.” He contrasted the “civilized kiss” with the forms of what he terms the “savage kiss.” The olfactory form “occasionally includes mutual contact with the nose, as among the Maoris, Society, and Sandwich Islanders, the Tongans, the Eskimo, and most of the Malayan peoples.” Sandwich Islands, of course, was the name given to the Hawaiian Islands by James Cook in the late eighteenth century in honor of John Montagu, fourth earl of Sandwich, who was then first lord of the admiralty. Crawley considered these groups to be “the lower and semi-civilized races”—a step above groups with “the typical primitive kiss,” which he suggested is “made with contact of nose and cheek.”¹

This logic of civilizational hierarchies is not simply something that has long passed. *American Anthropologist*, the journal of the American Anthropological Association, published an essay as recently as 2015 questioning whether the “romantic-sexual” kiss is a “near human universal” but found that it was present in a minority of cultures sampled. As a result of their study, the researchers argue that “there is a strong correlation between the frequency of the romantic-sexual kiss and a society’s relative social complexity: the more socially complex the culture, the higher frequency of romantic-sexual kissing.”²

A NOTORIOUSLY LENGTHY and winding highway is often referred to in Hawaiian legends and songs (and now travel guides) as “the long road to Hāna”—a 52-mile highway from Kahului along the eastern shore of the Hawaiian island of Maui. Part of the route was built in the late nineteenth century for sugar-plantation workers commuting from Pā‘ia to Hāna. Hence it is an undeniable part of the physical alteration of the island to accommodate capitalist expansion through a monocrop industry—a commercial thoroughfare marking the modern transformation of Hawai‘i’s economy. An earlier, lesser-known history of labor and penal law is tied to the highway: those who built it were convicted of adultery and punished by high chief Hoapili with a sentence to “work the road.”³ In 1843 the Reverend H. T. Cheever—a missionary traveling through the Pacific—admired the road to Hāna. He noted: “Yet it is a way not devoid of interest and novelty, especially that part of it which runs to Kahikinui and Kaupo; for it is a road built by the crime of adultery, some years ago, when the laws relating to that and other crimes were first enacted.” He explained that it ran almost like a railroad “for fifteen or twenty miles” and was built from blackened lava “made by convicts, without sledge-hammers, crow-bars or any other instrument, but the human hands and their stone. . . . It is altogether the noblest and best Hawaiian work I have anywhere seen.”⁴ It is clear that one aspect of modernization in the islands was physically bound to the biopolitical discipline of Kanaka sexuality by the state (the Hawaiian Kingdom), especially as adultery itself was a relatively new concept in Hawai‘i at the time (and the pre-Christian system allowed for multiple partners and bisexual intimacy). Western notions of marriage as a socially or ritually recognized union between two spouses bound by a legal contract establishing rights and obligations involving them, their children, and their in-laws did not exist.

IN AN 1855 SPEECH, King Kamehameha IV described the reign of his late brother, the former Hawaiian monarch. He wrote:

The age of Kamehameha III was that of progress and of liberty—of schools and of civilization. He gave us a Constitution and fixed laws; he secured the people in the title to their lands, and removed the last chain of oppression. He gave them a voice in his councils and in the making of the laws by which they are governed. He was a great national benefactor, and has left the impress of his mild and amiable disposition on the age for which he was born.⁵

In addition to constitutional government, a series of legal changes was introduced during Kamehameha III's reign—all in the quest to secure modern recognition of Hawaiian sovereignty in the form of progress toward being a “civilized” nation. Among other actions, he privatized and commodified the communal land system, regulated and disciplined a range of Hawaiian sexual practices, imposed Christian marriage as the only legally sanctioned framework for any sexual relationships, and subordinated women through coverture, a legal doctrine whereby, upon marriage, a woman's legal rights and obligations were subsumed by those of her husband. Yet in his lifetime Kamehameha III had several sexual partners, including an *aikāne* relationship (a close friendship that may include a sexual dimension) with a man named Kaomi, a *moepi'o* relationship (a sexually intimate union between high-ranking siblings known as a rank-preserving strategy) with his sister Nāhi'ena'ena, and extramarital sexual affairs with select women.

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INTRODUCTION
CONTRADICTORY SOVEREIGNTY

Our responses to the interrogatories that are posed by Interior are all no. And the reason why is because we are capable of being self-governing. But we are not capable of expressing our right to self-determination because federal policy limits this. We are not Indians. We will never be Indians and the federal Indian policy is inappropriate for our peoples. . . . You can braid my hair and stick feathers in it, but I will never be an Indian. I will always be a Hawaiian. Aloha.

The above testimony was delivered by Hawaiian political leader Mililani Trask on behalf of Ka Lāhui, a group known as a “Native Initiative for Sovereignty,” before the U.S. Department of Interior (DOI) panel held in Hilo on July 2, 2014.¹ The session was one of fifteen public meetings held in the Hawaiian Islands that summer “to consider reestablishing a government-to-government relationship between the United States and the Native Hawaiian community.”² Trask was responding to a set of questions on whether the DOI should facilitate a process of forming a “Native Hawaiian governing entity” that would ostensibly be similar to federally recognized tribal nations.³ Trask answered all of these questions with a categorical “no” but did so by drawing on problematic invocations of Native Americans.

Trask’s comments to the DOI are emblematic of the anti-Indigenous kingdom discourse that situates Hawaiians in opposition to “Indians” and

speaks volumes about the complex political terrain that this book tackles. Her assertion “You can braid my hair and stick feathers in it, but I will never be an Indian” is an oppositional response to the federally driven proposal to recognize Hawaiians within U.S. domestic policy on tribal nations. She implies that the federal recognition scheme might attempt to “convert” her by appearance as part of a new federal policy, but that the sovereignty of the Hawaiian people stands apart—a durable political difference coded through stereotypical appearances. Trask unfortunately glosses the political status of the then 573 Native governing entities currently recognized by the U.S. government through a hairstyle and accessories, evoking braids and feathers—popular visual markers of what symbolizes an “Indian” (a socially constructed term that Europeans imposed on the Indigenous Peoples of the Western Hemisphere, who had their own respective and diverse Indigenous kinship systems and polities).⁴ She also refers to a “nation to nation” relationship as something that Hawaiians would like to see, yet that is also how the U.S. government describes its arrangement with Indian tribes. But she specifies that this should happen only when both nations are given a seat at the table—indirectly pointing to the unilateral nature of the federal procedure as evinced by the Department of the Interior meetings.⁵ Here she suggests that the limits imposed on self-determination for tribal nations are “inappropriate” for the Hawaiian people, but in doing so she implies that they *are* appropriate for Indians. Moreover, her argument seems to hinge on Hawaiian competency in contrast to the supposedly less competent tribal nations as the premise for her declaration “We are not Indians.”

The vast majority of those who testified at the public meetings opposed the federally driven effort in light of the existence of the Hawaiian Kingdom, established by 1810 and recognized as an independent state by the major powers of the world starting in 1843 until the U.S. government backed an illegal overthrow of the monarchy in 1893. Today the project of restoring the Hawaiian Kingdom—or insisting that it still exists now—is in competition with the U.S. government’s attempt to confine Native Hawaiian governance to internal Indigenous self-determination within the bounds of federal law. Although the battle over legal paths to regenerate some form of Hawaiian self-determination may seem moot given the machinations and dominance of the U.S. nation-state, this development has acutely unsettled the Kanaka Maoli (Native Hawaiian) political world, bringing to the surface deep conflict over Hawaiian national identity.

This book focuses on the effects of Christianization and the introduction of the Anglo-American legal system in relation to land, gender, and

sexuality in the Hawaiian context in the early to mid-nineteenth century—and the consequences of that transformation for contemporary sovereignty politics. It explores the ways in which Hawai‘i is comprehended (and alternately apprehended) within conflicting paradigms for acknowledging its status as other than simply part of the regular domestic jurisdiction of the United States, specifically as an occupied state of its own, a “tribal” entity awaiting U.S. recognition, and the territory of an Indigenous People. This book engages the ways in which Hawai‘i has been situated within these various (and often incommensurate) frameworks and traces the limited passages available to Kanaka Maoli in order to try to realize prior history and contemporary assertions of self-determination. *Paradoxes of Hawaiian Sovereignty* specifically seeks to demonstrate how white American notions of property title, state sovereignty, and normative gender relations and sexuality become intimately imbricated in aspirations for Hawaiian liberation and in mobilizing available categories for acknowledging Kanaka distinctiveness—hence the word “paradoxes” in the title of this book.

Trask’s rhetorical attempt to contrast Kanaka Maoli with Indian tribes is reminiscent of similar attitudes a decade earlier that revealed a stance of political superiority. For example, I was struck by an exchange in 2004 among several prominent Kanaka Maoli men who self-identify as Hawaiian Kingdom nationals (rather than U.S. citizens). The discussion took place on an online Hawaiian sovereignty forum. One man rhetorically asked a series of questions: “Which of the Native Americans have had treaties worldwide and consuls throughout the world? How many were involved with blanket international affairs or recognized any country’s independence? How many were recognized as peers with other recognized nations throughout the world, including the United States? How many of them had treaties of friendship and commerce with the rest of the world nations?”⁶

In response, another chimed in: “We had a King that was accepted in world courts and entertained by Heads of State throughout the world. . . . We were a worldwide recognized nation, were any of the Native Americans in the same league?” Here the reference point is a male monarch, although the last ruler of the Hawaiian Kingdom was Queen Lili‘uokalani. As though Hawaiians were the first nonwhite people to have international relationships with Europeans, yet another boasted that “Hawai‘i was not a tribe of people when it joined up with world nations. We were a most favored, friendly, neutral Independent nation.” This thread conveys a political perspective that is now commonplace among those who support de-occupation and fully renewed recognition of the kingdom.

In follow-up emails, these same individuals problematically generalized the hundreds of different U.S. federally recognized Native governing entities by citing their limited political status as domestic dependent nations as evidence of American “brainwashing” and “colonized mentalities” among tribal nations. These remarks revealed a dire lack of knowledge about the historical significance of federal recognition for tribes, the context of the Indian Reorganization Act of 1934 (and Indigenous resistance to it), and the fact that tribal nations that held treaties with numerous European governments were recognized as independent. The doctrine of “domestic dependent sovereignty” to subordinate tribal sovereignty within the confines of U.S. rule was not crafted until the U.S. Supreme Court ruled in *Cherokee Nation v. Georgia* (1831). Attitudes such as those found in the online forum imply that Hawaiians were historically “more civilized” than other Indigenous Peoples and therefore “more advanced” historically and today. These political sentiments naturalize Native Americans’ limited political status based on chauvinistic (mis)understandings of what constitutes a “tribe” as somehow inherently domestic and dependent.

David Chang traces Kanaka (dis)identification with American Indians to the early nineteenth through the early twentieth centuries. He demonstrates that what Hawaiians read about and wrote about American Indian peoples in nineteenth-century newspapers reveals a series of overlapping shifts in the representation of Indians that can be considered three distinct phases. In a first phase, American Christian missionaries taught Kanaka that “the Indian” was a model of all things that Hawaiians must not be, portraying Indians as a negative model (ignorant and savage). He documents a shift in Hawaiian-language newspapers by the 1850s that reflects direct social contact between Kanaka Maoli and American Indians because of Hawaiians’ work in the fur trade, the gold rush, and other areas of labor. These representations were increasingly sympathetic and coincided with Kanaka control of an independent press by the 1860s. Still, Indians remained a negative model for Kanaka, but in a new way. For Hawaiians, “American Indians represented an outcome that Kanaka who were engaged in the defense of their national sovereignty hoped to avoid.” The third phase followed the U.S.-backed overthrow of the Hawaiian Kingdom and 1898 annexation. As Chang shows, the next shift “moved Indians from being ‘what we must not become’ to ‘what we have now become like.’” In other words, Kanaka increasingly saw a *likeness* between their situation and that of American Indian peoples.

Because dispossession was the undesirable shared experience behind this identification of Kānaka with Indians, naming Kānaka as being like Indians was both politically potent and inherently unstable. . . . American Indians had functioned as a negative referent for Kānaka through the nineteenth century—from the 1820s when missionaries held Indians up as a model of how not to live, to later in the century when aloha ‘āina (patriots) declared that Kānaka were like Indians when they were dispossessed. Kānaka could, therefore, identify with Indians, but the connotations of this identification were frequently negative. It could spur Kānaka to resist colonization, but it could also encourage them to declare themselves to be different from Indians, who were the very sign of the colonized.⁷

This form of signification is precisely what I want to examine in the context of Hawaiian political battles regarding independence versus federal recognition.

In *The Transit of Empire: Indigenous Critiques of Colonialism*, Jodi Byrd tracks how “Indianness” has propagated U.S. conceptions of empire, where the figure of the Indian functions as transit—a trajectory of movement. She argues that the contemporary U.S. empire expands itself through a transferable “Indianness” that facilitates acquisitions of lands, territories, and resources. Byrd makes the losses of Native Americans visible—and therefore grievable (rather than merely lamentable)—while insisting that the colonization of Indigenous nations is the necessary starting point from which to reimagine a decolonial future that centers Indigenous agency.

Byrd also challenges Hawaiians’ dominant perceptions (or articulations in these cases) for their resonance with pervasive white settler disavowals by critically examining how this transit of empire has played out in the Hawaiian sovereignty context: “Many Hawaiian activists, especially kingdom sovereignty nationalists, focus on understanding the Hawaiian archipelago as the site of exceptionalism within the trajectory of US empire-building. Hawai‘i is in this view a militarily occupied territory logically outside the bounds of American control, while American Indian nations are naturalized as wholly belonging to and within the colonizing logics of the United States.”⁸ Byrd’s analysis of “paradigmatic ‘Indianness’” helps to situate Hawaiian Kingdom nationalists’ disavowals of indigeneity in a deeper genealogy of “civilized”/modern nation-making that has required Hawaiian elites to fight the “savagery” within. Additionally, I would add, many are politically invested in tracing just how *well* Hawaiians adapted to Westernization

as evidence of the capability for self-governance and are fixated on this particular narration of Hawaiian history and a state-centered legacy.

The political contest made visible by the DOI meetings emerged from a federal drive lasting more than a decade to contain the Hawaiian sovereignty claim via proposed congressional legislation, the Native Hawaiian Government Reorganization Act. The bill was arguably one of the most controversial U.S. legislative proposals regarding Native Hawaiians since the 1959 Hawaii State Admissions Act, popularly known as “the Akaka bill” because U.S. senator Daniel Akaka (D-HI) introduced it. Beginning in the 106th U.S. Congress in 2000 and continuing through early 2012, the senator purportedly sponsored this bill to secure the recognition of Native Hawaiians as an Indigenous People who have a “special relationship” with the United States and thus a right to internal self-determination.⁹ Although promoted as legislation that would offer parity for Native Hawaiians in relation to federally recognized tribal nations, the bill proposed something quite different given the provisions spelled out for the state government vis-à-vis the federal government and a Native Hawaiian governing entity (NHGE). This is because the state would maintain civic and criminal jurisdiction over citizen-members of the proposed NHGE—meaning less self-governance than for most federally recognized tribes.¹⁰ Although Akaka’s proposed legislation was widely supported across Hawai‘i and the continental United States among Native Hawaiians and liberal allies, kingdom nationalists and other independence advocates opposed this legislation in any form—and now continue to resist federal recognition by other means (including the proposed Department of Interior process) while asserting that the Hawaiian Kingdom still exists under international law.

As many contemporary kingdom nationalists view anything less than independent statehood as “backward,” I address this political sentiment in relation to the limited status that states impose on Indigenous Peoples worldwide regarding their self-determination within the bounds of the existing states that encompass them. In the Hawaiian context, the focus of some of these nationalists has been misdirected at tribal nations rather than at the federal government. I suggest that this distancing and logic entails the feminization of indigeneity, which is relegated to what is seen as characteristically “female” by Western norms. Here some nationalists tend to render Indigenous Peoples feminine in relation to masculinist states. In this configuration, Western nations are seen and treated as rational, strong, worldly, independent, and active, while Indigenous Peoples occupy the supposedly female role as savage, weak, domestic, dependent, and passive—and are

treated as such. Ironically, these notions of what is considered female are Western: women were not viewed or treated as fragile, helpless, or submissive in precolonial Hawaiian society.

As my previous work documents, the current state-driven push for federal recognition is problematic for outstanding Hawaiian sovereignty claims because the kingdom, previously recognized as an independent state, provides Kanaka Maoli and others with a rare legal genealogy.¹¹ As a result, many of those affiliated with kingdom restoration initiatives have by and large disregarded the bill, seeing its potential effect on the kingdom as irrelevant because it emanates from the United States, understood simply as an illegal foreign occupying force. This position is clearly articulated by Keanu Sai, chair of the Council of Regency, who currently serves as (self-designated) acting minister of the interior. Sai's welcome letter on the website hawaiiankingdom.org asserts that the Hawaiian Kingdom government is "presently operating within the occupied State of the Hawaiian Islands" and further notes: "Since the Spanish-American War, 1898, our Nation has been under prolonged occupation by the United States of America." Other kingdom nationalist political entities include the Reinstated Hawaiian Government, led by Henry Noa, who identifies himself as the prime minister; Ke Aupuni O Hawai'i Nei, which claims to be the revived Kingdom of Hawai'i, with Leon Siu serving as foreign minister and Kealoha Aiu serving as minister of the interior; Mahealani Asing Kahau, queen of Aupuni o ko Hawai'i Pae 'Āina; and Akahi Nui, with James Akahi as king of the Kingdom of Hawai'i on Maui, to name some of them.¹² While it is unclear how great the political following of each one is in terms of constituents, it is clear that their combined stance constitutes a marked shift within the independence movement.¹³

Kingdom nationalists tend to reject the United Nations (UN) protocols for decolonization as well as Indigenous rights as remedies for the Hawaiian case, instead focusing on the Law of Occupation. A special committee guides the UN decolonization process with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This entity was established in 1961 by the General Assembly with the purpose of monitoring the implementation of that declaration.¹⁴ With regard to Indigenous rights, the UN General Assembly passed the Declaration on the Rights of Indigenous Peoples in 2007 after decades of activism and the drafting process.¹⁵ Rather than taking up either of these two approaches for the Hawaiian case, kingdom nationalists tend to rely on the Hague Regulations of 1899 and 1907, international treaties negotiated at

the First and Second Peace Conferences at the Hague. These were among the first formal statements of the laws of war and war crimes in the nascent body of secular international law. Given that the United States purportedly annexed Hawai‘i in 1898, before these statements were negotiated, those who cite them apply them retroactively. In this logic Hawai‘i is merely occupied by the United States; kingdom nationalists argue that Hawai‘i was never colonized: therefore decolonization is an inappropriate political strategy.¹⁶ Because the Hawaiian nation afforded citizenship to people who were not Kanaka Maoli—and because of its status as an independent state—kingdom nationalists tend to distance themselves from Indigenous rights discourse as well.

Despite the disavowal of colonialism by kingdom nationalists, it is precisely Western European and U.S. settler colonialism that creates both the conditions for kingdom nationalism to articulate itself in the modern Western terms of nation, manhood, law, developmental temporality, and historicism and the settings within which that form of nationalism may inadvertently obscure its own reproduction of settler colonial logics in relation to its representation of indigeneity. In other words, the organization of the kingdom nationalist discourse is evidence of the very settler coloniality that it denies. This mythology ignores a range of historical and social conditions, including Hawaiians’ historical loss of language and everyday cultural practices as white American culture became hegemonic. This history of dispossession has dealt a severe blow to the collective sense of Indigenous well-being that continues into the present. Settler colonialism is an oppressive structure that Kanaka Maoli still endure today. This form of subjugation includes ongoing institutional racism, military expansion, Indigenous criminalization, homelessness, disproportionately high incarceration rates, low life expectancy, high mortality, high suicide rates, and other forms of structural violence. It leads to the constant unearthing of burials, the desecration of sacred sites, economically compelled outmigration, and many more outrages, not least of which is the ongoing process of illegal land expropriation from which these issues arguably stem.¹⁷

Patrick Wolfe’s concept and theory of settler colonialism is apt here. He contrasts settler colonialism with franchise colonialism and—through comparative work focused on Australia, Israel-Palestine, and the United States—shows how settler colonialism is premised on the logic of elimination of Indigenous Peoples. As Wolfe notes, because settler colonialism “destroys to replace,” it is “inherently eliminatory but not invariably genocidal.” He is careful to point out that settler colonialism is not simply a form

of genocide because there are cases of genocide without settler colonialism and because “elimination refers to more than the summary liquidation of peoples, though it includes that.” Hence he suggests that “structural genocide” avoids the question of degree and enables an understanding of the relationships among spatial removal, mass killings, and biocultural assimilation. In other words, the logic of elimination of the Native is also about the elimination of the Native *as Native*. Because settler colonialism is a land-centered project entailing permanent settlement, as Wolfe puts it, “invasion is a structure not an event.”¹⁸

Wolfe also argues that as a land-centered project the operations of settler colonialism “are not dependent on the presence or absence of formal state institutions or functionaries.”¹⁹ Hawai‘i offers numerous examples of social transformation that were settler colonial in nature, long before the U.S.-backed overthrow in 1893 or purported U.S. annexation in 1898, which took root under the authority of the Hawaiian Kingdom. As the Hawaiian case shows, the structural condition of settler colonialism cannot simply be remedied by deoccupation.²⁰ Setting legal definitions aside momentarily, settler colonialism is itself a form of occupation.²¹

The state-centered Hawaiian nationalist challenges to U.S. domination entail a problematic and profound disavowal of indigeneity that goes hand in hand with an exceptionalist argument that Kanaka Maoli never endured colonialism prior to the 1893 overthrow due to the legacy of an independent nation. Furthermore, some claim that the Hawaiian people are not Indigenous simply because of that history, because they assert the ongoing existence of the kingdom.²² They maintain that the category is by definition complicit with legal notions of political dependency vis-à-vis both federal laws (U.S. policy on federally recognized tribes) and the limited rights of Indigenous Peoples as delineated on the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007. The Hawaiian case is particularly instructive in showing both the possibilities and limitations of Indigenous practices within and against the U.S. empire. I strive to make sense of Hawai‘i as a unique legal case, but without exceptionalizing it. Legally it may be extraordinary, but this is true only if we exclude the structures and formations of settler colonialism from the picture. Unlike occupation and franchise colonialism, settler colonialism is still not regarded as unlawful.

This book problematizes the ways in which the positing of the Hawaiian Kingdom as simply needing to be restored (through deoccupation) works to demean and diminish Hawaiian indigeneity. I also demonstrate how

dominant articulations of kingdom nationalism rely on treating Hawaiian history in the nineteenth century before the “Bayonet Constitution” of 1887 (or sometimes everything before the 1893 U.S.-backed overthrow) as strictly emerging from the history of the kingdom as an independent state, ignoring the increasing pressure on the Hawaiian government to remake itself (and the desire of Hawaiian elites to remake themselves) in ways conducive to being acknowledged as civilized within the Family of Nations. The rejection of indigeneity as a frame in the present, then, continues this implicit civilizational imperative, replaying the legacy of seeking to disown aspects of Hawaiian history, culture, and identity deemed “savage” and to assert a properly heteropatriarchal nation-statehood that will allow Hawai‘i and Hawaiians to be seen as rightful rulers of themselves. That project also works through the various conceptual, political, and ethical implications of articulating these various forms of national identity and Indigenous Peoplehood.

While the main intervention of this work is in respect to rethinking the status of the Hawaiian Kingdom and indigeneity for envisioning Hawaiian decolonization, liberation, and self-determination, I engage with feminist and queer studies analytics to interrogate heteropatriarchy and heteronormativity within the broader projects of normalization and civilization because of my focus on colonial modernity in relation to land, gender, and sexuality. For example, the consequence of private property is related to questions of gender and sexual propriety. The sovereignty and recognition of the Hawaiian Kingdom were predicated on the logic of capitalism that intersected with a colonial sovereignty—the necessary condition for the modern state. Christian conversion was central to this process as, among other things, it imposed a framework regarding gender and patriarchy with particular consequences for anything outside of a Western form of heterosexual monogamy. These Christian mores fit within the global forces of capitalist imperialism.

IN THE REMAINDER of this introductory chapter, I offer several sections to ground the broader project. The first gives an overview of the Hawaiian Kingdom as it emerged as an independent state in the early nineteenth century. The second section examines the ways in which some kingdom nationalists disavow a colonial past when it comes to affirming the sovereignty of the kingdom as independent. The third section explains what I mean by “paradoxes” of the contemporary Hawaiian political claims with

regard to the many contradictions that arise while asserting statist claims that often seem in tension with Indigenous ones. The fourth section sets forth my argument regarding the ways in which Hawaiian elites advanced a forms of colonial biopolitics in the early to mid-nineteenth century as a way to regulate the population vis-à-vis new state power geared toward protecting its sovereignty in the face of constant Western imperialist threats. The fifth section is a critical look at how the politics of the concept of sovereignty is taken up in Native studies—including pre-European modes glossed as such, Westphalian origins of European sovereignty imposed globally, and the domestic dependent form structured by the U.S. government. The sixth section details my varied methodological approaches, guiding paradigms, and epistemological interventions. I end with an overview of the chapters that follow.

The Emergence of the Hawaiian Kingdom

Precolonial Hawaiian society was a hierarchical class society based on both ascribed and achieved status. The main classes that constituted the Hawaiian social order were the chiefly class, the *ali'i*, and the common people, known as *maka'āinana*, with *kaūkuali'i* (lesser chiefs) serving as a buffer in this successive hierarchy.²³ Samuel Kamakau lists eleven different gradations of chiefs within Hawaiian society.²⁴ He also mentions in-between classes such as the *ali'i maka'āinana* chiefs in the countryside living as ordinary people, without the attendant restrictions of the chiefly class. The social order was and continues to be based on principles of bilateral descent, in which descent groups are formed by people who claim each other by connections made through both their maternal and paternal lines. According to Jocelyn Linnekin, “since rank was bilaterally determined, descent could be traced upward in a myriad of ways, the details varying contextually depending on what was advantageous in a given situation.”²⁵

As Lilikalā Kame'eiehiwa explains, the role of the *ali'i* was to serve as mediators between the divine and the human, as Kanaka Maoli worshipped thousands of gods and demigods.²⁶ They also determined the correct uses of the *'āina*. The *ali'i* were a floating class, tenuously related to the people on the land and dependent on them for support.²⁷ Today many Hawaiians refer to the *maka'āinana* as the people who were the “eyes of the land,” as in *maka* (eye) *'āina* (land), while E. S. Craighill Handy and Mary Kawena Pukui gloss the term as people “belonging to the land” (*ma-ka-'āina-na*).²⁸

The Hawaiian concept of *pono*—the balance of forces that brings together spiritual and material realities—was central to this hierarchical yet still reciprocal relationship. As Jonathan Kay Kamakawiwo‘ole Osorio explains:

For Maka‘āinana the concept of *pono* linked them as well as the Ali‘i into a relationship with the powerful gods whose mana made the miracle of life possible. This means that they were to be productive as planters of taro and as fishermen; but also as crafters of the beautiful kapa cloth and moena (woven mats) that achieved such high quality in Hawai‘i. It was the produce and art work of the Maka‘āinana that nourished and adorned the body of the Ali‘i and graced their residences. At the same time it was the Ali‘i whose presence and disciplined behavior also guaranteed that the akua would continue to bless the endeavors of the people as a whole.²⁹

This was the social world that Captain James Cook found when he arrived in the Hawaiian Islands in 1778. Although scholars debate whether he was the first European to do so, his voyages to Hawai‘i ushered in multiple waves of foreigners, leading to rapid changes caused by mass death among Kanaka Maoli due to disease and competing interests among European forces.

Beginning in 1795, Kamehameha I violently transformed a Hawaiian society of multiple paramount island chiefs—starting with Hawai‘i, O‘ahu, Maui, Moloka‘i, and Lāna‘i—into one monarchical government, with the islands of Ni‘ihau and Kaua‘i voluntarily joining the kingdom by 1810. With the aid of Western gun power and other technologies, through a prolonged process of conquest, he assumed the throne as the first king. Kamanamaimakalani Beamer’s challenging book *No Mākou Ka Mana: Liberating the Nation* argues that the Hawaiian Kingdom is a Hawaiian creation based on ancient statecraft and that Hawaiian society had the makings for the foundation of the monarchy prior to contact with foreigners:³⁰

I trace the rise of the mō‘ī (supreme chief who rules an island), the development of the ‘aha ali‘i (council of chiefs), and the establishment of palena (place boundaries), and the redistribution of lands through a kalai‘āina (land carving). The institutions of the aha ali‘i, mō‘ī, palena, and kalai‘āina order both lands and society by creating a centralized government, establishing a system of place boundaries that protected and regulated resources, and redistributing lands and their resources among ali‘i (chiefs) and maka‘āinana (commoners). These structures constitute pre-European Indigenous Hawaiian “state-

craft,” a system of bounding lands and resources under chiefly authority. Furthermore, the existence of the *aupuni* (government) in ancient Hawaiian society enabled the Hawaiian Kingdom to create a nation-state by modifying existing structures rather than replacing or erasing the ancient forms of governance, chiefly rule, and land management.³¹

Hence Beamer argues that the Hawaiian Kingdom was not a European imposition but instead was a modification of preexisting ancient Kanaka Maoli structures. He acknowledges that “the Hawaiian Kingdom ‘modernized’ to gain respect in the international community” but emphasizes the chiefs’ agency in mastering European and American law to direct the nation’s destiny. Beamer suggests that they “implemented certain structures as a method for controlling Europeans within the kingdom and, to a lesser extent, for restricting foreign interference in the islands.”³²

Debates as to whether the kingdom was “Western” are tied to the different ways in which people understand the formation of the monarchy and its legacy in relation to Hawaiian agency vis-à-vis various forms of Western encroachment as well as Christianization by white American missionaries.

In 1819, after Kamehameha I’s death, the mother of his children, Keōpūolani (the highest-ranking chief in the archipelago), moved to end the *‘aikapu* (the eating taboos that were part of the traditional religious system) with her son Liholiho, who was named as successor to the throne.

In 1820 Calvinist missionaries from New England arrived. They were sent by the American Board of Commissioners for Foreign Missions (ABC FM)—the first American Christian foreign mission agency, founded just a decade earlier. One of their immediate undertakings was fundamentally to transform traditional Indigenous kinship practices in a way that imposed patriarchal norms.³³ This process included the ascendancy of patrilineal naming, patriarchal citizenship, and patriarchal marriage. Notably, Keōpūolani, along with Ka’ahumanu (one of Kamehameha I’s favorite women), who served as regent with executive power to Liholiho (now Kamehameha II), enacted many of the major changes that would make their way into the kingdom’s laws.³⁴

Kamehameha I might be said to have exercised royal absolutism during his reign, but it was hardly unqualified, given the kingdom’s status as a nominal British Protectorate for the first several years of the monarchy. That form of rule rapidly changed. Ka’ahumanu took up the position of *kuhina nui* (co-ruler)—a political role that she arguably created for herself once Kamehameha I died. Together Ka’ahumanu and Liholiho quickly overturned the

most fundamental laws governing the society, including the *kapu* system (religious codes protecting all deemed sacred), prior to the missionaries' arrival. When Liholiho died while visiting England, his brother Kauikeaouli was successor to the throne as Kamehameha III but was too young to rule. So Ka'ahumanu maintained almost sole power until he took up the office a decade later.

By the 1840s the kingdom had become increasingly Westernized under the leadership of Kamehameha III, which was further intensified thereafter with the consolidation of both Kanaka Maoli chiefly sovereignty and male leadership. In 1840 the king promulgated the nation's first constitution, which asserted a Christian nation to protect the common people from power abuses of the chiefs under one law for both. It was then that the king voluntarily relinquished his absolute powers and attributes by recognizing three grand divisions of the government: the king as the chief executive, the legislature, and the judiciary. The constitution drew on the earlier bill of rights in 1839, which was "published for the purpose of protecting alike, both the people and the chiefs of all these islands, while they maintain a correct deportment; that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same protection, under one and the same law."³⁶ King Kamehameha III dispatched a delegation in 1842 to the United States and later to Europe, endowed with the ability to secure the recognition of Hawaiian independence by the major world powers of the time. On December 19, 1842, the Hawaiian Kingdom obtained the assurance that U.S. president John Tyler recognized the kingdom's independence and subsequently received formal recognition by Great Britain and France in 1843.³⁷ This legacy of state recognition is key to the contemporary assertions of national claims.

Sally Merry argues: "To a large extent the new system was managed by foreigners who already understood the maintenance of its practices. Unlike many of the colonized states of Africa, Hawaii did not adopt a dual legal system for foreigners and natives but created a unitary system modeled on the West."³⁵ In *Colonizing Hawai'i: The Cultural Power of Law* Merry argues that the Hawaiian appropriation of Western law entailed a two-part transition. The first part was the shift "from a Hawaiian legal order premised on divine authority to a Protestant Christian one premised on the authority of Jehovah," with the second being "the rapid transformation of the legal system to an Anglo American one that replaced Jehovah with a sovereign populace." She asserts that the first shift (religious law) allowed for more Indigenous forms, whereas the second (secular law) did not. Ac-

counting for the context for the second transition, Merry calls attention to the increasing number of foreigners employed by the kingdom in powerful positions.

This is the sovereignty paradox of the late 1840s: in order to produce a government able to deal with the foreign residents and to gain respectability in the eyes of the imperialist foreign community, the leaders adopted the forms of government and rule of law, but these forms required foreigners skilled in their practices to run them. And as foreigners developed and ran these new bureaucratic systems of law and government, they redefined the Hawaiian people as incapable, naturalizing this incapacity in racialized terms.³⁸

This is just one of the many paradoxes of Hawaiian sovereignty that this book seeks to examine, especially as they impinge on contemporary nationalist struggle.

Disavowing Colonialism

Curiously, the same Hawaiian political activism that does not acknowledge colonialism as a social formation has influenced the scholarly world, with some writers refuting past studies by Kanaka authors who critically analyze colonialism in Hawai‘i.³⁹ Some fixate on legal proof as to whether or not Americans or other Westerners “legitimately” colonized Hawai‘i (as though colonial domination can be justified by the law) in order to assert that there was no *de jure* colonialism in Hawai‘i *vis-à-vis* international law while ignoring the *de facto* colonial processes that unfolded prior to 1893.⁴⁰ This line of thinking resists understanding colonialism as a social force that was part of the “civilizing” projects brought by missionaries and others. What is to be gained by such a rigid argument? One benefit has been the centering of Indigenous agency and the problematization of Western encroachment as overdetermined. But to suggest that Hawaiian history in the nineteenth century can be told outside of the history of colonialism (in all its forms) is problematic at best and folly at worst. It is crucial to avoid the binary of agency versus resistance—along with the refusal to place the discussion of Indigenous agency in the context of structural limitations that necessitated Indigenous resistance.

For example, Beamer highlights the agency of the founders of the Hawaiian Kingdom and how ruling ali‘i selectively appropriated tools and ideas from the West, including laws, religion, educational models, proto-

cols, weapons, printing and mapmaking technologies, seafaring vessels, clothing, names, and international alliances. He argues that they created a hybrid system based on an enduring tradition of Hawaiian governance, which was intended to preserve, strengthen, and maintain *lāhui* (the nation). Beamer contends that only after the U.S. occupation beginning in 1893, which transferred the power of the monarch to a *haole* (foreign or white) oligarchy, did “faux-colonial” or “quasicolonial” events begin.⁴¹ One can see the strong affective appeal of this rereading of Hawaiian history, especially when the authority of “legal fact” bolsters it by arguing that the Hawaiian Kingdom continues to exist as a sovereign and independent state and is merely occupied. This form of legal positivism could also perhaps be read as a way to refute the logics of elimination endemic to settler colonialism, which constructs the Native as someone to be eliminated.⁴² It may also be seen as a serious effort to reclaim a sense of dignity and pride in past accomplishments, a historical adaptation that is enabling a reframing of Hawaiian history as more than a story of dispossession and promoting a collective sense of wholeness. But Beamer makes a false distinction between colonialism and the civilizing mission as though they are unrelated. Hawaiian modernity is of course something to be reckoned with as a specific cultural formation, but I argue here that it cannot be separated from imperial forces that culminated as forms of settler colonialism.

As Osorio has suggested in another context also related to Hawaiian sovereignty, “One crucial aspect of law is that it enables contending and competing groups within a society to coexist, compensating for the lack of faith between them by requiring that they place their faith in the law instead.”⁴³ His insight gets at the theological component of sovereignty examined by Wendy Brown, who notes that in Western contexts the Judeo-Christian conception of God has been replaced with the state.⁴⁴ Nonetheless, in challenging the religious aspects of how law is often regarded as the greatest authority, challenging legal positivism—the notion that the law is objective and value-free—should also be a priority.

This history of modern transformation (presented as a progressive teleology) ought to be viewed in relation to the uneven trajectory of settler colonialism and its “tipping point” (where a series of small changes becomes significant enough to cause a larger, more important change) that led to *haole* encroachment within the Hawaiian government, as Osorio so convincingly argues in *Dismembering Lāhui*.⁴⁵

Examining international political economy and conditions of national sovereignty, Mark Rifkin points out the structural pressures that Hawaiian

leaders were under as early as the 1820s. Besides missionary dominance, there was the economic debt. He documents how U.S. naval ships were already in Honolulu by 1826. Captain Thomas ap Catesby Jones had arrived there on the *Peacock* to negotiate two agreements—one guaranteeing Americans the right to trade in Hawai‘i and securing favored nation status for the United States and the other allowing Hawaiians to gather sandalwood and other materials for “taxes” as part of raising income for chiefly debts due to U.S. citizens. Theorizing transnationalization, Rifkin examines “how and why private transactions outside of national borders were made the subject of foreign policy and action by the U.S. military” and how debt served as a way for the United States to leverage a free trade agreement. In looking at the status of the Hawaiian Kingdom’s national subjectivity “produced in this dialectic of formal independence and foreign economic control,” Rifkin advances a concept of “debt sovereignty.” He suggests we understand this as a case “in which the terms of domestic governance are slotted into a prefabricated mold and defined by the dictates and interests of another country to whom the exploited nation’s people have no political appeal in a process narrated as the free choice to participate in the capitalist world market.” As such, he argues that American influence at the time was imperial in the way that it reshaped the political economy of the kingdom through militarized diplomacy in order to ensure Hawaiian participation in international trade to promote the expansion of U.S. capitalism.⁴⁶ Hence we have the issue of Hawaiian leaders under duress, which undoubtedly shaped the entire range of their policy choices.

Setting aside for the moment the argument that the process of Hawaiian adaptation to Western modalities led by the ali‘i was not colonization, settler colonialism, or even “faux-colonial” or “quasicolonial,” let us consider the concept of coloniality as theorized by Walter D. Mignolo in *The Darker Side of Western Modernity: Global Futures, Decolonial Options*. He defines coloniality as “the underlying logic of the foundation and unfolding of Western civilization from the Renaissance to today,” the “colonial matrix of power,” which he argues was foundationally interconnected to historical colonialisms.⁴⁷ As Mignolo explains, coloniality is the substance of the historical period of colonization: its social constructions, imaginaries, practices, hierarchies, and violence. Vast differences exist in the histories, socioeconomics, and geographies of colonization in its various global manifestations. For example, French colonization in Tahiti differs from British colonization in Aotearoa and Te Waipounamu (aka New Zealand), which both differ from Chilean colonization in Rapa Nui (aka Easter Is-

land). However, as Mignolo argues, coloniality—the establishment of racialized and gendered socioeconomic and political hierarchies according to an invented Eurocentric standard—is part of all forms of colonization. That would include both Britain in North America (a settler colonial case) and Britain in India (a franchise colonial case), despite their differences.

Whether one believes that Hawai‘i or Kanaka Maoli underwent colonization prior to 1893 in the form of settler colonialism or not, this case study demands a reckoning with the dominance of coloniality, which entails an understanding of decolonization beyond its limited scope within international law or the easily available historical and political case studies of former colonies. Moreover, as Mignolo argues, coloniality manifested throughout the world and determined the socioeconomic, racial, and epistemological value systems of contemporary society, commonly called “modern” society. This is precisely why coloniality does not just disappear with political and historical decolonization, the end of the period of territorial domination of lands when countries gain independence. Given this distinction, coloniality is clearly part of the logic of Western civilization.⁴⁸

Kingdom nationalist framings of sovereignty typically neglect the imperialist origins of international law and the Westphalian concept of sovereignty. As Antony Anghie’s work argues, international law is born of colonial encounter and emerges as the institutional means to manage that encounter through the regulation of colonial difference.⁴⁹ The kingdom’s quest for international recognition entailed an adaptation to nineteenth-century European conventions of statehood in which “civilized manhood” was crucial to the representation of the nation.⁵⁰ Acceptance by world powers necessitated an independent nation that displayed a Christian masculine face, which served as a sign of its modernity.⁵¹ This shift had profound implications for Hawaiian land tenure, gender, and sexuality. Throughout the nineteenth century states recognized Hawaiian Kingdom sovereignty precisely because Indigenous elites reformed the monarchy to meet their criteria. Kanaka Maoli elites appropriated this model of government in response to Western encroachment in order to protect Hawaiian sovereignty.

It seems crucial to recognize the aspects of Hawaiian cultural practices that missionaries deemed savage and in need of eradication, which the monarch and ruling chiefs then set out to change. In *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* Noenoe K. Silva also offers a compelling history of Kanaka Maoli resistance to these forms of degradation, the political, economic, and linguistic oppression that can be understood as colonialism.⁵² As she argues: “It was in response to for-

eign aggression, and also to missionary claims that the Kanaka ‘Ōiwi were savage and uncivilized, that the mō‘ī and the ali‘i nui changed their ways of government by adopting a constitution on which European and American types of laws could be based and by adhering to international norms of nation-statehood. These moves were made with the goal of preserving sovereignty—that is, to avoid being taken over by one imperial power or another.”⁵³ It is this strategy that my book examines; I suggest that Indigenous chiefs enacted forms of colonial biopolitics—paradoxically keeping imperialism at bay by introducing Christian edicts that likely matched what European powers would have introduced themselves if any of them had formally colonized Hawai‘i.

The Paradoxes

I explore several contradictions of Hawaiian sovereignty by bringing my analyses together through a look at the connections among indigeneity, race, gender, and sexuality in considering the strategy that chiefly elites used to secure recognition as it was already within a field of coloniality, including Western racism. This process effectively necessitated social war on pre-European Kanaka ontologies, which served a form of colonial biopolitics. I examine this legacy in relation to contemporary Hawaiian nationalism. For example, Leon Siu, a visible and ardent kingdom nationalist, is also a staunch Christian evangelical minister who was on the front lines of organizing against civil union and same-sex marriage in Hawai‘i in the name of “preserving traditional marriage in Hawai‘i.”⁵⁴ How can we understand this position when the missionaries introduced matrimony under the authority of the Hawaiian monarchy?

The pattern that we see time and time again within national liberation struggles is the rejection of same-sex practices and women’s power and authority by invoking tradition to say that they are Western colonial imports. But something distinctly different seems to be at play in the Hawaiian case: an acknowledgment to some extent that both are Indigenous but that the people have moved beyond these traditions in becoming modern, civilized. In other words, for many Hawaiians (especially those who identify as Christian, including those who are nationalists) same-sex sexuality and other sexual practices (such as polyandry and polygyny) that were seemingly once commonplace are relegated to the “savage” past, while elements of patriarchal dominance are excused in the recitation of the lineage of “great kings.” Hence the establishment of the monarchy is seen as defen-

sive, while also moving Kanaka Maoli past the primitive toward what gets cast as progress. Also, some seem to think that making the argument in and of itself will revive the kingdom, which will “arrive” without any political organizing or mass effort because of the promise of international law.

The title *Paradoxes of Hawaiian Sovereignty* speaks to the conflicts and contradictions that arise with regard to contemporary Hawaiian political claims in light of a complicated history of modernity for Hawaiians, which developed in the context of keeping imperial nations at bay. A paradox is a statement or tenet contrary to received opinion or belief, especially one that is difficult to believe. It sometimes has a negative connotation, as being in conflict with what is held to be established truth and hence absurd or fantastic—such as the unextinguished claim to restore an independent Hawaiian state—despite investigations, analyses, and explanations that may nevertheless prove it to be well founded or true.⁵⁵ What tropes and governmental practices are taken up and for what ends? What gets mobilized in the name of or with the aim of protecting Hawaiian sovereignty? What is the trade-off? The restoration of an independent state in a world where that claim is subordinated to U.S. global domination poses several political and legal problems. But it also remains unclear whether that claim is beneficial to the primary claimants—the Kanaka Maoli people—given the enduring structure of settler colonialism.

David Scott addresses the concept of paradox in his book *Conscripts of Modernity: The Colonial Tragedy of Enlightenment*, suggesting a defensible view of Enlightenment that does not oblige a simple choice for or against. Addressing the legacy of slavery, he develops an “argument that modernity was not a choice New World slaves could exercise but was itself one of the fundamental *conditions* of choice.” As Scott puts it, “The tragedy of colonial enlightenment . . . is not to be perceived in terms of a flaw to be erased or overcome, but rather in terms of a permanent legacy that has set the conditions in which we make of ourselves what we make and which therefore demands constant renegotiation and readjustment.”⁵⁶ This enduring inheritance, then, shapes the possibilities that necessarily mean ongoing forms of reckoning. Nonetheless, for Indigenous Peoples in settler colonial contexts, the political prospects vis-à-vis the question of the “precolonial” may also be central to these determinations. Indigenous resurgence is a liberatory framework grounded in distinct precolonial epistemes.⁵⁷

It is not that people in the kingdom nationalist milieu are suggesting a return to an originary Indigenous position; the effort is geared toward revitalizing a monarchy that predates the U.S. occupation. Meanwhile, my

interest here is in exploring kingdom nationalist investment in apocatastasis, restoration in the religious sense, wherein I offer a critique of the romantic politics of redemption that are implied. Hawaiian leaders today, like elites back then, are engaged in a political war over what form sovereignty should take. Yet there are myriad paradoxes: while the historical recognition of the kingdom is what enables the enduring claim to restore independent statehood, that legal genealogy is riddled with a history of Indigenous denigration and criminalization. What complex predicaments arise when contemporary kingdom nationalists assert state sovereignty at the expense of indigeneity, given that the world recognized that sovereignty precisely because the kingdom became Christian and male-dominated in its official leadership? The relationship between Western sovereignty, which is hegemonic around the globe, as an “Obligatory Passage Point” to independence is also a paradox.⁵⁸ Furthermore, the move to independence for the nation requires the subordination of women and the oppressive revision of sexual customs—at least in its current juridical straitjacket, which enabled Hawaiians to be seen as modern subjects in the first place. Thus this book revisits Michel Foucault’s call to find alternatives to the juridical model of sovereignty as a prerequisite for decolonial imaginings of the future—Indigenous resurgence to promote the specific forms of action and the spiritual and ethical bases for a transformative movement.

I argue that it is imperative to reconsider Hawaiian indigeneity as an epistemological resource for rethinking land, gender, sexuality, and the very concept of sovereignty toward selectively revitalizing Indigenous ontologies for the twenty-first century. In other words, I look to Indigenous values that are not premised on capitalist exploitation, destructive land tenure practices, male domination, or sexual subordination in order to suggest a new ethics of relationality that is life sustaining.

Colonial Biopolitics

Engaging Foucault’s invaluable work on the problem of sovereignty to investigate the technologies of biopower, I suggest that the Hawaiian case also requires an engagement with theories that enable a reconfiguration of sovereignty outside of its dominant Western meaning. I examine how the Hawaiian Kingdom exercised colonial biopower in the name of projecting its state sovereignty. In *Society Must Be Defended* Foucault argues that “politics is the continuation of war by other means.”⁵⁹ Some philosophers have suggested that underneath the “politics is war” thesis is Foucault’s valori-

zation of premodern barbarism, interpreting him as advocating a return to the (presocial contract) state of nature understood as primitive and lawless.⁶⁰ However, as he suggests, it is not a return so much as a rethinking of how to characterize the world with its multiplicity of the ways in which power operates.

Foucault traces both the historical and political discourse that makes war the basis of social relations to the end of the civil and religious wars of the sixteenth century. He argues that from the seventeenth century onward, “the idea that war is the uninterrupted frame of history takes a specific form: the war that is going on beneath order and peace, the war that undermines society and divides it in a binary mode, basically is a race war.” That is, it is a war of division or bifurcation within European social orders. His analysis of racism and the modern state focuses on internal conquests to maintain exclusions within in order to ensure the well-being and survival of the social body by a “protective state.” As Foucault puts it, “This is the internal racism of permanent purification, and it will become one of the most basic dimensions of social normalization.”⁶¹

Foucault critically examines how the right of war undergoes a major transformation in the early nineteenth century.⁶² He traces the emergence of state racism to this period through the regulatory power of biopolitics, the practice of modern states and their regulation of their subjects through “the subjugations of bodies and the control of populations,” such as the regulation of customs, habits, health, and reproductive practices—techniques that constitute biopower. As such, politics is the continuation of war by other means and, as he argues, rights are also an extension of war. Biopower contrasts with traditional modes of power based on the sovereign’s right to kill and marks the shift in governance with an emphasis on the protection of life rather than the threat of death. Therefore Foucault insists that we need a way to analyze this regulatory power in terms other than the juridical model of sovereignty—to go beyond looking for the single point from which all forms of power derive. As Foucault argues in *The History of Sexuality, Vol. 1*, despite the modicum of democracy throughout the Western world, “the representation of power has remained under the spell of the monarch. In political thought and analysis, we still have not cut off the head of the king.”⁶³

Ann Laura Stoler’s careful work *Race and the Education of Desire* asks why colonial context is absent from Foucault’s history of a European sexual discourse, which for him was central to the making of the bourgeois sub-

ject. Stoler challenges what she terms his “tunnel vision of the West” and his marginalization of empire by turning to his treatment of race in what were then (in the early 1990s) his little-known 1976 Collège de France lectures in which he theorized the relationship of biopower, bourgeois sexuality, and what he identified as “racisms of the state.” In turn, she argues that a history of nineteenth-century European sexuality must also be a history of race: “State racism has never been gender-neutral in the management of sexuality; gender prescriptions for motherhood and manliness, as well as gendered assessments of perversion and subversion, are part of the scaffolding on which the intimate technologies of racist policies rest.”⁶⁴

Whereas Stoler puts select empires back in the frame to show how colonialism was part and parcel of the sexual discourse that was central to the making of the European bourgeois subject, this book looks at imperialism from the other direction by exploring the colonial biopolitics of governmentality by an Indigenous independent state. The concept of colonial biopolitics illuminates the governing of Indigenous life, death, reproduction, gender, sexuality, relation to land and property, and other sites of state power over both the physical and political bodies of the Hawaiian population, while providing a means to demonstrate that settler colonialism is a historical and ongoing form of governmentality in which Indigenous life is simultaneously eliminated and assimilated, affirmed and negated. The colonial biopolitics of the Hawaiian Kingdom includes both the targeting and administration of the biological by Western colonization, occupation, and assimilation of the islands and the particular ways in which Hawaiian Kingdom nationalism adopts and remythologizes certain biopolitical forms of descent, custom, privatization, gender, and sexuality.

In the Hawaiian context of the 1820s–1840s through the late nineteenth century, Kanaka elites—with the assistance of missionaries—fighting to stop Western imperialism worked to reorganize Indigenous social forms to ensure the well-being and very survival of the social body by a protective state. Focusing specifically on the privatization of land along with the imposition of degraded gender status for women across genealogical rank and new confining sexual norms for Kanaka Maoli, I argue that this radical restructuring of Hawaiian society as a protective measure against Western imperialism became a form of colonial biopolitics linked to the regulatory power of Hawaiian state racism in the early nineteenth century. This reorganization of social forms was a strategy to fight Western racism, yet it necessitated a transformation of the Indigenous polity to secure some

racial respectability. In the Hawaiian case, what distinguishes biopolitics from the monarchical “right to kill” is that the chiefs’ constitutional developments and property initiatives were justified in terms of protecting Hawaiian sovereignty and promoting the welfare of the people.

By the time Kamehameha III was functioning as the monarch in practice and not just in name, the changes that he implemented in Hawaiian governance and land tenure through the 1830s and 1840s were narrated and rationalized at the time as beneficial for the common Hawaiians. Also during this period, the modern Hawaiian state intervened in sexual relations for “the good of the state.” It was the chiefs in tandem with the missionaries who drew those lines of distinction organized around racializing notions of savagery, not an emergent Hawaiian bourgeoisie asserting authority over the emergent state apparatus. Nonetheless, these elites implemented a system of liberal governance that to some degree undermined the social hierarchies based on lines of descent (e.g., undercutting the ties between the chiefs and their obligations to the common people) and called for new ways of naturalizing the inequities on which an emergent bourgeois order would be based.

By 1840, through its first constitution, the Hawaiian Kingdom was defined as an egalitarian society. As mentioned earlier, this governing document stipulated that “no chief may be able to oppress any subject, but that chiefs and people may enjoy the same protection, under one and the same law.”⁶⁵ This was power defined by the right of the state to protect the life of the social body and thus the right to make live those deemed a threat to the social body—the “deviant” but potentially recuperable bodies and the “abject” bodies. This newly calculated “management of life” brought together the discipline of the individual body and regulatory controls over the life of the people institutionally in order to produce a normalizing society. Here I use Foucault’s formulation as a way of addressing the cleavages that emerged within nineteenth-century Hawaiian society and the ways in which those lines of distinction were organized around racializing notions of savagery. But the Hawaiian elites’ institution of norms of private property, as well as heteropatriarchal understandings of home and family in the 1830s and 1840s, does not resemble Foucault’s concept of the “race war” because there was no newly created, horizontally integrated bourgeois that turned its own mode of self-authorization against other Kanaka. In other words, characterizing these external imperialist developments as an “internal conquest” does not capture the pressures already being exerted on Ha-

waiian governance by the 1840s and the ways in which elites sought to navigate those pressures.

These decisions were already taking place within a field of imperialism, as evidenced by the force of white American imperial power prior to the mid-nineteenth century. Although this work focuses on events of the 1820s to 1840s onward in relation to contemporary nationalist politics, the U.S. government exerted direct military and political influence in Hawai‘i starting in 1826, decades before formal diplomatic recognition and the treaties that were ratified by Congress. The United States, Great Britain, and France engaged in an ever-escalating struggle for more extensive spheres of license in Hawaiian law and social life (via claims to its “most favored nation” status). This increasing pressure on Hawai‘i arguably played a large role, as efforts to create legal sources for Hawaiian authority intensified while developing what amounted to an order in which the status of the average Kanaka was profoundly different from that of foreigners.

The Politics of Sovereignty

Scholars within Native studies robustly debate the concept of sovereignty. Some suggest that it be abandoned altogether due to its Western roots, while others suggest that the term has gone from describing that singular supreme power over a body politic to a more porous term given its changing meanings and deployments within Indigenous contexts. Still others suggest that, rather than discarding the term, we need to theorize Indigenous sovereignties and how they distinctly differ from the Western concept of sovereignty.⁶⁶

Taiaiake Alfred has argued that “sovereignty” is a problematic political objective for Indigenous Peoples. He critiques Indigenous leaders who claim to want to restore it as a form of collective empowerment: “Because shallow-minded politicians do not take the concept of sovereignty seriously, they are unable to grasp that asserting a right to sovereignty has significant implications. In making a claim to sovereignty—even if they don’t really mean it—they are making a choice to accept the state as their model and to allow Indigenous political goals to be framed and evaluated according to a ‘statist’ pattern. Thus the common criteria of statehood—coercive force, control of territory, population numbers, international recognition—come to dominate discussion of indigenous peoples’ political goals as well.”⁶⁷

In later work Alfred reiterates his argument and adds that “the word, so commonly used, refers to supreme political authority, independent and un-

limited by any other power.” He further suggests that the term “sovereignty” must be framed within an “intellectual framework of internal colonization,” which he defines as “the historical process and political reality defined in the structures and techniques of government that consolidate the domination of indigenous peoples by a foreign yet sovereign settler state.” Alfred suggests that the concept of sovereignty is fundamentally at odds with Indigenous political modalities and that the conceptual imposition pervades notions of governance in problematic and practical ways: “inter/counterplay of state sovereignty doctrines—rooted in notions of dominion—with and against indigenous concepts of political relations—rooted in notions of freedom, respect, and autonomy—frames the discourse on indigenous ‘sovereignty’ at its broadest level.” Here “the actual history of our plural existence has been erased by the narrow fictions of a single sovereignty” that are controlling, universalizing, and assimilating.⁶⁸

Therefore Alfred urges us to link the intellectual and structural forms of colonialism because sovereignty is always already Western—based on absolutist notions of power emerging from the monotheism that undergirds the formation of monarchies and their modern offspring: “‘Aboriginal rights’ and ‘tribal sovereignty’ are in fact the benefits accrued by indigenous peoples who have agreed to abandon autonomy to enter the state’s legal and political framework. Yet indigenous peoples have successfully engaged Western society in the first stages of a movement to restore their autonomous power and cultural integrity in the area of governance. The movement—referred to in terms of ‘aboriginal self-government,’ ‘indigenous self-determination,’ or ‘Native sovereignty’—is founded on an ideology of indigenous nationalism and a rejection of the models of government rooted in European cultural values.”⁶⁹ Refusing the concept of sovereignty altogether, as a decolonizing alternative, Alfred suggests that Indigenous Peoples look to their respective traditions as a resource for building better societies.

Joanne Barker, in contrast, suggests that the term “sovereignty” has gone from describing that singular supreme power over a body politic to being a more porous term, given its changing meanings and deployments within Indigenous contexts. She acknowledges: “Of course, translating indigenous epistemologies about law, governance, and culture through the discursive rubric of sovereignty was and is problematic. Sovereignty as a discourse is unable to capture fully the indigenous meanings, perspectives, and identities about law, governance, and culture, and thus over time it impacts how those epistemologies are represented and understood.” However, Barker

also notes that sovereignty took on renewed currency after World War II in the context of international law as a legal category tied to the right of self-determination and that “the discursive proliferation of sovereignty must be understood in its historical context.”

What is important when encountering these myriad discursive practices is that sovereignty is historically contingent. There is no fixed meaning for what *sovereignty* is—what it means by definition, what it implies in public debate, or how it has been conceptualized in international, national, or indigenous law. Sovereignty—and its related histories, perspectives, and identities—is embedded within the specific social relations in which it is invoked and given meaning. . . . It is no more possible to stabilize what *sovereignty* means and how it matters to those who invoke it than it is to forget the historical and cultural embeddedness of indigenous peoples’ multiple and contradictory political perspectives and agendas for empowerment, decolonization, and social justice. The challenge then, to understand how and for whom sovereignty matters is to understand the historical circumstances under which it is given meaning. There is nothing inherent about its significance.⁷⁰

This embedded notion of sovereignty opens up a space to trace how the term has proliferated with many definitions and is currently evoked to mean different things at different times.

Scholars have also been more specific about what sort of sovereignty is meant to draw the contrast between Western sovereignty and Indigenous sovereignties. As Aileen Moreton-Robinson argues in an Indigenous Australian context: “Our sovereignty is embodied, it is ontological (our being) and epistemological (our way of knowing), and it is grounded within complex relations derived from the intersubstantiation of ancestral beings, humans and land. In this sense, our sovereignty is carried by the body and differs from Western constructions of sovereignty, which are predicated on the social contract model, the idea of a unified supreme authority, territorial integrity and individual rights.”⁷¹ Moreton-Robinson’s theory of Indigenous sovereignty is relevant to Hawai‘i since Indigenous Kanaka sovereignty (premonarchical) also happens to be widely understood as embodied—grounded within complex relations among and between myriad deities, humans, ancestral beings, the land, and all of the natural world ties.

Any examination of colonial domination necessarily entails a focus on sovereignty—the contrast between Western constructions of sovereignty

and Indigenous sovereignty. In the Kanaka context, Indigenous sovereignty has yet to be properly documented let alone theorized because the legacy of the kingdom overwhelms Hawaiian political genealogies. Various Hawaiian terms are used as a gloss for sovereignty, including *ea* (life, air, breath, and also to rise, go up, raise, become erect; sovereignty, rule, independence) and *kū'oko'a* (independence, liberty, freedom; independent, free). Indigenous law consisted of the *kānāwai* (law, code, rule, statute, act, regulation, ordinance, decree, edict; legal; to obey a law; to be prohibited; to learn from experience) and *kapu*—the system of laws setting what was taboo (sacred or restricted) versus *noa* (common, free).

It is important to note that in 1843 King Kamehameha III declared the independent state's motto to be *Ua mau ke ea o ka 'āina i ka pono*, commonly translated as “The life of the land is perpetuated in righteousness.”⁷² In the 2009 film *Hawai'i: A Voice for Sovereignty*, which documents his speech at an annual community event called *Kū'oko'a*, scholar Kaleikoa Ka'eo commented on this motto: “What's important here in the Hawaiian concept: *ua mau ke ea o ka 'āina*. *Ke ea o ka 'āina*, the life of the land, the sovereignty of the land is that very place. Hawaiians don't see that their sovereignty comes from a particular king. Our sovereignty does not come from a constitution. The sovereignty doesn't come from the gun. The sovereignty doesn't come from arms. But in fact the sovereignty comes from the land. So even according to our own cultural understandings, the land itself is our sovereignty.” Here we see the potential of Kanaka Maoli indigeneity to undermine notions of Western state power with a nonproprietary relationship to the land as the foundation.⁷³

In *A Nation Rising*, Noelani Goodyear-Ka'ōpua explains that *ea* refers to “the mutual interdependence of all life forms and forces.” *Ea* roots Kanaka in land, *ke ea o ka 'āina*, in a way that contrasts with the 1648 Westphalian system of states and instead articulates sovereignty according to a land-based system rather than a state-centered system. She also notes that the term *ea* “also carries the meanings of ‘life’ and ‘breath,’ among other things. A shared characteristic in each of these translations is that *ea* is an active state of being. Like breathing, *ea* cannot be achieved or possessed; it requires constant actions, day after day, generation after generation. . . . Unlike Euro-American philosophical notions of sovereignty, *ea* is based on the experiences of people on the land, relationships forged through the process of remembering and caring for *wahi pana*, storied places.”⁷⁴ A look at Hawaiian indigeneity in relation to *ea*, then, also allows for the more general con-

sideration of non-Western models of sovereignty and how they may inform our politics and social practices.

On the one hand, my use of the term “sovereignty” as a gloss for the term *ea* is consistent with its use in the Hawaiian nationalist movement. Yet we can also make a conceptual distinction: this project aims to add to the conceptual network to use an alternative meaning as Hawai‘i offers a particular conceptual and theoretical framework. On the other hand, we can acknowledge the juggernaut of Western civilization and what is coming through Western constructions while still making other worlds legible. In this respect, the project traces a different lifeworld without disavowing the colonial Enlightenment.

In Western modalities, land and people are objectified as property, which has implications for gender and sexual roles and relations. Decolonization requires an examination of how the establishment of the Hawaiian Kingdom transformed Indigenous ontologies and how a consideration of prestate Kanaka sovereignty may inform our politics and social practices. For example, in the traditional Hawaiian context Indigenous sovereignty arguably allowed for multiplicity in terms of authority even as precolonial (and premonarchical) society was highly stratified with ali‘i (chiefs), kahuna (priests), konohiki (land stewards), and the maka‘āinana (common people). It is this multiplicity in relation to Indigenous sovereignty, gender, and sexuality that my intervention seeks to foreground, in order to identify the paradox of Hawaiian sovereignty and move toward decolonial possibilities in spite of vast structural constraints.

I aim to show the ways in which nineteenth-century sociopolitical formations are both reproduced and transformed in contemporary discourses and practices of Indigenous sovereignty. My treatment of Hawaiian sovereignty calls for a reconsideration of claims made possible under (or in opposition to) the sign of indigeneity. I use the term “indigeneity” as an analytic and “Indigenous” to mark a subject position—a sociospatial formation that references the people who preceded settlement. While I am critical, I do not intend to position the Hawaiians who use of Western state power and techniques as less “Indigenous” or inauthentic as Kanaka than those who do not make use of Western elements, whose power is rooted in prestate or antistate orientations. However, I do suggest that the latter may be more conducive to Hawaiian flourishing and substantive self-determination on the grounds of Indigenous resurgence of forms of relationality to land and all living entities. While I do not want to propose that formations of gov-

ernance, land tenure, and social life that can be understood as similar to modes of Western state power—supporting capitalistic forms of private property or fundamentally disjunctive from pre-European patterns—are less “Indigenous,” I do assert that modes grounded in Hawaiian epistemologies and spaces (both social and geographical), especially those not routed through the post-Kamehameha monarchy, may be preferable. Thus the critique of kingdom nationalists might be understood less on the grounds of “indigeneity” per se than on the grounds of the “Indigenous” as a sign associated with a particular set of life ways that explicitly or implicitly are deemed uncivilized. My defense of those philosophies and lifeways rejected by some kingdom advocates (and by some Hawaiian elites in the nineteenth century), then, lies in explaining their political and ethical significance to Hawaiian pasts and futures, rather than in claiming them as more truly authentic than forms deemed “Western.”⁷⁵

Methodological Approaches

I must first acknowledge the limits of this work because of my lack of command of the Hawaiian language, which means that I have largely relied on English-language sources. Although this book’s emphasis is on contemporary cultural politics and legal quandaries, it certainly would have benefited from the use of nineteenth-century primary sources in the Hawaiian language, which could illustrate more directly and precisely how changes in Hawaiian governance and land tenure were narrated and justified by the monarch and chiefs at the time. Still, it is my hope that by laying out some political and legal history that will perhaps be new to most readers, this book will contribute to the critical study of the problems and limits of Hawaiian statist nationalism.

In terms of social positioning, this work is informed by my participation in the Hawaiian sovereignty movement, with which I have been actively affiliated since 1990 in select ways appropriate to my social and geographical location as a diasporic subject. The work is guided by the cultural mandate and principles of *kuleana* (responsibility, which in turn affords privileges) and *nānā i ke kumu* (look to the source). My dialogic approach to this writing about contemporary political development draws on a genealogical way of knowing. Kanaka Maoli genealogies order the Hawaiian world not only in terms of lineage and kinship ties to ‘āina; they also structure the relation to time, space, and history. The Hawaiian terms for past and future are *ka wa ma mua* and *ka wa ma hope*, respectively. *Ma mua* (the past) is that which

is in front of us; *ma hope* (the future) is that which is behind us. As Osorio puts it, “We face the past, confidently interpreting the present, cautiously backing into the future, guided by what our ancestors knew and did.”⁷⁶

As I delineate in *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity*, Kanaka Maoli typically refer to both the lineage and the kinship systems as “genealogy” and use the term interchangeably with the Hawaiian term *mo’okū’auhau*. One of the many meanings of *mo’o* is a succession or series, while *kū’auhau* is defined as pedigree, lineage, old traditions, genealogies, historian, and to recite genealogy. *Mo’o* can mean lineage as well as succession, while *kū’auhau* can be used to describe someone who is skilled in genealogy and traditional history.⁷⁷ *Mo’okū’auhau* is embedded in meaningful practices and historical circumstances, which are reflected in its persistence throughout the culture and language today. In Hawaiian terms genealogy socially locates all Kanaka Maoli in relation to different collectivities and relationships and provides the grounds for indigeneity because it is the basis of the fundamental connection to the ‘āina. But genealogies are always partial and contextual. This Hawaiian conception resonates with Foucault’s theory of genealogy, which also seeks to show the plural and sometimes contradictory past without the construction of a linear development or a subject that is transcendental in relation to the field of events.⁷⁸ Foucault’s concept of genealogy is the history of the position of the subject, which traces the development of people and society through history. His genealogy of the subject accounts for the constitution of knowledges and discourses, not of origins.

Drawing on approaches in Native and Indigenous studies, settler colonial studies, American studies, cultural studies, and cultural anthropology, this interdisciplinary project engages in critical discourse analysis and archival research with a close examination of contemporary and historical documents of Hawaiian nationalist statements and position papers. I read the contemporary materials for representations and proposals having to do with land claims, status issues regarding men and women of different genealogical ranks, and sexual practices and intimate relationship arrangements. I am concerned with Christianization and the privatization of land and the transformation of relationships between and among people and land, especially with regard to property and propriety—including the primacy put on heterosexual monogamy and gendered coverture that came along with these developments. My archive includes the three different kingdom constitutions (1840, 1852, 1864), along with select Hawaiian Kingdom Civil and Penal Codes from that period. These historical legal

records document the ascendancy of patrilineal naming practices, the construction of patriarchal citizenship, and the imposition of marriage. They also show how the kingdom government criminalized a range of domestic and sexual arrangements and practices, including adultery, multiple partners, children born out of wedlock, questionable paternity, and close familial matings once held in esteem for procreating high-ranking chiefly offspring. I examine the implications of these changes and the regulation of property as well as land tenure and inheritance. In each chapter I trace some of the paradoxes of contemporary Hawaiian sovereignty, given the legacy of the anti-imperialist strategy turned on the Indigenous polity, and examine the implications for negotiating the structural conditions of settler colonialism while protecting the relevant legal claims.

Scholarship in American studies and cultural studies has offered nuanced critiques of power from the political and historical experiences of failed (or ongoing) revolutions in the First World (various critiques of race, ethnicity, class, gender, sexuality, and science), and postcolonial and subaltern studies have offered sustained criticism on the unfinished nationalist liberation movements in the Third World. But the still colonized “Fourth World” remains.⁷⁹ “Fourth World,” a term coined in 1974 by George Manuel, names the “indigenous peoples descended from a country’s aboriginal population and who today are completely or partly deprived of the right to their own territories and its riches.” While the fields of cultural anthropology and cultural studies have advanced important work to show the constructed as well as the contested nature of identities, insisting that culture and identity are neither innocent nor pure, assertions of Indigenous identity have too often been quickly dismissed on grounds of hybridity and essentialism.⁸⁰ Within American studies, the question of engaging indigeneity as a meaningful category of analysis (in relation to race, ethnicity, class, gender, and others) has historically been relegated to the field of Native American studies. Arguably, this is not only because of the history of the subfields of ethnic studies as distinct from American studies but also because few scholars have taken up the question of indigeneity as something that implicates most aspects of American culture, politics, policy, and society, as the United States is a settler colonial state. Settler colonial analyses have sometimes been fruitful interventions in the field of American studies. As I have written elsewhere, however, “Settler Colonial Studies does not, should not, and cannot replace Native and Indigenous Studies.”⁸¹

Indigeneity is a counterpart analytic to settler colonialism; any meaningful engagement with theories of settler colonialism needs to tend to the question of the Indigenous People(s) of any given settler colonial context. In asserting indigeneity as a category of analysis, the question of its substance always arises. Just as critical race studies scholars insist that race is a useful category that is a distinct social formation rather than a derivative category emerging from class and/or ethnicity, indigeneity is a category of analysis that is distinct from race, ethnicity, and nationality—even as it entails elements of all three of these. However, Indigenous Peoples’ assertions of distinction and cultural differences are often heard as merely essentialist and therefore resembling static identities based on fixed inherent qualities. As such, what remains for some scholars as well as national and international governmental actors is the question as to whether indigeneity has any substance that can be used as a foundation to make a claim. In terms of both cultural and political struggles, one of the tenets of any claim to indigeneity is that Indigenous sovereignty—framed as a responsibility more often than as a right—is derived from original occupancy or at least prior occupancy. Like race, indigeneity is a socially constructed category rather than one based on the notion of immutable biological characteristics. Moreover, global political movements tending to the legacy of colonial dispossession have shaped how scholars comprehend (and apprehend) the Indigenous as a subject of study (and indigeneity as an analytic).

Importantly, the growing field of Native and Indigenous studies is not merely about the study of Indigenous Peoples but also about privileging Indigenous methodologies as a way of decolonizing knowledge production. For example, besides being rooted as an offshoot of ethnic studies, the field of Native American studies is in many ways a corrective to an earlier version of the discipline of anthropology that emerged as an extension of colonial rule. As Linda Tuhiwai Smith’s important intervention suggests, for the colonized, the term “research” has historically been shaped and conflated with European colonialism in ways that continue to entrench academic research in problematic ways, in which imperialism is embedded in disciplines of knowledge and tradition as “regimes of truth.” As she argues, the decolonization of research methods is essential for reclaiming control over Indigenous ways of knowing and being.⁸²

In the Hawaiian context the significance of precolonial history for what might be termed “Indigenous sovereignty projects” needs careful atten-

tion. Here it is important to point out that precolonial history in Hawai‘i includes only the late eighteenth century if we trace back to Captain Cook’s arrival in 1778 as the watershed event that ushered in European and white American imperialism and settler colonialism. Within Native studies, the questions of the “precolonial” and “tradition” have particular salience for studies in gender and sexuality; here feminist and queer studies methodologies in particular inform my project. In *Native Acts: Law, Recognition and Cultural Authenticity* Joanne Barker focuses on the politics of recognition, membership, and disenrollment as well as marriage and sexuality. She examines gender and colonialism in relation to legal rights and notions of cultural authenticity within Native communities that potentially reproduce the injustices of sexism and homophobia (as well as ethnocentrism and racism) and that define U.S. nationalism as well as Native oppression.⁸³ In grappling with the questions of sexual and gender expression, Mark Rifkin addresses the use of the discourse of tradition to explore the complex relationship between contested U.S. notions of normality and shifting forms of Native Peoples’ governance and self-representation in *When Did Indians Become Straight?* He shows both how white American discourses of sexuality have included Native Peoples in ways that degrade Indigenous social formations and how Native intellectuals have written back to reaffirm their peoples’ sovereignty and self-determination. In grappling with the questions of sexual and gender expression as he addresses the use of the discourse of tradition, Rifkin identifies and theorizes how Native Peoples reckoned with what he theorizes as “the bribe of straightness,” a dynamic that “includes arguing for the validity of Indigenous kinship systems (Native family formations, homemaking, and land tenure) in ways that make them more acceptable/respectable to whites.”⁸⁴ Notably, Scott L. Morgensen has theorized biopolitics in relation to settler colonialism in various contexts. In *Spaces between Us* Morgensen demonstrates how white settler colonialism is a primary condition for the development of modern queer politics in the United States. He traces the relational distinctions of “Native” and “settler” that define the status of being “queer” and theorizes a biopolitics of settler colonialism, in which the imagined disappearance of indigeneity ensures a progressive future for white settlers.⁸⁵ Elsewhere Morgensen also examines how settler colonialism remains naturalized within understandings of biopower as theorized by Giorgio Agamben and Michel Foucault and its relation to coloniality more broadly.⁸⁶ Moreover, he demonstrates how biopolitical processes structure the ways in which white settler societ-

ies actively universalize Western law in ways that sustain settler states and bolster their regimes of global governance.

Other select studies on gender and sexuality in relation to colonial modernity and empire particularly influence this work, as does the literature on women and nationalism, race and sexuality, and decolonization.⁸⁷ Antoinette Burton discusses “the unfinished business of colonial modernities” with a focus on “the limited capacity of the state and other instruments of political and cultural power to fully contain or successfully control the domain of sexuality.”⁸⁸ She engages Tani Barlow’s definition of colonial modernity, as a concept that “can be grasped as a speculative frame for investigating the infinitely pervasive discursive powers that increasingly connect at key points to the globalizing impulses of capitalism.” As an analytic it can “suggest that historical context is not a matter of positively defined, elemental, or discrete units—nation states, states of development, or civilizations, for instance—but rather a complex field of relationships or threads of material that connect multiply in space-time and can be surveyed from specific sites.”⁸⁹

Instead of using the word “traditions,” which raises notions of (in)authenticity, I refer to “practices” here when assessing documentable customs. The distinction also serves as a broader intervention in Hawaiian studies and Hawaiian nationalist projects, where “tradition” and “culture” continue to be discussed and deployed as though they were/are bounded objects. Mari Matsuda defines custom as a “body of traditional practices and beliefs that were part of the Hawaiian understanding of human life and social organization before western contact and the imposition of state created law.” For example, she explains that in Hawaiian society “using and giving, rather than possessing, characterized attitudes towards land.”⁹⁰ What I want to emphasize is that tradition is a set of cultural practices that are continuously reshaped and transformed.

To be clear, this is not a bid for cultural purity; I am not suggesting that we fixate on the possibility of restoring Hawaiians to any “original” condition. However, precolonial (not merely prekingdom) practices—even if they can never be fully “known”—can serve as epistemological and ontological resources for rethinking our current conditions and can provide insight into developing potential contemporary models for an alternative to dominant, colonial, hetero, and gender normativity. As Ella Shohat asserts: “The question, in other words, is not whether there is such a thing as an original homogenous past, and, if there is, whether it would be possible to re-

turn to it, or even whether the past is unjustifiably idealized. Rather, the question is who is mobilizing what in the articulation of the past, deploying what identities, identifications, and representations, and in the name of what political vision and goals.”⁹¹

Many scholars have pressed charges of romanticization or, worse, essentialism in response to works that engage, let alone attempt to reconstruct, anything constituted as precolonial. My aim here is not to take part in advancing exotic primitivism or glorifying pre-European Hawaiian society but to insist that the relationship to land is part and parcel for Indigenous subjectivity committed to decoloniality. Although postcolonial theory references culture, nation, state, and often territory (especially in relation to examinations of diaspora), the “in-betweenness” that is privileged is too often not rooted enough to reckon with Indigenous subject formation as inextricably bound to concepts of land as kin and therefore relational in a particular way. It also tends to presume that indigeneity is not already hybrid and complex, through evoking genealogy. In its full potential postcolonialism is an engagement with and contestation of colonial discourses, power structures, and social hierarchies. Land, gender, and sexuality are prime sites by which to critically examine the justification of colonial domination via representations of the colonized as a perpetually inferior people, society, and culture due to their supposedly backward relationship to land, gender relations, and savage sexualities.

Paradoxes of Hawaiian Sovereignty contrasts Indigenous sovereignty (ea) with both Hawaiian Kingdom sovereignty and the state-based liberal sovereignty of the United States that affords Native nations only “domestic dependent sovereignty.” Notions of democracy tie them together, as do particular kinds of self-determination. Each has its own model of governmentality embedded in radically different notions of sovereignty and, as such, dissimilar notions of virtue. While this is not a call to return to the past, it is a critical draw *from* the past—or at least from contemporary understandings of that past.

Overview of the Chapters

Chapter 1, “Contested Indigeneity: Between Kingdom and ‘Tribe,’” examines the dissonance over Indigenous status in both the controversy over federal recognition, focused on the Akaka bill that was introduced and debated repeatedly from 2000 to 2012, and the sector of the independence movement that aims to reinstate the Hawaiian Kingdom. I explore the

complications involved in privileging Kanaka Maoli as an Indigenous People in the midst of what is right now a full-fledged nationalist movement currently threatened by the federal effort to contain the independence claim. I delineate the politics of the state-driven proposals for federal recognition of Native Hawaiians as a tribal nation. Then I focus on the ways in which kingdom nationalists who are opposed to this form of federal recognition (an NHGE based on the U.S. government's limitations on "Native sovereignty") have also demeaned the standing of Kanaka Maoli indigeneity in their articulations of the independence claim. The debate over the status of the Indigenous in relation to these two models of nationhood—both of which are based on Western rights models—reveals several paradoxes. The specific legal status of Native governing entities is structured by U.S. federal limitations that contain them as "domestic dependent sovereigns," although the U.S. government acknowledges that their respective sovereignty is inherent. While the historical recognition of the kingdom as an independent state is what enables the enduring legal claim that exceeds the U.S. domestic model, that legal genealogy is riddled with a history of Indigenous deprecation actively reformed through biopolitical measures, legal and otherwise.

In the remainder of chapter 1, I trace the emergence of the term "Indigenous" as a political and legal category within U.S. and international law. Focusing on the specifics of the Hawaiian case, I attempt to account for the political incentives that may explain why independence activists advocate that Kanaka Maoli disidentify as Indigenous in order to reclaim the kingdom. I suggest that some Kanaka Maoli reject Indigenous identity as a means of relief from the political condition of indigeneity.

Chapter 2, "Properties of Land: That Which Feeds," focuses on Indigenous kinship to land and revisits the two competing sovereignty models of contemporary Hawaiian nationalist projects—the assertion of kingdom existence (and/or monarchy restoration) and the push for a federally recognized Native Hawaiian governing entity—in relation to the legacy of commodifying land as property. Here again, each involves deep paradoxes: the claim to "national lands" in the kingdom restoration model is based on "perfect title" to the Crown and Government Lands, while the Native Hawaiian governing model features "Native lands" limited by the legal concept of "Aboriginal title." Both of these responses to U.S. empire are lodged in normative legal frameworks and their respective property regimes. I argue that they both are problematic in terms of decolonizing Indigenous self-determination, even while it is crucial to challenge the U.S. government

and its subsidiary's claims to having "perfect title" to stolen lands. I examine the legalities that undergird both, as well as the cultural logics at work, in order to challenge their presuppositions that Hawaiian sovereignty relies on a proprietary relation to land.

I offer a brief summary of the 1848 Māhele land division and related legislation in its political context and consequences. In this case, "land rights" are a form of biopower, a technology of power that relates to the kingdom government's concern with fostering the life of the population and centers on the poles of discipline and regulatory controls. Individual land holdings through fee-simple title became a basic dimension of social normalization. With Westphalian sovereignty as the basis for governance that served to underwrite Western imperialism and its international political domination, the regime of private property was and remains central for the "achievement" of statehood. Here a paradox of Hawaiian sovereignty is that the Māhele is what enables a national claim to the stolen Kingdom Crown and Government Lands in the contemporary period. The irony is that they have yet to be privatized (as of the time of writing) because they have been held by the 50th state as "public lands." Yet it is through their original privatization by the kingdom that they were constituted as Crown and Government Lands in the first place.

The remaining part of this chapter outlines some of the claims to "perfect title" with regard to Hawaiian lands to show the limits of the political project of deoccupation in the form of kingdom restoration that does not get at the root issue of land expropriation, which is the fundamental condition of settler colonialism. I then examine how the U.S. government contains Native governing entities and challenge the federal recognition model. In conclusion, to advance a decolonial model, I offer an example of how some Kanaka Maoli are challenging U.S. and Hawai'i state claims over these same lands but privileging Indigenous knowledge as the basis for revitalizing Hawaiian ontologies and epistemes in nonproprietary relation to the land, which is genealogical and based upon kinship relations to land over time.

Chapter 3, "Gender, Marriage, and Coverture: A New Proprietary Relationship," examines the impact of Western laws and culture in Hawai'i, which entailed a radical restructuring of the status of women starting from 1820, when New England missionaries introduced Christianity. Calvinism and the common law of coverture were two primary determinants of Hawaiian women's shifting status. The missionaries introduced Western ideas to Hawaiian society that dictated the domestic subjugation of women in social, political, and economic realms. Male prominence manifested itself in

the Western political structure of the kingdom, which eventually degraded women's status. I first lay out the historical background to document the restructuring of the status of women through Christianization and coverture. I then trace the ways in which the Hawaiian Kingdom became more Westernized as it subordinated chiefly women's status in the realm of state governance, arguing that the privatization of land as property and coverture as a marker of "propriety" both signaled a shift to proprietary relationships between Kanaka and land and between men and women. Marriage itself was a conduit to this exclusivity and as such was a restrictive imposition to subordinate Hawaiian women. Moreover, the marriage codes became not only a way to regulate Hawaiian women's sexual activities, especially with foreign men, but also to protect them once sailors violently insisted that they were entitled to sexual access to Hawaiian women. As regent of the kingdom, Ka'ahumanu declared the 1825 verbal edict of heteromonogamous Christian marriage, making the Seventh Commandment kingdom law.

To examine the legacy of coverture for the contemporary question of Hawaiian women's political rights within the politics of deoccupation nationalism, I feature a case study of a document produced by David Keanu Sai, a contemporary scholar and political leader who identifies himself as temporary regent of the Hawaiian Kingdom. In 1998 he issued a memorandum addressed to "Subjects of the Kingdom" from "Office of the Regent" regarding "suffrage of female subjects." In it he delineates his research on nineteenth-century kingdom election laws in the civil codes, case law, and other legal documents in order to ascertain the intent of a particular statute as it relates to the representative body, to ascertain whether women's participation in the electoral process is a political right in today's kingdom. As the political subordination of women was central to the Hawaiian bid for status as modern civilized subjects, I examine the regulatory power of biopolitics in the context of the modern Hawaiian state (the constitutional monarchy) and its modes of exclusion. Paradoxically, although the kingdom had been further democratized by the 1840s, the internal push for normalization with regard to Indigenous gender (and sexual) norms through the imposition of marriage and its attendant legal coverture was taken up in order to adopt European masculinist conventions of statehood. The legacy of this colonial biopolitics has repercussions for the contemporary sovereignty movement that I examine through a critical analysis of Sai's memo and its gesture of gender equality.

Chapter 4, "'Savage' Sexualities," opens with a look at a Christian evangelical and kingdom nationalist Leon Siu and his public statement link-

ing the contemporary forms of recognition regarding same-sex sexuality and gender identity with the prolonged U.S. occupation of the kingdom. Siu argues that only by following Christian moral edicts does the Hawaiian Kingdom have a chance to be restored. He selectively valorizes Kamehameha III's role as monarch, highlighting the way that he enshrined Christian laws in the early nineteenth century. In 1827 and 1829 the king issued an edict referred to as "No Ka Moe Kolohe" ("of mischievous sleeping," translated in official government documents as "concerning illicit intercourse"), a law that he himself did not abide by. King Kamehameha III himself had both a male lover and a sexually intimate relationship with his sister as well as other known "affairs" with women while unmarried and after he married. Yet he implemented the laws against "mischievous sleeping," and the policing of sexuality was an essential part of the nineteenth-century transformation of the Hawaiian state. Kanaka elites fighting to stop Western imperialism with the assistance of former missionaries worked to reorganize Indigenous sexual models, as precolonial sexual practices were regularly cited as evidence of Hawaiian "savagery." Prior to Christianization, Indigenous practices were diverse and allowed for multiple sexual possibilities. Sibling and other close consanguineous matings in the service of producing genealogically high-ranking offspring among the chiefly class, same-sex sexual practices within both common and chiefly classes, and women's sexual agency within both common and chiefly classes—what I term "savage sexualities"—were besieged with surveillance, reform campaigns, and penalty regimes for those caught "backsliding" into so-called heathendom. Hence Western settler sovereignty manifested through a discourse of superiority in the realm of both governance and sexuality, in contrast to the supposed lawlessness of Indigenous Peoples seen as sexual degenerates. These new standards foisted on Hawaiian society—and claimed by elites as a form of social normalization—served to undercut Indigenous ontologies and their basis for (embodied Indigenous) sovereignty.

The second part of the chapter deals with this legacy for contemporary Hawaiian nationalist politics. Turning to activism related to same-sex sexual legacies, as well as third gender and transgender identities, I examine debates about what constitutes Indigenous tradition. Battles over same-sex marriage have created deep divisions within Hawaiian communities, especially among those who identify as Christians. I then turn to claims that same-sex marriage serves as a form of decolonization. With a critical analysis turned back to interrogate state regulation of sexuality and intimate partnerships, I challenge that assertion. The chapter concludes with a look

at how these debates are taken up in Indian Country (Native America) in light of the earlier passage of the Defense of Marriage Act, which was later struck down by the Supreme Court of the United States.

The conclusion, “Decolonial Challenges to the Legacies of Occupation and Settler Colonialism,” offers some modest suggestions for negotiating the paradoxes of Hawaiian sovereignty. Given the multifaceted juridical straitjacket that enabled Kanaka Maoli to be seen as modern subjects in the first place, kingdom nationalists have brought these contradictions into sharp relief. Some continue to emulate Western monarchical power. My closing chapter aims to size up the implications of their attempts to secure rule. Many are still captive to this move that was effective for Hawaiian elites in the mid-nineteenth century. This strategy may still be politically productive for the legal claims, but it flattens the contours of indigeneity in violent ways. Nationalists are still subjects of colonization as they mount their claims in the terms of the imperial forces.

The Hawaiian situation demands an approach that is not state-centered in order to explore recuperating a decolonial Indigenous modality. But this involves a serious predicament, as the U.S. government would be happy to see the independence movement relinquish its claims. In other words, while Hawaiians may “still have not cut off the head of the king,”⁹² it is clear that the United States is trying to behead the Hawaiian Kingdom. Hence I am not suggesting that Kanaka Maoli simply abandon the claim to independent statehood. The claim itself may not be viable or even desirable, but it is an important one with which to wage battle against U.S. empire. The U.S. government—if ever pressed by the world community—cannot substantiate its claim to the Hawaiian Islands because the archipelago was never ceded through treaty or conquest. But those active in the kingdom movement draw on histories of kingdom sovereignty, which are gendered in complicated ways that also have deep ramifications for sexual politics. This book is not an “alternative” approach so much as an attempt to reclaim or (re)appropriate traditional modalities in principled ways that are enabling and potentially freeing. While kingdom nationalists tend to conceive of indigeneity as a state of dependency and domesticity, my work suggests that it is actually a fluid source of dynamic power—molten, the very source of Kanaka sovereignty.

NOTES

PREFACE

1. Crawley 1929, 113–115.
2. Jankowiak et al. 2015.
3. Kamakau [1866–1871] 1991, 336.
4. Merry 2000 (245–246) recounts the impressions of Cheever (n.d.). She offers a rich and riveting account of the conversion of the Hawaiians in the nineteenth century with a focus on the manner in which Hawaiian and American lawyers and missionaries sought to make of Hawai‘i a modern sovereign nation on the model of the “civilized world.” That process necessitated the transformation of the Indigenous polity in relation to notions of the body, race, sexuality, gender, and citizenship. Merry also explains: “Other commentators noted that adulterers built most of the road system in Hawai‘i during the mid-nineteenth century. A French visitor in Kailua in the 1830s found a twenty-five mile road almost finished ‘thanks to the amorous propensities of the Hawaiians’” (246).
5. January 11, 1855, speech by Kamehameha IV quoted by Kuykendall (1938, 427), reprinted from *Polynesian*, January 13, 1855.

INTRODUCTION. *Contradictory Sovereignty*

1. U.S. Department of the Interior 2014, 25–28 (quotation); U.S. Department of the Interior 2015a; “DOI Hearing in Keaukaha, July 2, 2014—Mililani Trask” 2014.
2. U.S. Department of the Interior: Office of Native Hawaiian Relations 2014a. The meetings in Hawai‘i were held from June 23 to July 8, 2014. In addition to the pub-

lic meetings held on the islands, five meetings were held in the continental United States, including one in Connecticut on August 6, 2014, at the Mohegan reservation. I took part in this meeting and offered testimony on my opposition to the proposed changes.

3. People from the DOI speaking to the panel were specifically asked to respond to five threshold questions, per the protocols for offering “Advanced Notice of Proposed Rulemaking”: “1) Should the Secretary propose an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community?; 2) Should the Secretary assist the Native Hawaiian community in reorganizing its government, with which the United States could reestablish a government-to-government relationship?; 3) If so, what process should be established for drafting and ratifying a reorganized Native Hawaiian government’s constitution or other governing document?; 4) Should the Secretary instead rely on the reorganization of a Native Hawaiian government through a process established by the Native Hawaiian community and facilitated by the State of Hawaii, to the extent such a process is consistent with Federal law?; and 5) If so, what conditions should the Secretary establish as prerequisites to Federal acknowledgment of a government-to-government relationship with the reorganized Native Hawaiian government” (U.S. Department of the Interior: Office of the Secretary 2014, 35297).

4. The number of tribes increased to 573 by January 2018 with the federal recognition of the Virginia tribes. Schilling 2018.

5. It is unclear what Trask means by “another true nation would emerge” under the right conditions: historically speaking, she has supported the nation-within-a-nation model similar to that of Indian tribes, which Ka Lāhui has exemplified since its inception. But her point seems to be that whatever model of governance is used should be forged through a process where the parties are on an equal footing.

6. This quotation and the following quotations are a composite of email threads from 2005.

7. Chang 2016, 245–246; see also Chang 2015.

8. Byrd 2011, 149.

9. The last version of the bill was S. 675, “The Native Hawaiian Government Reorganization Act of 2011,” placed on Senate Legislative Calendar on February 12, 2012, under General Orders, Calendar No. 568: U.S. Congress 2011c. For the last report on this legislative effort, see U.S. Congress 2012.

10. Although the last version of the bill (S. 675) that passed the U.S. Senate Committee on Indian Affairs on December 12, 2012, did not include this allowance for the state, legislators vehemently opposed it after considering interventions from state actors, including Linda Lingle, then governor of Hawai‘i. In the past this exact issue had been the sticking point whenever the proposal had been most hotly debated and the reason why it failed.

11. Kauanui 2005a, 2005b, 2008a, 2008b, 2011.

12. Keany 2009.

13. It should be noted that Abigail Kinoiki Kekaulike Kawānanakoa often is

referred to as a princess, given that she is the granddaughter of the late prince David Kawānanakoa, who was named an heir to the throne. However, by and large, she has not been part of the Hawaiian nationalist efforts to reassert kingdom sovereignty.

14. General Assembly Resolution 1514 (XV), December 14, 1960. For more information, see United Nations General Assembly 1960b.

15. United Nations General Assembly 2007.

16. Kauanui 2011.

17. Blaisdell 2005; Blaisdell and Mokuau 1994.

18. Wolfe 2006, 387–388.

19. Wolfe 1998, 393.

20. Kauanui 2011.

21. Kinzer 2006 is another case where an analysis of occupation is privileged at the expense of a critique of settler colonialism. He convincingly argues that the case of Hawai‘i served as the model for subsequent U.S.-backed regime changes in the twentieth century by examining a dozen case studies of U.S.-backed toppling of foreign governments to gain access to natural resources. Kinzer points out that in Hawai‘i the elite white minority worked in collaboration with the U.S. Navy, the White House, and Washington’s local representative to remove Queen Lili‘uokalani from the throne in order to protect the continental U.S. sugar market. Although he argues that the Hawai‘i case set the paradigm, Kinzer remains an apologist for Hawai‘i’s 50th (U.S.) statehood in 1959, claiming that there was no resistance because Native Hawaiians gained so much by being fully incorporated within the United States. He further suggests that Native Hawaiians are pleased with statehood and that the U.S. government’s assumption of responsibility for the territories it seizes “can lead toward stability and happiness.” Kinzer’s account ignores settler colonialism while also entirely sidestepping the question of deoccupation (Kinzer 2006, 88).

22. Kauanui 2005b.

23. Kame‘eleihiwa 1992, 37.

24. Kamakau [1866–1871] 1991, 6–7.

25. Linnekin 1990, 94.

26. Kame‘eleihiwa 1992, 16.

27. Linnekin 1990, 76; Kame‘eleihiwa 1992, 26.

28. Handy and Pukui 1972, 202.

29. Osorio 2002, 10.

30. Beamer 2014, 15.

31. Beamer 2014, 19.

32. Beamer 2014, 48, 104 (quotations).

33. Merry 2000, 255.

34. Silva 2004, 32.

35. Merry 2000, 35.

36. Wilkes 1845, 22.

37. Kuykendall 1938, 190–199.

38. Merry 2000, 89.

39. See Beamer 2014.
40. Beamer 2014, 9.
41. Beamer 2014, 197.
42. Thanks to Ty P. Kāwika Tengan for making this point (personal communication, 2014).
43. Osorio 2003, 235.
44. Brown 2010, 132.
45. Osorio 2002.
46. Rifkin 2008, 43–45 (quotations on 44).
47. Mignolo 2011, 2.
48. Williams 2012 reexamines the history of the Western world through civilization’s war on tribalism as a way of life. As he demonstrates, centuries of acts of violence and dispossession have been justified by citing civilization’s opposition to these differences represented by the tribe.
49. Anghie 2005.
50. Silva 2004, 27.
51. Merry 2000, 230.
52. Osorio 2002.
53. Silva 2004, 37.
54. “About Leon Siu” 2011 (no longer available).
55. *Oxford English Dictionary* 2011, s.v. “paradox.” An entry for this word was first included in *New English Dictionary* in 1904.
56. Scott 2004, 19–21 (quotations). Scott’s work is speaking specifically to a post-colonial context, not a settler colonial one, to argue the need to reconceptualize the past in order to reimagine a more usable future. He describes how, prior to independence, anticolonialists narrated the transition from colonialism to postcolonialism as romance—a story of overcoming and vindication, of salvation and redemption. He contends that postcolonial scholarship assumes the same trajectory and that this imposes conceptual limitations. Scott suggests that tragedy may be a more useful narrative frame than romance. In tragedy, he proposes, the future does not appear as an uninterrupted movement forward but instead as a slow and sometimes reversible series of ups and downs. He reads *The Black Jacobins* for what it teaches about the paradoxes of colonial enlightenment (19–21).
57. Alfred 2013c.
58. The concept of Obligatory Passage Point (OPP) was developed by sociologist Michel Callon 1986.
59. Foucault 2003 argues that Prussian general and military theorist Carl von Clausewitz’s formulation “War is the continuation of politics by other means” was originally an inversion from the original, to which Foucault insists that we revert (47–48).
60. See Neal 2004 for a critique of these assumptions.
61. Foucault 2003, 59–60. As Stoler 1995 puts it, “It is within the technologies of power nurtured in the ‘society of normalization’ that internal enemies will be constructed and that modern racism will be conceived” (65).

62. This is not the sovereign's right to take life or let live but its complement: the right to "make" live or "let" die. Foucault 2003, 241.
63. Foucault 1981. He further explains that this representation is "incongruous with the new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control, methods that are employed on all levels and in forms that go beyond the state and its apparatus." He continues: "Hence the importance that the theory of power of right and violence, law and legality, freedom and will, and especially the state and sovereignty. . . . To conceive of power on the basis of these problems is to conceive of it in terms of a historical form that is characteristic of our societies: the juridical monarchy" (88–89).
64. Stoler 1995, 95.
65. Osorio 2002, 25.
66. Warrior 2008 identified these three main camps regarding the concept of sovereignty as the prevailing ones within the field. This is still the case.
67. Alfred 1999, 56–57.
68. Alfred 2006, 33.
69. Alfred 2005, 39–40.
70. Barker 2006, 19–21 (emphasis in original).
71. Moreton-Robinson 2008, 2.
72. King Kamehameha III said the words *Ua mau ke ea o ka 'āina i ka pono* in a speech during a ceremony to mark his restoration. However, *ua* at the beginning of the motto marks it as a state that has come to be; the life of the land was perpetuated in righteousness. This translation seems fitting given that the Hawaii state government of the United States adopted the saying as its motto of the "50th state" in 1978.
73. The saying comes from the result of a conflict that began in February 1843 when Lord George Paulet on HMS *Carysfort* unilaterally established the provisional cession of the "Sandwich Islands." On July 26 Admiral Richard Darton Thomas sailed into Honolulu harbor on his flagship, HMS *Dublin*. He became the local representative of the British Commission (the government of the provisional cession) by outranking Paulet. His intention was to end the occupation, and on July 31 he handed the islands back to Kamehameha III, who named the place in downtown Honolulu where the ceremony was held in Thomas Square in his honor. In 1925 it was made into a park managed by the City and County of Honolulu. This is where (De)Occupy Honolulu set up camp in September 2011 when Occupy Wall Street took off.
74. Goodyear-Ka'ōpua, introductory essay in Goodyear-Ka'ōpua et al. 2014, 4.
75. Thanks to Mark Rifkin for urging me to clarify this point.
76. Osorio 2002, 7. And, as Kame'eleihiwa 1992 asserts, "It is as if the Hawaiian stands firmly in the present, with his [*sic*] back to the future, and his eyes fixed upon the past, seeking historical answers for present-day dilemmas. Such an orientation is to the Hawaiian an eminently practical one, for the future is always unknown, whereas the past is rich in glory and knowledge" (22–23).
77. Kauanui 2008b; Handy and Pukui 1972, 197.
78. Foucault 1977.
79. Diaz and Kauanui 2001, 323.

80. Griggs 1992, 324–325. There have been ongoing, charged, and intense debates within cultural anthropology about the concept of the Indigenous. See Guenther et al. 2006.

81. Kauanui 2016.

82. Smith 2012, 33, 49, 61.

83. Barker 2011.

84. Rifkin 2011, 23.

85. Morgensen 2011b. O’Brien 2010 also contends with the question of settler modernity. She examines local histories in the early American period from Massachusetts, Connecticut, and Rhode Island to document how these narratives inculcated the myth of Indian extinction, a saga that has stubbornly remained in the American consciousness. She argues that local histories became a primary means by which European Americans asserted their own modernity while denying it to Indian peoples.

86. Morgensen 2011a.

87. McClintock 1995; Findlay 2000; Levine 2004; Barker 2011; Rifkin 2011. In addition to Merry 2000, for a stellar focus on the role of colonialism in targeting bodily practices, see Ballantyne and Burton 2005, who focus on “bodies as a means of accessing the colonial encounters in world history.” They “emphasize the centrality of bodies—raced, sexed, classed, and ethnicized bodies—as sites through which imperial and colonial power was imagined and exercised” (4–6).

88. Burton 1999, 1.

89. Cited in Burton 1999, 4.

90. Matsuda 1988b, 135.

91. Shohat 2000, 136.

92. Foucault 1981, 88–89.

CHAPTER 1. *Contested Indigeneity*

1. “Akaka Bill and ‘Native Sovereignty’: What It Really Means to Hawaiians” 2010. Keppeler eventually worked for several years with Senator Akaka’s staffers on the federal recognition effort, including his work in 2011 on the state senators on Senate Bill 1520, which created the Native Hawaiian Role Commission poised to form the NHGE. “Lawyer Promoted the Rights of Native Hawaiians” 2014, A22.

2. Other participants on the program included Mark Bennett, attorney general of the state of Hawai‘i; Colleen Hanabusa, president of the Hawai‘i State Senate; Robert Klein, former senior associate justice of the Hawai‘i Supreme Court; Melody McKenzie, assistant professor of law and director of the Ka Huli Ao: Center for Excellence in Native Hawaiian Law, William S. Richardson School of Law, University of Hawai‘i at Mānoa; Patricia M. Zell, J. D., an attorney who served for twenty-five years as staff director and chief counsel of the U.S. Senate Committee on Indian Affairs; and Steven Gunn, an attorney and law professor who specializes in the field of Native American law at Washington University Law School in Missouri. For more information, see the Office of Hawaiian Affairs (2009).