

THE UNTOLD STORY OF PARADISE:
ENVIRONMENTAL APARTHEID IN HAWAI'I

by

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Certificate of Approval

This is to certify that the accompanying thesis by Hailey Nicole Mount has been accepted in partial fulfillment of the requirements for graduation with Honors in Politics-Environmental Studies.

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INTRODUCTION

*To address the effects of power,
one must first render power visible.*

- Chantal Mouffe¹

Nearly ten million tourists traveled to Hawaii in 2018, a majority of whom relaxed on the beach, attended a luau, and swam in the ocean.² Over the past couple of years, attention has increasingly focused on the Hawaiian reefs as mass bleaching catalyzed by rising ocean temperatures have suffocated Hawaii's vibrant underwater ecosystem. However, this is not the only story the island has to tell. There is a story of suffering the land has to tell above the water line.

In this paper, I analyze the intersections of land and power, specifically how these expressions of power converge in Hawaiian land trusts. The term “trust” connotes ideas of faith or confidence in something. Legally, a trust is an agreement “in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary”³; one party *entrusts* another to hold something valuable of theirs. Adding to an ongoing history of colonial occupation and control, the United States annexed Hawai’i in 1920 while simultaneously entering into a trust with the “people of Hawaiian ancestry.”⁴ The US became the trustee, holding

¹ Mary E. Hawkesworth, *Embodied Power: Demystifying Disembodied Politics* (New York: Routledge, 2016), 25.

² Allison Schaefer, “Nearly 10 Million Tourists Visited Hawaii in 2018,” *Star Advertiser*, January 31, 2019, <https://www.staradvertiser.com/2019/01/31/breaking-news/nearly-10-million-tourists-visited-hawaii-in-2018/>.

³ Julia Kagan, “Trust,” Investopedia (Investopedia, April 5, 2020), <https://www.investopedia.com/terms/t/trust.asp>.

⁴ United States Commission on Civil Rights, Hawaii Advisory Committee, *Breach of Trust? Native Hawaiian Homelands: A Summary of the Proceedings of a Public Forum* (1980), 15.

203,000 acres of land on the Hawaiian Islands in trust for the Native Hawaiian beneficiaries, people of 50% blood quantum.⁵ Applying the legal standard,

“The trustee has to take care of the trust as strictly and carefully as he would care for his own property. He cannot give it away and has to maintain its benefits for the beneficiaries. The trustee also cannot let any other entity use the trust unless compensation is given to its beneficiaries.”⁶

Serving as the trustee since 1959 when Hawaii officially became the fiftieth state, the Department of Hawaiian Home Lands (DHHL) holds 200,000 acres, of the roughly four million total acres of land across the island, in trust for the Native Hawaiian people. However, only 20% of the trust lands currently benefit Native peoples.⁷

Flowing from these compounding injustices, I address two questions: *How do colonial histories and narratives of power inform the politics of Hawaiian land trusts? What place do these land trusts have in the loss of native occupied lands?* I argue that the United States, utilizing its power to influence the politics of space amplified by the politics of identity and exclusion, mobilized colonial narratives of power to strategically engineer the environmental apartheid of the Hawaiian people by means of *marginalization through fragmentation.*

My focus on the power of the US to influence and direct the politics of space in Hawai'i is used to highlight the ways in which space is mobilized as an active weapon used to carry out US nation-making projects. Space in this sense is no longer an

⁵ USCCR, *Breach of Trust*, 15.

⁶ *Ibid.*, 15-16.

⁷ As of 2001, only 42,040 acres of DHHL land was in use for homesteading. Department of Hawaiian Home Lands, *Hawai'i Island Plan: Final Report* (Honolulu: PBR Hawaii, 2002), 4.

apolitical, passive setting, but rather is another mechanism through which the US can actively create and sustain “hierarchies of difference” that implement the US nation-state vision of Hawaiian landscapes.⁸ As mentioned above, using their history as a colonial superpower, the United States used their power to dictate the placement of bodies throughout space to marginalize Native Hawaiians on their own land in a form of environmental apartheid, defined by Stull et al. as “*the deliberate use of the environment to marginalize racially defined groups.*”⁹

This environmental apartheid is rooted in eighteenth century trade and the expansion of hegemonic powers; native marginalization beginning with the United States’ recognition of the strategic location of the Hawaiian Islands as an opportunity to secure imperial interests. Hawai’i was perfectly positioned: the islands are strategically located between Asia and the Mainland and, in accordance to US colonial narratives, Native Hawaiians were vulnerable to takeover and the land would be easy to acquire. Hawai’i was the key to “the consolidation of America’s [global, transnational] influence.”¹⁰ Thus, space for strategic positioning in world affairs was and continues to be the impetus of US colonial expansion in Hawai’i. In short, paralleling Stull et. al.’s definition of environmental apartheid as “the reverse logic of power,” the US used its power to divide and dictate the politics of space “*in order to marginalize [Native Hawaiians].*”¹¹ “[It was not and] is not accidental.”¹²

⁸ Hawkesworth, *Embodied Power*, 19.

⁹ Valerie Stull, Michael Bell, and Mpumelelo Ncwadi, “Environmental Apartheid: Eco-health and Rural Marginalization in South Africa,” *Journal of Rural Studies* 47 (2016): 370.

¹⁰ Davianna Pomaika'i McGregor, “Engaging Hawaiians in the Expansion of the U.S. Empire,” *Journal of Asian American Studies* 7, no. 3 (2004): 209-210.

¹¹ Stull, Bell, and Ncwadi, “Environmental Apartheid,” 370.

¹² *Ibid.*

In the case of Hawai'i, colonial powers, starting with the British then transitioning to the United States, organized several strategies that manipulated space "to implement apartheid, keeping [Native Hawaiians] apart from the resources of livelihood, well-being, and political power."¹³ Structuring my analysis on parallels to Stull et al.'s analysis of environmental apartheid in South Africa, I utilize their terms first order, second order, and third order to describe the ways in which environmental apartheid was achieved through *marginalization through fragmentation*.¹⁴ First order *marginalization through fragmentation* describes the way in which physical space was fragmented and divided up during the Great Māhele¹⁵ to facilitate the alienation of Native Hawaiians from their land. By second order *marginalization through fragmentation*, I mean the way in which fragmented land was distributed among the people on the basis of race: the brownest people getting exiled to the worst lands and the whitest people getting privileged access to high value lands. Finally, third order *marginalization through fragmentation* is the way in which Native Hawaiians today continue to be exiled and excluded on their own lands. Each chapter of my analysis outlines, in order, the structure and institutionalization of these orders of environmental apartheid.

I am a product of Hawaiian tourism myself, thus, I find it crucial to my project that I recognize my own positionality within the broader contexts of the questions I am analyzing. The privilege that allowed me to be a tourist simultaneously allowed me and continues to allow me to be privy to many activities that have only been made possible by the privatization of native lands and the commercialization of Hawaiian culture. While

¹³ Stull, Bell, and Ncwadi, "Environmental Apartheid," 370.

¹⁴ Ibid.

¹⁵ The Great Māhele: Hawaiian land redistribution of 1848. Defined more fully later.

my thesis is not structured around my tourist perspective but rather is structured around the oppressive mechanisms through which I was able to have this experience, it would be foolish of me to claim that I was successful in completely separating myself from this context. As Mary Hawkesworth, Professor of Political Science and Women's and Gender Studies at Rutgers University, describes, our "ways of seeing [and] modes of being" are colored by our experiences and perceptions.¹⁶

In an ideal world, I would be able to follow the flow of many researchers before me, claiming that in this piece I have achieved the epitome of objective research and analysis, separate from my experience and separate from my presupposed knowledge. However, what I choose to highlight is based on my experience and knowledge. My experiences as a tourist have structured how my knowledge has been produced, thus structuring my interpretation of the political theories and research presented here. These presuppositions, no matter how hard I might try to open my mind to engaging in these ideas "objectively," delineate the boundaries of the argument I extend here.

To minimize my presuppositions, I engage in analysis rooted in political theory. I am in no way trying to speak on behalf of the Native Hawaiian culture. Nor am I attempting to become a white savior by looking to save and reconcile Native Hawaiians from oppression in which I have indirectly played a part. Rather my objective here is to reveal the ways that it is in no way "an accident"—but premeditated.¹⁷ The marginalization and alienation of Native Hawaiians from their land and identity was the

¹⁶ Hawkesworth, *Embodied Power*, 110.

¹⁷ Stull, Bell, and Ncwadi, "Environmental Apartheid," 370.

plan from the start. In this way, my objective as a political academic is to “demystify” US state actions that rendered and thus continue to render this apartheid invisible.¹⁸

¹⁸ Hawkesworth, *Embodied Power*, 143.

SILENT HISTORIES: 1778 – 1880

*As a corollary, if it's bloodless,
slow-motion violence, the story is more
likely to be buried, particularly
if it's relayed by people whose
witnessing authority is culturally discounted.*

- Rob Nixon¹⁹

Prior to the declared “discovery”²⁰ of Hawai’i by Captain Cook in 1778, Native Hawaiian culture was founded on reciprocity; the heavens, the land, and the people working together.²¹ Intertwined with religious beliefs, the land was considered to be “a life force”²² and, thus, from that stemmed the understanding that conserving and protecting the land was a “communal and shared” responsibility enthusiastically accepted among the people.²³ In short, for Native Hawaiians, the land is “the base around which a culture evolves.”²⁴

To facilitate reciprocity and shared responsibility, land pre-Western contact was divided into ahupua’a, pie-shaped land polygons ranging anywhere from 100 to 100,000 acre parcels and stretching from mountain to coastline.²⁵ The picture below, provided by

¹⁹ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge, Mass.: Harvard University Press, 2011), 16.

²⁰ I use this term in quotes due to the fact that the Polynesians discovered Hawaiian prior to the Captain Cook.

²¹ Robert Stauffer, *Kahana* (Honolulu: University of Hawai’i Press, 2004), 9.

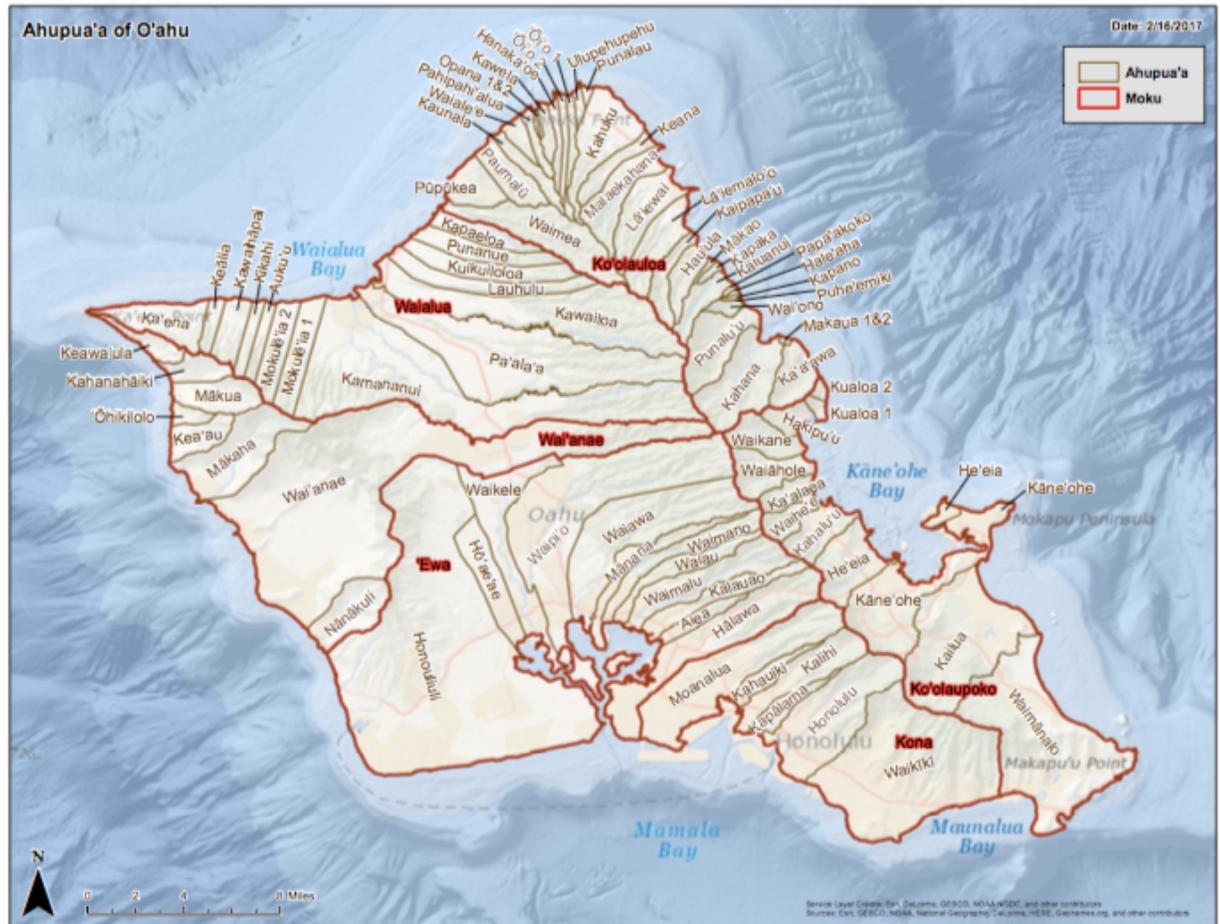
²² Jon M. Van Dyke, *Who Owns the Crown Lands of Hawaii* (Honolulu: University of Hawaii Press, 2008), 375.

²³ Melody Kapilialoha Mackenzie, Susan K. Serrano, and Koalani Laura Kaulukukui, "Environmental Justice for Indigenous Hawaiians: Reclaiming Land and Resources," *Natural Resources & Environment* 21, no. 3 (2007): 37.

²⁴ Reverend Kaleo Patterson, “Tourism’s Negative Impact on Native Hawaiians,” *The Marriage Project*, March 1992, <http://mphawaii.tripod.com/Tourism/TourismsNegativeImpact.htm>.

²⁵ Neil Levy, “Native Hawaiian Land Rights,” *California Law Review* 63, no. 4 (1975): 849.

the Hawai'i State Historic Preservation, showcases the ahupua'a divisions on Oahu pre-contact.²⁶



Although not visually articulated on the map, these parcels were not divided by manmade features or markings but rather were divided using pre-existing naturally formed boundaries, such as waterfalls.²⁷ Chiefs, who were appointed by the King, oversaw each ahupua'a division. Chiefs served as *managers* of the land; they did not own the land.²⁸ Rather they were blessed with the opportunity to oversee the land and ensured that it was

²⁶ "Ahupua'a of O'ahu," *State Historic Preservation* (State of Hawaii, February 16, 2017).

²⁷ Levy, "Native Hawaiian Land Rights," 849.

²⁸ *Ibid.*

tended to in a way that pleased the Earth and pleased the gods. In living on a chief's parcel, commoners were expected to work the land. This was different from the European feudal system in that commoners were not bound to the land; they could leave freely and go to other land awarded to them by other chiefs.²⁹ Working the land was a privilege in that it upheld the promise of reciprocity between the Earth and the people. However, Westerner contact corrupted this system.

Scouring the Pacific, English colonizers claimed all land they set their eyes on by virtue of the Doctrine of Discovery, which established colonizers with "ultimate title...to native lands...merely by finding lands unknown to other Europeans and planting their flag in the soil."³⁰ As they conquered the Pacific place by place, Westerners took it upon themselves to devise new systems of land ownership that cohesively intertwined with their plans for hegemony. British colonizers acted upon the rule of terra nullius³¹—they treated Hawaiian land as if it were owned by no one, and therefore, available for the taking.³² They viewed Native Hawaiians as having no property rights since their system of communal land tenure did not coincide with British conceptions of land as property.³³

The 1778 Western arrival catalyzed the transition of the traditional subsistence economy to transnational trade economy.³⁴ Westerners began to invade Hawaii's ahupua'a as the Hawaiian monarchy and chiefs used land as a gift in exchange for goods

²⁹ Levy, "Native Hawaiian Land Rights," 849.

³⁰ Larissa Behrendt, *Discovering Indigenous Land: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010), 4.

³¹ Stuart Banner, *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska* (Cambridge, Mass.: Harvard University Press, 2007), 2 and 13.

³² According to British colonizers, Native Hawaiians "were nomads who lacked any conception of property rights in land, and that the land was accordingly unowned." Banner, *Possessing the Pacific*, 10.

³³ Banner, *Possessing the Pacific*, 13.

³⁴ Levy, "Native Hawaiian Land Rights," 850.

or simply as a symbol of gratitude.³⁵ Seeking to codify this trend, Western colonizers reestablished the Hawaiian government in line with the structural ideals of British constitutional monarchy through the passage of Hawaii’s first constitution: the Constitution of 1840. The Constitution of 1840 aimed to “adjust land rights [in light of] the new relationships between [two groups of conflicting parties:] [1] Hawaiian chiefs and commoners and [2] Hawaiians and Westerners.”³⁶ Creating a new abstract, omnipotent entity—the government—the Constitution of 1840 delineated a legal difference between government land and the land belonging to the Hawaiian monarchy.³⁷ Sparking a domino effect, the formation of the constitution served as a catalyst to the appointment of Western-dominated government entities on the Islands³⁸ and, thus, “the inalienable right to land promised by...the Constitution of 1840 devolved [into the] great land-taking by the American-dominated government.”³⁹ While the Western influenced government did allow Native Hawaiians the opportunity to lay claims to their lands, it was merely an administrative ploy to give the illusion of opportunity and right to own property so Westerners could carry out their nation-making projects. Hungry to extend these personal nation-making projects, the Western-dominated government completely fractured traditional Native Hawaiian land tenure in just a short ten years, transforming land into a commodity that could be owned and therefore also sold. This great land division, lasting from approximately 1845 to 1855, is referred to as the Great Māhele.

³⁵ Levy, “Native Hawaiian Land Rights,” 850.

³⁶ *Ibid.*, 851.

³⁷ Banner, *Possessing the Pacific*, 139.

³⁸ *Ibid.*, 138.

³⁹ Stauffer, *Kahana*, 13.

The Constitution of 1840 armed the United States with power to further divide the islands during the Great Māhele thus instituting first order *marginalization through fragmentation*. This was accomplished through two specific events during the Great Māhele: the creation of the Land Commission, which formally divided Hawaiian land among interested parties, and the passage of the Kuleana Act, which established who was eligible for homesteading. Both events worked to divide nearly four million acres of Hawaiian land so as to 1) transform the traditional land tenure system into one that supported the emerging trade market economy and 2) marginalize and disempower Native Hawaiians alienating them from their land and making them vulnerable to US occupation and later annexation.⁴⁰

Instituting the first phase of *marginalization through fragmentation*, the Western-dominated government in 1845 created the Land Commission.⁴¹ This non-native dominated commission,⁴² enumerated with the traditional powers of the Hawaiian monarchy, was charged with dividing the entirety of the islands among interested parties while simultaneously “converting all the land in [Hawai’i] from an oral tenure to a scheme of written titles.”⁴³ According to the commission, it merely determined who owned rights to specific land claims—affirming existing rights rather than establishing new ones.⁴⁴ However, this was anything but an apolitical administrative project to organize land ownership on the islands.

⁴⁰ Stauffer, *Kahana*, 1.

⁴¹ Banner, *Possessing the Pacific*, 140.

⁴² “Its ethnic composition illuminates the hold which non-Hawaiians had obtained on important government positions: of the Commission’s five members, two were Hawaiians, one was half-Hawaiian, and two were Westerners.” Levy, “Native Hawaiian Land Rights,” 853.

⁴³ Stauffer, *Kahana*, 13; Banner, *Possessing the Pacific*, 140-141.

⁴⁴ Levy, “Native Hawaiian Land Rights,” 853; Banner, *Possessing the Pacific*, 144.

The Land Commission was given full and complete authority to divide up all the four million acres of Hawaiian land. The commission established broadly how the land would be divided: one million acres would be reserved as the Hawaiian King's private land, from then on known as the Crown Lands, and the remaining approximately three million acres would be divided among the Hawaiian government, the chiefs and land agents, and the commoners.⁴⁵ However, of this three million acres, Native Hawaiian commoners received less than 1 percent of the land—roughly 30,000 acres—while absentee landlords, overwhelmingly Westerners, received more than 99 percent of land available for claim.⁴⁶

This was *not* accidental. Nearly, 13,000 natives filed claims to the Land Commission, but only 9,000 claims were confirmed.⁴⁷ The Land Commission deployed several fine print administrative barriers which it knew would decrease the number of land claims filed by Native Hawaiians. For example, to claim their portion of land, all foreign and Hawaiian people had to file claims to receive their land by 1848, or they would be “forever barred.”⁴⁸ Natives had just three years to survey and claim their land. Additionally, land claims had to be filed in English which required that natives speak English or entrust someone to translate their claim. Furthermore, underlying its written format, it required that natives be literate, which many were not, especially in English. White, English-speaking men were given the power from the bottom of this system all the way up. On the ground, natives turned to them, trusting them to survey their land for its true value and to truthfully write their land claim. At the top of the hierarchy, the Land

⁴⁵ Levy, “Native Hawaiian Land Rights,” 854.

⁴⁶ Stauffer, *Kahana*, 4-5.

⁴⁷ USCCR, *Breach of Trust*, 4.

⁴⁸ Banner, *Possessing the Pacific*, 140.

Commission itself when reviewing petitions for land claims confirmed “[previous] transactions [between natives and Westerners] where the evidence strongly suggested an illiterate seller sold property for far less than its true value, or was confused about the nature of the transaction.”⁴⁹ The Land Commission, in this way, formally transformed the traditional land tenure system into a system that facilitated the colonization of Hawai’i for the benefit of Western transnational power.

Following the division of lands and building upon the exclusivity of land ownership, the Western-influenced government, drowning out what little was left of the voice of the monarchy, passed the Kuleana Act in 1850.⁵⁰ The Kuleana Act instituted fee simple land ownership—a method of ownership by which the person of interest is given the title to the property.⁵¹ There were no limitations as to whether kuleana parcels came from the Crown, government, or the other 1,500,000 acres so long as the commoner “occup[ied] and improve[ed] any portion’ of land belonging to the government, to the king, or chief.”⁵² If they fulfilled that requirement, they would receive title to the parcel meaning they could “sell it, give it away, trade it for other things, lease it to others, or pass it to others upon death.”⁵³

Despite the fact that the Kuleana Act was supposed to increase the amount of native owned land in Hawai’i, the Land Commission established legal barriers preventing full access to these kuleana land grants.⁵⁴ First, if someone obtained a plot through the Kuleana Act and he/she passed away without a will, his/her property would be passed to

⁴⁹ Levy, “Native Hawaiian Land Rights,” 860.

⁵⁰ *Ibid.*, 860.

⁵¹ Banner, *Possessing the Pacific*, 142; Levy, “Native Hawaiian Land Rights,” 855.

⁵² Banner, *Possessing the Pacific*, 142.

⁵³ “Hawaii Property Ownership Explained: Fee Simple vs Leasehold,” The Hansen Ohana (Maui Luxury Real Estate), accessed April 16, 2020, https://www.mauirealestate.net/fee_simple.html.

⁵⁴ Levy, “Native Hawaiian Land Rights,” 867.

his/her heirs; thus, several people could have a stake in ownership of one kuleana.⁵⁵ Joint owners almost guaranteed conflicting interests. To remedy this, one owner could buy out the interests of the others, the owners could agree on official fractioning, separating the parcel into various land titles, or the owners could place the land in trust.⁵⁶ In short, already divided lands were even more fragmented by way of “intestate succession.”⁵⁷ Second, kuleana plots were often surrounded by larger estates or plantations; however, these larger landowners were not required to preserve roads that led to kuleana parcels, even if they crossed through their estate.⁵⁸ In this way, natives were quite literally blocked from entering their own land. Finally, both fractionated ownership and blocked access “[led] to disuse of kuleana plots, which, in turn [led] to permanent loss of possessor rights through adverse possession.”⁵⁹ This benefitted those larger estates that surrounded kuleana plots in that if they occupied the parcel for 20 years, the occupiers gained indisputable rights to the land meaning that natives had no standing in court to reoccupy the land they legally owned the title to.⁶⁰

Stull et. al.’s analysis of environmental apartheid pinpoints the way in which the system transforms space into an active agent, marginalizing groups. In Hawai’i, the process of land division catalyzed by Western colonial powers represented the first order of environmental apartheid by means of *marginalization through fragmentation*. Space was used not as a passive setting in which the Western-influenced government overlaid

⁵⁵ Levy, “Native Hawaiian Land Rights,” 867.

⁵⁶ Ibid., 868.

⁵⁷ Ibid.

⁵⁸ Ibid., 869.

⁵⁹ Ibid., 868.

⁶⁰ Ibid., 869.

political projects, but rather as an active weapon by the government to carry out the disempowerment of specific peoples—in Hawai’i, the native peoples.

By 1864, “more than 320,000 acres were sold to only 213 Westerners”⁶¹ and, by 1893, nearly all of the land awarded to commoners during the Great Māhele was in the hands of non-Hawaiian control.⁶² Both the Land Commission and the Kuleana Act, strategically crafted by the foreign influenced government, worked to ensure that fragmentation only benefited the foreign-dominated market economy they looked to create and worked to ensure that Hawaiians were so marginalized that upward mobility and resistance to foreign control was impossible. Enacting apartheid, in line with its formal definition, the government looked to “raise order and security out of the [traditionally] involved and confused system of titles and tenures,” but, they looked to raise order in a particular way.⁶³ They looked to raise order that benefitted white, foreign interests on Hawaiian land.

⁶¹ Levy, “Native Hawaiian Land Rights,” 859.

⁶² Stauffer, *Kahana*, 5.

⁶³ Banner, *Possessing the Pacific*, 140.

LANDSCAPE BIOLOGIZATION: 1880 - 1921

SENATOR CHAMBERLAIN: Why do you draw the line of those having one thirty-second of the pure blood in them?

MR. ROBERTSON: I think that Senator Wise got that from grandfather's law.

SENATOR CHAMBERLAIN: You take a man that has one thirty-second of native blood as compared with one who has [one] thirty-third, and you could not distinguish between them to save your life; and yet one comes within this provision and the other does not.

MR. ROBERTSON: The Hawaiian blood is so readily absorbed that a person of one-eighth Hawaiian blood can not be distinguished from a white person, in ninety-nine cases out of one hundred.

SENATOR CHAMBERLAIN: So that it was an arbitrary distinction?

MR. ROBERTSON: So far as I know, absolutely arbitrary. Where it came from I really do not know.⁶⁴

Even the seemingly neutral or apolitical are political, constructed from certain powers that look to create particular hierarchies to best fit political agendas. In this way, as environmental apartheid shows, space and landscape are not apolitical actors. First order *marginalization through fragmentation* served to lay the foundation: it physically divided up the land and cemented US embodied power. The US, utilizing its ability to encode the “biologization”⁶⁵ of identity into law, by second order *marginalization through fragmentation* engineered the racial purification of the Hawaiian landscape by (dis)placing natives to lands that ensured their exile and exclusion.

⁶⁴ J. Kēhaulani Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham: Duke University Press, 2008), 129.

⁶⁵ Hawkesworth, *Embodied Power*, 50.

Post-Great Māhele, four factors, all stemming from Hawaii's strategic location as a middle-man between Asian and United States trade, determined Hawaii's political future: plantation labor, foreign investment, the US-influenced monarchy, and access to US markets.⁶⁶ In short, "sugar, not the Hawaiian king...ruled the Hawaiian Islands."⁶⁷ Hawaii's sugar monopoly at the end of the nineteenth century was dominated by "the Big Five": Brewer and Company Ltd., Theodore H. Davies Ltd., American Factors Ltd., Castle and Cook Ltd., and Alexander and Baldwin Ltd; most of whom all still own large portions of Hawaiian land today.⁶⁸ With some plantations owning upwards of 95,000 acres,⁶⁹ it is safe to say that the success of the sugar industry, both for the islands and for international trade, hinged upon access to "dirt-cheap public-lease lands" and cheap labor.⁷⁰ During the 1880's, the Western-dominated government approved thirty-nine long term leases to develop Hawaiian Crown Lands, those lands that the Land Commission left as reserved for the Hawaiian monarchy, into sugar plantations.⁷¹ Through this, 26,653 acres of "the best agricultural land on four major islands" were lost, leased out to the interests of the US occupation.⁷²

Seeking to permanently solidify colonial sovereignty on the Islands, the sugar elite planned the overthrow of the Hawaiian government.⁷³ Backed by the United States, a group of "white revolutionaries," led by the captain of the US Navy, forced the reigning monarch, Queen Lili'uokalani, to surrender the islands to the control of the United States

⁶⁶ Steven R. Fischer, *A History of the Pacific Islands* (New York: Palgrave, 2002), 139-140.

⁶⁷ *Ibid.*, 140.

⁶⁸ Kauanui, *Hawaiian Blood*, 69.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Fischer, *A History of the Pacific Islands*, 140.

in 1893.⁷⁴ When Hawai'i was annexed as US territory in 1898, the title for the Crown Lands, by default, transferred over to the United States, making the lands that were once reserved for the monarchy now “public lands” open to anyone who applied for a lease.⁷⁵

The sugar elite was thriving, dominating and controlling both the physical and political landscape while Native Hawaiians during this time were severely suffering from the effects of colonialism. The Native Hawaiian population had declined nearly eighty-three percent since initial contact, mostly due to the spread of diseases from Westerners to natives.⁷⁶ The infant mortality rate was eight times the national average, and the death rate was the highest of any US minority.⁷⁷ Searching for justice and repopulation, in 1918, middle and upper class Hawaiian men started the rehabilitation movement. They argued that the rehabilitation of Hawaiian welfare and culture hinged upon Native's return to the land.⁷⁸ Thus, they “requested that Congress...provide part of the public lands in Hawai'i as allotments for [homestead] settlement by association and ‘persons of whole or part Hawaiian ancestry.’”⁷⁹

Responding to Hawaiian elite's request for rehabilitation through land return, the US crowned itself with judicial authority armed with the task of instituting justice on behalf of Native Hawaiians displaced by colonialism.⁸⁰ Thus, the United States' vision of justice through rehabilitation was not rehabilitation at all—it was exile, native

⁷⁴ Fischer, *A History of the Pacific Islands*, 140.

⁷⁵ Kauanui, *Hawaiian Blood*, 79.

⁷⁶ *Ibid.*, 81.

⁷⁷ *Ibid.*, 80.

⁷⁸ *Ibid.*, 80-81.

⁷⁹ *Ibid.*, 102.

⁸⁰ Rona Tamiko Halualani, *In the Name of Hawaiians: Native Identities and Cultural Politics* (Minneapolis: University of Minnesota Press, 2002), 68.

disempowerment, for the benefit of preserving the US nation-state's position as sovereign colonial occupier.⁸¹

The first attempt made at Native Hawaiian “rehabilitation” was the passage of Senate Concurrent Resolution 2. SCR 2 designated specific lands reserved for homestead lease “to persons of whole or part Hawaiian ancestry”—which at this time was not yet quantified by blood makeup.⁸² Realizing that the promise of homestead leases decreased the number of parcels available to sugar cultivation, the United States changed its mind: drafting a bill that attempted to kill homesteading.⁸³ The Kuhio Bill, formally known as House Resolution 12683 (1920), “allowed *all* cultivated public lands” to be sent to public auction.⁸⁴ Further entrenching the already present “hierarchies of difference” on the islands, the Kuhio Bill simply gifted the highest quality lands to the highest bidder, leaving the already cash poor natives to be land poor as well as stuck with the leftovers Westerners didn't want.⁸⁵ In order to qualify for those leftovers, Native Hawaiians had to prove they were native *enough* to apply for a homestead lease. Congress required *nativeness* to be proven by blood quantum—a technique in which blood is quantified as a means of justifiable exclusion on the basis of unarguable, scientific truths about the biology of race and gender. In this case, House Resolution 13500 narrowly defined native identity as a way of decreasing homesteading opportunities while strengthening the sugar monopoly by making already cultivated sugar lands untouchable. This left only the “arid and poor lands” available for homesteading.⁸⁶

⁸¹ Halualani, *In the Name of Hawaiians*, 61.

⁸² Kauanui, *Hawaiian Blood*, 101.

⁸³ *Ibid.*, 117.

⁸⁴ *Ibid.*, 116-117.

⁸⁵ *Ibid.*, 117.

⁸⁶ *Ibid.*, 124.

Uniting to revive homesteading after the setbacks endured by the Kuhio Bill, the Hawaiian Civic Club, consisting of middle to upper class native Hawaiian men, filed a congressional petition calling for the passage of the Hawaiian Homes Commission Act (HHCA) “to rehabilitate Hawaiian suffering from the ongoing effects of colonization.”⁸⁷ Further, they argued that the Crown Lands, which were ceded to the US after the overthrow of the Hawaiian monarchy, “were the special birthright of the common people...’held in trust [for the people] by the monarchy.”⁸⁸ Congress officially passed the Hawaiian Homes Commission Act on July 9th of 1921.⁸⁹ As a result, 203,000 acres, of the original 2.5 million ceded to the US after the monarchy overthrow of 1893, were put into a trust between the US and the “people of Hawaiian ancestry.”⁹⁰ The HHCA allotted specific plots of Crown and Government Lands to be eligible for 99-year homestead leases to Native Hawaiians who proved eligibility through the now heightened minimum of 50% blood quantum.⁹¹ This act was supposed to recognize and repair for the dispossession caused by the illegal theft of Hawaiian sovereignty; however, this act biologized the landscape in a way that ensured the exile of Native Hawaiians and the hegemony of white Westerners.

Biologism mobilizes the perceived objective truth of science to argue that there are “fundamental, innate physiological differences” among humans that prove the biologic difference of race and sex.⁹² Hiding behind what seems to be neutral fact, nation-states merge the power of scientific truth and politics “to create and sustain divisions

⁸⁷ Kauanui, *Hawaiian Blood*, 81.

⁸⁸ Van Dyke, *Who Owns the Crown Lands of Hawaii*, 239.

⁸⁹ *Ibid.*, 237.

⁹⁰ USCCR, *Breach of Trust*, 15.

⁹¹ *Ibid.*, 237.

⁹² Hawkesworth, *Embodied Power*, 52.

within the population that are dubbed ‘organic’ and then used to consolidate national and imperial orders structured by finely honed hierarchies of difference.” The US’s purification project, enacted by the HHCA’s exclusion, pivoted upon the stark definition of native as performative purity, purity in the sense of concrete difference from whites. Only “pure-bloods,” those who satisfied the 50% or more blood quantum minimum, were deemed worthy of federal rehabilitation aid; mixed Hawaiians were a category of their own not eligible for aid.⁹³ Pure-bloods were structured as inherently inferior and separate from eligible citizens due to their unassimilable brownness.⁹⁴ They were illustrated as “‘readily absorbed’ and weak (easily overwhelmed)” —thus in need of federal “charity.”⁹⁵ In this way, mixed Hawaiians, who were defined as a different race altogether from pure-blood Hawaiians, were not suffering from depopulation, according to the US government, and thus were not at all eligible for federal rehabilitation. In arbitrarily defining identity, the US government argued that mixed Hawaiians were untouched by colonial histories; that their experiences and narratives of dispossession were not valid due to their race as proven by blood quantum.⁹⁶ Unassimilable brownness, proven by the incontestable, scientific proof of 50% or more blood quantum, is what qualified Native Hawaiians for exile on the worst lands—what the US would term rehabilitation on available lands.

Available homestead lands were far from urban areas, had poor soils, were expensive to develop, and had no irrigation systems.⁹⁷ In fact, 55,000 acres of available lands were completely covered in solid lava, and 7,800 acres were situated on steep

⁹³ Kauanui, *Hawaiian Blood*, 128.

⁹⁴ Halualani, *In the Name of Hawaiians*, 68.

⁹⁵ Kauanui, *Hawaiian Blood*, 128 and 130.

⁹⁶ *Ibid.*, 140.

⁹⁷ Van Dyke, *Who Owns the Crown Lands of Hawaii*, 248.

mountain slopes, making these lands barely habitable, let alone fertile for agricultural activities.⁹⁸ Section 203 of the HHCA outlined the standards for what would be termed “available lands” for homesteading:

“All public lands of the description and acreage as follows, *excluding* (a) all lands within any forest reservation; (b) all cultivated sugarcane lands, and (c) all public lands held under certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to as ‘available lands.’”⁹⁹

This section created Native Hawaiian competition for the least desirable lands by default. Available lands became those parcels with “only marginal agricultural potential.”¹⁰⁰ US rehabilitation, in this way, meant exile. It was an exclusion from society, a denial of resources, of citizenship, and of the narratives of dispossession.

In this way, the United States integrated biologism into law as a way of not only concretizing but normalizing its HHCA purification project. The US viewed its strategic position in the Pacific and the success of its occupation as dependent on a blank, white landscape. Blood quantum was used to justify the (dis)placement of Native Hawaiians to available homesteading lands, the worst lands in the state, as “unfortunate” rather than a part of an elaborate scheme to retain the sovereignty of the “American community in the Hawaiian Islands” which hinged upon native disempowerment.¹⁰¹ The HHCA purification project and blood quantum methods engineered historical forgetting in which the original dispossession of Native Hawaiians was overwritten by further dispossession

⁹⁸ Van Dyke, *Who Owns the Crown Lands of Hawaii*, 248.

⁹⁹ *Ibid.*, 247.

¹⁰⁰ *Ibid.*, 246.

¹⁰¹ Kauanui, *Hawaiian Blood*, 139.

disguised by the rhetoric of “rehabilitation.”¹⁰² US federal rehabilitation was never intended to serve the interests of or serve justice to Native Hawaiians. It was meant to engineer a blank canvas out of the brown landscape.

¹⁰² Halualani, *In the Name of Hawaiians*, 63.

COLONIAL HAUNTINGS: 1970 – PRESENT

From a postcolonial perspective, the most startling feature of environmental literacy studies has been its reluctance to engage the environmental repercussions of American foreign policy, particularly in relation to contemporary imperial practices.

- Rob Nixon¹⁰³

Reverend Kaleo Patterson, a prominent activist for Native Hawaiian sovereignty, declares, “The most pressing human rights issues in [Hawai’i] today are those that are integrally connected to the impact of tourism on Native Hawaiians.”¹⁰⁴ Native Hawaiians continue to be condemned to minority status: denied the land that is rightfully theirs and denied the basic economic liberty necessary to survive. Meanwhile, the violent contradiction of this reality is that Hawai’i attracts nearly 11.5 million tourists every year, luring them in with visions of the rich island paradise lifestyle, making tourism a new crude type of dispossession catalyzed, once again, by US imperial goals.¹⁰⁵

As Stull et al. point out, “It is a political choice whether to allocate what wealth a nation has towards the top or the bottom.”¹⁰⁶ Third order *marginalization through fragmentation* is characterized by the present cyclical injustices committed against Native Hawaiians, those characterized by distributive and recognition injustices which continue to reify US sovereignty over the Islands and the people. In short, the US relationship with the Native Hawaiian people is one of ongoing environmental apartheid.

¹⁰³ Nixon, *Slow Violence and the Environmentalism of the Poor*, 33.

¹⁰⁴ Patterson, “Tourism’s Negative Impact on Native Hawaiians.”

¹⁰⁵ Ibid.

¹⁰⁶ Stull, Bell, and Newadi, “Environmental Apartheid,” 371.

In order to understand the present third order *marginalization through fragmentation* happening in Hawai'i, it is important to first trace the connections between environmental apartheid and environmental injustice. Environmental racism is the foundation of both environmental injustice and environmental apartheid; it is “any policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color.”¹⁰⁷

Environmental injustice refers to the specific policy or practices that stem from state or individual action rooted in racist foundations. Race, class, gender, sexuality, citizenship, indigeneity, and nation shape are just some of the many intersectional ways in which “social categories of difference are entangled in the production of environmental injustice.”¹⁰⁸ Environmental injustices are mobilized and enacted in multidimensional, uncanny ways with no definitive face. Violently bringing both of these concepts together, environmental apartheid describes environmental law and policies *purposely* enacted by the state that lead to the marginalization and exclusion of certain peoples through the weaponization of space. Merging together to implement third order *marginalization through fragmentation*, the injustices that Native Hawaiians experience at the hands of the tourism industry are two-fold, resulting in unequal distribution from a lack of cultural recognition.

Distributive justice describes how costs and benefits are distributed across various categories of difference.¹⁰⁹ Projecting its toxicity onto Native Hawaiians, tourism

¹⁰⁷ Stull, Bell, and Ncwadi, “Environmental Apartheid,” 370.

¹⁰⁸ David N. Pellow, “Toward a Critical Environmental Justice Studies: Black Lives Matter as an Environmental Justice Challenge,” *Du Bois Review* 13, no. 2 (2016), 223.

¹⁰⁹ David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (New York: Oxford University Press, 2007), 21.

displaces local communities, both physically and culturally, denies local access to resources, and, inequitably, distributes benefits to company stakeholders while unloading costs onto native peoples. Tourism privileges privatized developments and experiences in that outsiders are drawn to exotic locations like Hawai'i because they are offered high-quality, exclusive access to the culture and beauty of the island.¹¹⁰

Disrupting the seemingly pure, luxurious view of resort experiences in a different location, Park and Pellow in *The Slums of Aspen* summarize the relationship between the upper-class tourists and the middle-low class communities that work for their pleasure, revealing the racialized secrets that underpin Aspen, Colorado's profitable recreational market: "the dominance over social space in the valley is as real as the mountains that mark the landscape."¹¹¹ In privatizing and enclosing the Aspen commons, the rich, who can pay, get to play while the poor, who work, get to survive. In Aspen, the people who profit are those who can pay the high prices that capitalist corporations set. In Hawai'i, a similar dynamic exists: while the upper class consume their five-star resort amenities, minority communities bear the consequences of tourists' selfish desires.

"Tourism exploits" Native Hawaiians, asking them to actively participate in selling their culture for the pleasure of outside communities while they reap minimal benefits.¹¹² Physical and cultural displacement of native communities, inequitable distribution of costs and benefits solely to external tourism stakeholders are the markers of social and environmental injustice.

¹¹⁰ Sangkwon Lee and Tazim Jamal, "Environmental Justice and Environmental Equity in Tourism: Missing Links to Sustainability," *Journal of Ecotourism* 7, no. 1 (2008), 44.

¹¹¹ Lisa Sun-Hee Park and David N. Pellow, *The Slums of Aspen: Immigrants vs. the Environment in America's Eden* (New York: New York University Press, 2011), 12.

¹¹² Phaedra C. Pezzullo, *Toxic Tourism Rhetorics of Pollution, Travel, and Environmental Justice* (Tuscaloosa: University of Alabama Press, 2007), 2.

This distributional inequity stems from the continued exile and displacement of natives from the very land held in trust for them. The HHCA granted the use of nearly 203,000 acres to Native Hawaiians of 50% or more proven blood quantum, yet the Department of Hawaiian Home Lands (DHHL), the government body in charge of overseeing the distribution of this land to the native peoples, allows for non-Hawaiians to apply and receive non-homesteading land. Using the argument that non-homesteading leases, either directly or indirectly, would benefit the native beneficiary, the DHHL identifies these six land uses as non-homesteading but nevertheless eligible for leasing land secured under the HHCA: commercial, industrial, general agriculture, community use, special district, conservation, and non-designated lands.¹¹³

Tapping into the network of what is now 204,006 acres of land across the Islands meant to be reserved for native Hawaiians, DHHL corruption lies at the center of its revenue production: homesteading leases provide no revenue, but leases to non-homesteading parties provide the main source of revenue for the Department.¹¹⁴ Of the 200,000 acres of land designated by the trust between the Hawaiian people and the United States as set by the HHCA, only 190,000 acres were accounted for in 1980.¹¹⁵ Of those 190,000 acres designated in the trust, 125,000 acres were under lease to non-Hawaiians, which included “Federal, state, and county government, as well as private party” leasees; that's 66% of *Hawaiian* homelands under lease to non-Hawaiians.¹¹⁶ A mere 25,000 acres of the original 200,000 acres in trust were occupied by Native Hawaiian homesteaders, only 12.5% of the land rightfully put in trust to Native Hawaiian

¹¹³ Department of Hawaiian Home Lands, *Oahu Island Plan* (Honolulu: PBR Hawaii, 2014), 3-17.

¹¹⁴ *Ibid.*, 1-3.

¹¹⁵ USCCR, *Breach of Trust*, 16.

¹¹⁶ *Ibid.*, 17.

beneficiaries.¹¹⁷ This fate rings true today as there is still nearly a 28,000 person long waitlist to receive residential and pastoral homesteading land divisions, yet the DHHL continues to give preference to leases that bring it revenue, and the state continues to place tourism and outside interests above that of natives.¹¹⁸ This denial of land rightfully and legally granted to Native Hawaiians is founded upon the federal and state policy of non-recognition.

For Native Hawaiians, land is not merely a backdrop or resource provider. The land is a part of a cyclical relationship between the heavens and the people.¹¹⁹ The land is an embodied representation of this cyclical, spiritual relationship: “Land is the base around which culture evolves...When tourism takes away the land, takes away access to the fishing grounds or the right to gather food or medicine, the Hawaiian loses a primary means of livelihood, and more important, meaning in life.”¹²⁰

The privatization of land in this way not only means physical displacement, it also means cultural displacement. In 1991, a resort developer excavated 22 acres of sacred burial grounds in order to clear land for the Grand Hyatt Kauai.¹²¹ In response to community outcries, the resort “compromised” by relocating the remains to a one-acre piece of land that now stands as a key part of the resort’s shrine to Native Hawaiian tradition, a pitiful attempt at marketing their dedication to local culture. In 2017, Mark Zuckerberg filed eight lawsuits against hundreds of Native Hawaiian people who had inherited land through the HHCA on the 700-acre property Zuckerberg had purchased

¹¹⁷ USCCR, *Breach of Trust*, 16.

¹¹⁸ Noelle Fujii-Oride, “Fixing the Backlog of Native Hawaiians Waiting for Homesteads,” *Hawaii Business Magazine* (Hawaii Business Magazine, September 4, 2019), <https://www.hawaiibusiness.com/hawaiian-homesteads-backlog/>.

¹¹⁹ Mackenzie, Serrano, and Kaulukukui, “Environmental Justice for Indigenous Hawaiians,” 37.

¹²⁰ Patterson, “Tourism’s Negative Impact on Native Hawaiians.”

¹²¹ *Ibid.*

years before.¹²² Later, he dismissed the lawsuits and apologized to the community, but filing lawsuits against hundreds of natives in the first place speaks to the normalized narrative that native rights are disposable when compared to American pleasure. While stemming from two very different types of developments, one tourist and one private, these examples show the disturbance of sacred spaces, highlighting the lack of recognition of spiritual and social cultural narratives that are central to Native Hawaiian identity. Because of the close ties between land and culture, when Native Hawaiians lose their land, they experience a dual displacement: separation from land rights and separation from “cultural and spiritual connections.”¹²³

Compounding these injustices, this dual displacement is exacerbated as the state ensures Native Hawaiians are trapped in a cycle of resource scarcity through economic inequity.¹²⁴ Reverend Kaleo Patterson describes this unfortunate cycle, “While the few local elites and transnational corporations are the primary beneficiaries of a dominant tourism industry, Native Hawaiians continue to be the poorest, sickest and least educated of all people in [Hawai’i]...[this] is no accident.”¹²⁵

In 2016, Oahu had the “highest per capita homeless population in the United States” and, according to the Department of Hawaiian Home Lands, “42 percent of Hawaii’s homeless population identifies as Native Hawaiian or other Pacific Islander.”¹²⁶ Dangerously coupled with a housing market where an average home sells for \$750,000

¹²² Carla Herreria Russo, “Land, Loss And Love: The Toll Of Westernization On Native Hawaiians,” *HuffPost*, May 31, 2018, https://www.huffpost.com/entry/hawaii-land-westernization_n_5afc9c72e4b0a59b4e003a35.

¹²³ Mackenzie, Serrano, and Kaulukukui, “Environmental Justice for Indigenous Hawaiians,” 37.

¹²⁴ Haunani-Kay Trask, “Native Social Capital: The Case of Hawaiian Sovereignty and Ka Lahui Hawaii,” *Policy Sciences* 33, no. 3/4 (2000): 376.

¹²⁵ Patterson, “Tourism’s Negative Impact on Native Hawaiians.”

¹²⁶ Brittany Lyte, “Native Soil,” *The Atlantic*, September 25, 2016, <https://www.theatlantic.com/politics/archive/2016/09/native-soil/501419/>; Russo, “Land, Loss And Love.”

with an unemployment rate that is double that of the state, 63% of “Native Hawaiians had no reportable income.”¹²⁷ Further, “of those with income, nearly one-third [of Native Hawaiians] received less than \$4,000 a year,” which explains why a third of the state’s welfare recipients are Native Hawaiian as well.¹²⁸ Some of the main obstacles to employment include stereotyping and a lack of basic education and skills training.¹²⁹ However, failing its promise to hold all ceded lands in trust for “the betterment of the conditions of Native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920,” the state benefits from placing Native Hawaiians at the bottom.¹³⁰

Between 1977 and 1979, “Native Hawaiian children tested in the public elementary schools scored on average 2 stanines (11-20 percent) below the state average in reading and mathematics. Tenth graders were also found to be in a similar pattern.”¹³¹ When children's families are marginalized groups of low socio-economic background, these children often fall through the cracks of the public education system due to the stressors at home which may lead to a higher frequency of absenteeism, decreased participation in the classroom, lack of parent support due to the demands of working class jobs, and lack of resources for test preparation. While Native Hawaiian children continue to fall through the cracks, the state remains indifferent in both attitude and funding.

Rather than using increased funds to improve the support provided to Native Hawaiian students and families to end the cycle, the Department of Education instead distributes “tourist appreciation kits and movies...to all elementary schools,” and hotels

¹²⁷ Lyte, “Native Soil.”; USCCR, *Breach of Trust*, 6.

¹²⁸ USCCR, *Breach of Trust*, 6.

¹²⁹ Ibid.

¹³⁰ “History,” The Office of Hawaiian Affairs (OHA), accessed April 18, 2020, <https://www.oha.org/about/abouthistory/>.

¹³¹ USCCR, *Breach of Trust*, 7.

work to maintain strong relationships with local high schools to provide early career services.¹³² Further, the state funds \$60 million dollars to one agency dedicated to marketing Hawai'i as a tourist destination while Native Hawaiians are denied upward mobility.¹³³ The ongoing cycle of poor education leading to sustained economic marginality creates a massive labor pool for government projects, “such as the cleaning of ancient Hawaiian sites to allow tourist visits and the performance of hula pageants at all sorts of events from the inauguration of the Governor to football games.”¹³⁴ Of the total 105,763 Native Hawaiian workers in the state of Hawai'i, 35.4% were employed in a tourism related sector.¹³⁵ Furthermore, across all tourism related industries, “the average wage and salary income of Native Hawaiians was lower than the state level.”¹³⁶ In short, the US handcrafts a path for Native Hawaiians starting at a young age that leads directly to employment in the tourism industry and that employment ensures the industry's success and, subsequently, Native Hawaiians' exploitation.

Distributional inequity rooted in a policy of nonrecognition is yet another way to ensure that Native Hawaiians are dependent on the same state that marginalizes them.¹³⁷ This nonrecognition renders native narratives invisible, but it also renders their marginalization—and thus the violence of environmental apartheid—invisible. In exile, native bodies disappear and with them the narratives of injustice and oppression disappear as well. Therefore, this invisibility is not only a consequence of

¹³² Trask, “Native Social Capital,” 383.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Department of Business, Economic Development and Tourism, *Native Hawaiians in Hawaii's Tourism Sector* (Honolulu: The State of Hawaii, April 2017), 3.

¹³⁶ Ibid., 5.

¹³⁷ Trask, “Native Social Capital,” 383.

marginalization through fragmentation but also a cause, reinforcing the never ending cycle of environmental apartheid.

Hawai'i is still haunted by colonialism in the twenty-first century. The US through state sponsored tourism “legitimate[s] a variety of different political, racial, and social regimes in Hawai'i...and stabilize[s] relations between capital and labor” to ensure US empire on the Islands.¹³⁸ While tourism may be an industry associated with images of privilege, wealth and play,¹³⁹ it has a dirty secret: “Tourism is toxic”—it displaces, it rewards destruction, it silences, and, ultimately, it is unequal, formulating another order of present and ongoing environmental apartheid.¹⁴⁰

¹³⁸ Christine Skwiot, *The Purposes of Paradise: U.S. Tourism and Empire in Cuba and Hawai'i* (Philadelphia: University of Pennsylvania Press, 2010), 4.

¹³⁹ Park and Pellow, *The Slums of Aspen*.

¹⁴⁰ Pezzullo, *Toxic Tourism Rhetorics of Pollution, Travel, and Environmental Justice*, 2.

CONCLUSION

*Rigid adherence to particular understandings
of politics and power can seriously impede
our ability to recognize and comprehend
new political phenomena.*

- Rob Nixon¹⁴¹

In this paper, I posed two questions: *How do colonial histories and narratives of power inform the politics of Hawaiian land trusts? What place do these land trusts have in the loss of native occupied lands?* I argued that the United States, utilizing its power to influence the politics of space merged with the politics of identity and exclusion, mobilized colonial narratives to strategically engineer the environmental apartheid of the Hawaiian people by means of *marginalization through fragmentation*.

How has this colonial haunting and ongoing environmental apartheid gone unspoken and largely undetected? The United States sells citizens on the myth of equal protection under the law. Thus, in hearing the arguments I have made here, some may quickly reply, “This can’t be. We have laws that protect all citizens from inequity and harm.” The Equal Protection Clause of the Fourteenth Amendment of the United States declares that all people shall be constitutionally protected from discrimination. Yet, evidence such as this proves that inequities are haunting our present landscapes and that the very government, meant to be serving as our protector, is the one orchestrating such stark hierarchies of difference.

The myth that the law protects *all* people works to extend the political agenda of the state to disembody politics—to abstract and obscure the power of the state to the extent that the very people who suffer from state institutionalized oppression are

¹⁴¹ Nixon, *Slow Violence and the Environmentalism of the Poor*, 16.

alienated and rendered invisible from their own experience. It reshuffles natural effects of modernization to be at the surface of visibility and buries the intricacies of the state's racially discriminatory agenda to sustain empire through the disempowerment of native peoples. As Hawkesworth highlights, "Disembodied politics renders invisible state policies and practices that create particular raced-gendered-sexualized identities situated in relations of domination and subordination."¹⁴² And it continues on...invisible.

Rob Nixon, a writer of creative nonfiction focusing on environmentalism, characterizes this "nonvisibility" as slow violence—a type of violence that "occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all."¹⁴³ Spread across two centuries, environmental apartheid in Hawai'i, *marginalization through fragmentation*, the violence committed by the state against Native Hawaiians was not and is not a particular moment in time—"explosive and spectacular in space."¹⁴⁴ It was not and is not "a highly visible act that is newsworthy...event focused, time bound, and body bound."¹⁴⁵ Thus, it is not violence.¹⁴⁶ However, these narratives of exile, exclusion, and disempowerment are violent; they are violent across time and space—dispersed across *two centuries* of oppression and injustice. In this way, it is crucial to understand the connection between slow violence and the state's mystification of institutionalized apartheid: in spreading violence out across time and space and in making native bodies

¹⁴² Hawkesworth, *Embodied Power*, 2.

¹⁴³ Nixon, *Slow Violence and the Environmentalism of the Poor*, 2.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., 3.

¹⁴⁶ Ibid.

invisible, the violence then too became and remains invisible. If there are no visible bodies, there is no violence to attach to those bodies and *poof...it vanishes*.

Stuart Banner in *Possessing the Pacific* boldly asks the question: “Why did the Hawaiians do this to themselves? What did they hope to gain from it?”¹⁴⁷ This question is compelling in the sense that it speaks to the power of the state to render invisible its own power to marginalize people, to render invisible the environmental apartheid it continues to commit, to render invisible the narratives of Native Hawaiians still haunted by colonialism—to disembody their experiences. Rather the question we should be asking is how can we bring to life the violence that “take[s] time to wreck [its] havoc...that never materializes in one spectacular, explosive, cinematic scene?”¹⁴⁸ The answer: we make those bodies visible again. We make the actions the state hides visible again. We give “shape to the formless [violence] whose fatal repercussions are dispersed across space and time.”¹⁴⁹

There is no way to turn back the clock. However, the current era is ongoing; it is not static. There is an infinite number of stories being made, an infinite number of world-making projects being carried out. But, “the world is not finished and the sky has not fallen—yet.”¹⁵⁰ It matters what narratives we privilege and silence. It matters what stories we allow to be told. It matters for our future. This story can no longer be silent. This story can no longer be invisible. Our collective future, both native and non-native, depends on it.

¹⁴⁷ Banner, *Possessing the Pacific*, 130.

¹⁴⁸ Nixon, *Slow Violence and the Environmentalism of the Poor*, 14.

¹⁴⁹ *Ibid.*, 10.

¹⁵⁰ Donna Haraway, “Staying with the Trouble: Anthropocene, Capitalocene, Cthulucene,” in *Staying with the Trouble: Making Kin in the Cthulucene* (Durham: Duke University Press, 2016), 59.

BIBLIOGRAPHY

- “Ahupua'a of O'ahu.” *State Historic Preservation*. Honolulu: The State of Hawaii, February 16, 2017.
https://dlnr.hawaii.gov/shpd/files/2015/06/Ahupuaa_Oahu.pdf.
- Banner, Stuart. *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska*. Cambridge, Mass.: Harvard University Press, 2007.
- Behrendt, Larissa. *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*. Oxford: Oxford University Press, 2010.
- Department of Business, Economic Development and Tourism. *Native Hawaiians in Hawaii's Tourism Sector*. Honolulu: The State of Hawaii, April 2017.
http://files.hawaii.gov/dbedt/economic/reports/Native_Hawaiians_in_Tourism_Final_4-13-17.pdf.
- Department of Hawaiian Home Lands. *Hawai'i Island Plan: Final Report*. Honolulu: PBR Hawaii, 2002. https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Hawaii_2002.pdf.
- Department of Hawaiian Home Lands. *Oahu Island Plan*. Honolulu: PBR Hawaii, 2014.
<https://dhhl.hawaii.gov/wp-content/uploads/2013/04/DHHL-OIP-Final-140708.pdf>.
- Fischer, Steven R. *A History of the Pacific Islands*. New York: Palgrave, 2002.
- Fujii-Oride, Noelle. “Fixing the Backlog of Native Hawaiians Waiting for Homesteads.” *Hawaii Business Magazine*, September 4, 2019.
<https://www.hawaiibusiness.com/hawaiian-homesteads-backlog/>.
- Halualani, Rona Tamiko. *In the Name of Hawaiians: Native Identities and Cultural Politics*. Minneapolis: University of Minnesota Press, 2002.
- Haraway, Donna. “Staying with the Trouble: Anthropocene, Capitalocene, Cthulucene.” In *Staying with the Trouble: Making Kin in the Cthulucene*, 34-69. Durham: Duke University Press, 2016.
- “Hawaii Property Ownership Explained: Fee Simple vs Leasehold.” The Hansen Ohana. Maui Luxury Real Estate. Accessed April 16, 2020.
https://www.mauirealestate.net/fee_simple.html.
- Hawkesworth, M. E. *Embodied Power: Demystifying Disembodied Politics*. New York, NY: Routledge, Taylor & Francis Group, 2016.

- “History.” The Office of Hawaiian Affairs (OHA). Accessed April 18, 2020. <https://www.oha.org/about/abouthistory/>.
- Kagan, Julia. “Trust.” Investopedia. Investopedia, April 5, 2020. <https://www.investopedia.com/terms/t/trust.asp>.
- Kauanui, J. Kēhaulani. *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity*. Durham: Duke University Press, 2008.
- Lee, Sangkwon, and Tazim Jamal. "Environmental Justice and Environmental Equity in Tourism: Missing Links to Sustainability." *Journal of Ecotourism* 7, no. 1 (2008): 44-67.
- Levy, Neil. "Native Hawaiian Land Rights." *California Law Review* 63, no. 4 (1975): 848-885.
- Lyte, Brittany. “Native Soil.” *The Atlantic*. September 25, 2016. <https://www.theatlantic.com/politics/archive/2016/09/native-soil/501419/>.
- Mackenzie, Melody Kapilialoha, Susan K. Serrano, and Koalani Laura Kaulukukui. "Environmental Justice for Indigenous Hawaiians: Reclaiming Land and Resources." *Natural Resources & Environment* 21, no. 3 (2007): 37-79.
- Mcgregor, Davianna Pomaika'I. "Engaging Hawaiians in the Expansion of the U.S. Empire." *Journal of Asian American Studies* 7, no. 3 (2004): 209-222.
- Nixon, Rob. *Slow Violence and the Environmentalism of the Poor*. Cambridge, Mass.: Harvard University Press, 2011.
- Park, Lisa Sun-Hee., and Pellow, David N. *The Slums of Aspen: Immigrants vs. the Environment in America's Eden*. New York: New York University Press, 2011.
- Patterson, Reverend Kaleo. “Tourism’s Negative Impact on Native Hawaiians.” The Marriage Project, March 1992. <http://mphawaii.tripod.com/Tourism/TourismsNegativeImpact.htm>.
- Pellow, David N. “Toward a Critical Environmental Justice Studies: Black Lives Matter as an Environmental Justice Challenge.” *Du Bois Review* 13, no. 2 (2016): 221-236.
- Pezzullo, Phaedra C. *Toxic Tourism Rhetorics of Pollution, Travel, and Environmental Justice*. Tuscaloosa: University of Alabama Press, 2007.
- Russo, Carla Herreria. “Land, Loss And Love: The Toll Of Westernization On Native Hawaiians.” *HuffPost*. May 31, 2018. https://www.huffpost.com/entry/hawaii-land-westernization_n_5afc9c72e4b0a59b4e003a35.

- Schaefer, Allison. "Nearly 10 Million Tourists Visited Hawaii in 2018." *Star Advertiser*, January 31, 2019. <https://www.staradvertiser.com/2019/01/31/breaking-news/nearly-10-million-tourists-visited-hawaii-in-2018/>.
- Schlosberg, David. *Defining Environmental Justice: Theories, Movements, and Nature*. New York: Oxford University Press, 2007.
- Stauffer, Robert H. *Kahana: How the Land Was Lost*. Honolulu: University of Hawai'i Press, 2004.
- Stull, Valerie, Michael M. Bell, and Mpumelelo Ncwadi. "Environmental Apartheid: Eco-health and Rural Marginalization in South Africa." *Journal of Rural Studies* 47 (2016): 369-380.
- Skwiot, Christine. *The Purposes of Paradise: U.S. Tourism and Empire in Cuba and Hawai'i*. Philadelphia: University of Pennsylvania Press, 2010.
- Trask, Haunani-Kay. "Native Social Capital: The Case of Hawaiian Sovereignty and Ka Lahui Hawaii." *Policy Sciences* 33, no. 3/4 (2000): 375–385.
- Valerie Stull et al., "Environmental Apartheid: Eco-health and Rural Marginalization in South Africa." *Journal of Rural Studies* 47 (2016): 369-380.
- Van Dyke, Jon M. *Who Owns the Crown Lands of Hawaii?* Honolulu: University of Hawaii Press, 2008.
- United States Commission on Civil Rights, Hawaii Advisory Committee. *Breach of Trust? Native Hawaiian Homelands: A Summary of the Proceedings of a Public Forum*. 1980.