HB 645, Settler Sexuality, and the Politics of Local Asian Domesticity in Hawai‘i

BIANCA ISAKI
William S. Richardson School of Law
University of Hawai‘i at Mānoa

Hawai‘i House Bill 645 proposed a permitting system to allow local residents to fish overnight at Ka‘ena Point, the northwestern tip of O‘ahu. The bill is a response to a State Department of Land and Natural Resources regulation against ‘camping paraphernalia’ in wildlife sanctuaries, which effectively prohibited overnight fishing at Ka‘ena. If they allow camping in state parks, State administrators caution, ‘tent-cities’ and the dangerous people who live in them may spring up and threaten nesting native birds and tourists. Local fishers, who are and are not Native Hawaiian, protested the regulations as colonial impositions by the ‘tourists’ who run the Department of Land and Natural Resources, incursions against their State-protected traditional cultural lifestyles, and they sought to differentiate themselves from homeless persons who are supposedly the real threat to the wildlife sanctuaries. This paper considers how this situation arises under the rubric of Asian settler colonialism, a framework that identifies the complicity of Asian settlers with the colonial dispossession of Hawaiians. Many ‘homeless’ in this area are Hawaiian and many of the State’s protections are explicitly afforded to Hawaiian traditions. To approach local fisher land use struggles, I propose ‘settler sexuality’ as an optic through which claims to Hawai‘i as a ‘home’ diffract into workings of colonial power.

Life in the colony is endlessly complex and sometimes surprisingly gentle. Literally, ‘gentling’ is a subtle coercion – taming, making docile, and domesticating. Not put together only by the violence of dispossession, settler colonial societies incorporate these gentle technologies to assert a ‘home’ on Native lands. Largely as a legacy of its plantation history, Hawai‘i is ‘home’ to many Asian settlers. This essay considers the colonial complicity of Asian settler home-making in the context of local fisher protests against Hawai‘i State prohibition of overnight fishing at Ka‘ena Point, a wildlife sanctuary park on the northwest tip of O‘ahu, Hawai‘i.
For Asian settlers, home-making in Hawai‘i has been cross-hatched with projects of US citizenly-becoming, upward class mobility, struggles for, and attempts to articulate, cultural community belonging. These histories situate Asian settlers on a tangent with white settler colonialism and Hawaiian decolonisation struggles.¹ This essay concerns one tangent, in which the State is anxious to protect endangered species and tourists from invading tent-cities of houseless people that might attempt to pass as ‘campers’. Local fishers counter that they have rights to exercise traditional, cultural practices (whether or not they, or their traditions, are Hawaiian) and to pass them onto their families, that state administrators do not know the land they purport to care for, and that fishers are easily distinguished from the ‘homeless’. I approach this impasse in three ways. First, I question whether and how settler and Hawaiian relationships to land, specifically relations of ecological stewardship and home-making, can align towards decolonisation. Second, and closely related to the first, is a concern with local Asian settlers’ sentimental aggression, of a ‘loving the land’ that can come to contest indigenous claims to territory, cultural practice, and natural resource rights. Third, the essay circles back to the complicity between modern sexualities and settler home-making by considering the gendered and sexualised terms of ‘home’, and whose homes are recognised as such.²

Settler home-making constellates property regimes, investments in single family-homes, *jus sanguinis* doctrines of citizenship that create family ties to the settler state, and personal things, such as bodies, feelings, and family, that are supposed to mean the most to and about us. These are the substrates of a settler colonial sexuality that instructs the reproduction of settler colonial home-making in everyday life. Their constellation puts that which is supposedly most within our reach, our desires, selves, and bodies, towards a means of asserting ourselves within the settler nation. I seek to show that what may appear to be emblems of normative domesticity (driver licenses, residences, and waged-employment), is also, and more actually, a colonial administration of (settler) sexuality. Settler sexuality parallels Lauren Berlant and Michael Warner’s index of ‘national heteronormativity’, a jumbled hegemony that directs subjects from a normalising script that embeds sex into the everyday.³ The citizen’s paradigmatic lifestyle is rife with signs of
public sexual culture: ‘paying taxes, being disgusted, philandering, bequeathing, celebrating a holiday, investing for the future, teaching, disposing of a corpse, carrying wallet photos, buying economy size, being nepotistic, running for president, divorcing, or owning anything “His” or “Hers”’. 4 Pausing to name the normal ways that communities participate in sexual cultures alerts us to the highly intimate forms through which settler colonialism governs its citizens. Part of what makes public sexuality’s imbrications with the colonial so elusive is that it takes up concepts, categories, and activities that organise settler society – those things that implicate sex practices but do not turn us on. 5

In what follows, I suggest the queerness of a “tent city” serves as a foil to settler sexualities oriented towards residence and home-making. Tent cities elicit anxieties in a state imagination of unruly subjects who fail to organise their lives as residents, taxpayers and within private spaces at proper times. The houseless persons who live in tent cities are presumed to neither continue a culture, nor to contribute to political community. Neither presumption is accurate, but they are taken to be true within a US settler colonial discourse that uses ‘home’ as a unit of measurement for citizenly identity. While resonant with gender and domesticity, settler sexuality is distinguished because it presses them into a particular political configuration. The political here configures the proximity between the sentimental aggression of settlers that call Hawai‘i ‘home’ and colonial power. This sexuality is a Foucauldian ‘technology of self’ – it is a particular handle whereby we may announce our fitness as a political settler subject that is keyed to our historical moment. 6 As I discuss, local fishers employ settler sexuality – as heteronormative families, residents, citizens and carriers of cultural tradition – to carve out spaces within the state. We should attend to these spaces, and the ways they are claimed, because insofar as local fishers base their claims on fitness for modern sexual citizenship, they naturalise settlement by keeping categories set out to monitor those who take part in the political.

ASIAN SETTLERS IN HAWAI‘I: A ‘TWICE TOLD TALE’ OF COLONIALISM 7
Hawai‘i has been a US state since 1959 and a settler colony under military occupation since the US-backed overthrow of the Hawaiian Kingdom in 1893. This ongoing history of colonial occupation situates Asian settlers, many of whom are descendents of economic migrants to Hawai‘i’s plantations in the late nineteenth and early twentieth centuries. As labourers and later, labour organisers, Asian settlers challenged white racism and planter control. Asian, particularly Japanese, settlers have not only been resistant subjects. They have also been patriotic ‘model minorities’ who enlisted in the US military during World War II and returned to take advantage of veteran educational benefits and, consequently, expanded professional opportunities. By 1954, many Asian settlers held elected office, civil service positions, and professional employment in legal, architectural, financial, and real estate firms. As such, they were well positioned to profit from Hawai‘i’s postwar economic boom, based in a burgeoning military defence industry, real estate development, and tourism.²

In the 1970s and 1980s, many working class Asians and Hawaiians resisted this economic development. They organised as ‘locals’, claiming a way of belonging to Hawai‘i tied to rural landscapes, subsistence and agricultural traditions, and against state-backed resort and high-end residential development projects meant to accommodate US mainland haoles (whites), Japanese investors, tourists, and military personnel.⁹ A Native Hawaiian renaissance flourished within and against these local land development struggles.¹⁰ Calls to defend a local way of life, while valorising Hawaiian culture, came up short in response to questions about whether that way of life was based on indigenous self-determination or ethnic minority claims to civil rights. Politically, the local tended to manage Native difference by holding out optimism for US multiculturalism and thus problematically patched together an American community fractured by settler colonialism. The Hawaiian sovereignty movement continues to challenge local Asians to see their status as settlers within a Hawaiian nation as opposed to racial minorities in a US one. Hawaiians may share interests with ‘locals,’ but non-native locals cannot claim the status of indigenous peoples.

Although many Hawaiians also identify as ‘locals’, the concept has been particularly important to Asian settler efforts to articulate a
distinctive experience of Hawai‘i.11 Many Asian settlers eschewed an ‘Asian American’ identity in favour of a ‘local’ identity that reflected their histories in Hawai‘i.12 Yet, the very capacity of a local identity to articulate non-indigenous belonging lends it towards ‘render[ing] Hawai‘i an emptied space open to settler claims of belonging’.13 This ‘neocolonial complicity’ complicates efforts to create coalitions between Hawaiians and Asian settlers based on local identity.14 Nevertheless, I suggest that ‘local’ is also an ongoing project whose limits for Hawaiian sovereignty remain un-worked out for the future. We should attend to the un-worked-out-ness of projects that continue to compel allegiance, particularly when they make sense for people despite their limits. As we see in Ka‘ena, the ‘local’ remains a widespread and usual way of cohering communities around a tacit agreement about the kind of ‘home’ that Hawai‘i should be. This essay considers the stakes of staying with this mode of coherence in order to work out its beleaguered relation to decolonisation.

KA‘ENA POINT

[N]ature has been the primary target through which bodies and populations—both human and nonhuman—have been governed, and it has been the primary site through which institutions of governance have been formed and operated.

Jake Kosek, Understories (2006).15

When Hawai‘i was admitted into the US in 1959, the state became responsible for all public lands, including those ‘ceded’ to the US upon the overthrow of the Hawaiian Kingdom. The State of Hawai‘i Department of Land and Natural Resources (DLNR) was commissioned to manage these lands, which include the Ka‘ena Point Natural Area Reserve.16 Ka‘ena holds sacred dunes, ancient Hawaiian burials, and a wahi pana (sacred place): the Leina ka ‘uhane, the place where souls leap toward the next world.17 Fishers, hunters, Hawaiians, and others have contested state regulation of Ka‘ena Point since at least the 1980s, when the DLNR’s Division of Forestry and Wildlife (DOFAW) erected a concrete barrier to prevent
illegal dumping and off-road vehicles from entering the park. Although the state had a good reason to stymie illegal dumping and four-wheel drive enthusiasts, whose vehicles erode the lands into mud that suffocates tidepools and poisons the coasts, the barrier became a touchstone for local hunters and fishers who protested ‘another state land grab’ and ‘elite territorial control’.18

In 2010, the DLNR again sought to limit activity at Ka’ena by promulgating regulations against ‘camping paraphernalia’ such as ‘backpacks, tents, blankets, tarpaulins’, in wildlife sanctuaries. Hawai’i Administrative Rule §13-126 (2009) effectively prohibited overnight fishing at Ka’ena.19 Local fishers, many of mixed Asian, Hawaiian, haole, and multiracial descent, raised four points in their opposition to the prohibition on camping paraphernalia: overnight fishing is a traditional practice that is protected by the state constitution, they need camping paraphernalia to care for their children and wives, the DLNR is full of US mainlanders who know nothing about fishing, and their officers act out of line.20 In response, the State argues that if they allow camping in state parks, tent-cities and the dangerous people who live in them may spring up and threaten nesting native birds and tourists.21 Like the concrete barrier, the camping regulations express one of the DLNR’s basic assumptions. As Ollie Lunasco, a local fisherman, observes, ‘I think they think, the less people there, the less they have to worry’.22

In both instances, the DLNR’s approach posits fishers as nuisance populations instead of stewards. This approach is recalcitrant to critiques of ‘fortress conservation’ – environmental management approaches that presume an opposition between nature and people. Indigenous groups have been particularly active in positing this critique.23 Re-articulated in terms of indigenous conceptions of natural resource management and cultural practice, environmental protection means that those who live closest to the land know best how to care for it and retain a right to land use. These shifting conceptions of indigenous environmental management have been taken up in Hawai’i as well. The Lawai’a (Hawaiian Fisher) Community Stewardship Proposal advocates management of Ka’ena land that would reserve the area for people who will care for it, including lawai’a – cultural practitioners qualified by their knowledge of, and respect for, Hawaiian traditions, values, ecologies, site-
specific histories. By focusing on land and how one acts towards it, the proposed stewardship system also invites non-Hawaiians to take responsibility for Hawai‘i’s lands. Enacting this proposal would require new indices of evaluating claims to land. In this context, as I later imply, sexuality is a relevant index to be considered.

**LOCAL FISHERS AT KA‘ENA**

I like tourists. I really do. believe me. I do.
we are a tourist destination remember.
be nice to the tourist. they make our economy
go round and round and up and down.
but what I do not like is when the tourist
come to Hawai‘i
and forget to go home.
make house and tell us locals how we supposed to live.

Sandra Park, ‘Ode to the DLNR’ (2010).24

Park’s protest against DLNR ‘tourists’ cannily critiques the recognisably colonial situation in which outsiders rule and Hawai‘i problematically depends on the ecologically, culturally and economically unsustainable tourism industry. Another fisher, Lawrence Yusumura said:

You know, I question Laura Thielen [former-chairperson of the DLNR] – how many of your board members in your department are born and raised in Hawai‘i? How many of your board members are fisherman and hunters? You know what she told me: none. They all come from the mainland. How you going [sic] to bring people from different areas of the U.S. to control Hawai‘i? How they [sic] going to understand our culture? They don’t understand the religion that we have? They

don’t understand nothing. And they enforcing their rules on us?25

Yusumura makes a good point about the irrationality of colonial racism, a point that sustains a local, if not Hawaiian, project of self-determination.

Yet, their criticism stops short of addressing the difference between local and Hawaiian relationships to US colonialism. The problem is that local fisher struggles stake out a political space within a liberal multicultural settler state as opposed to focusing their protest against the very legitimacy of that state. Whether and how homegrown board members would redress the colonial misappropriation of Hawai‘i’s natural resources remains unexplained in their critique. What is needed is to interrogate the de-colonial politics of a scenario in which locals rule. In other words, how would local governance differ from a colonial administration? I argue that this decolonising difference must consist in redressing the settler state’s sexualisation of citizenship.

When local fishers identify as Hawaiian, and even when they do not, they cite the Hawai‘i State Constitution’s protections for ‘rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778’ (Hawai‘i Const., Art. XII, § 7), and ‘the cultural, creative and traditional arts of the various ethnic groups [of Hawai‘i]’ (Hawai‘i Const., Art. IX, § 9).26 Several fishermen cited the constitution in their protests: One noted: ‘Most of the [DLNR] officers shouldn’t be officers because they do not follow the constitution. Thielen has no clue what the constitution of Hawai‘i. I like see her resign and go back from where she came from – the mainland’.27 Keith Sienkiewicz also frames the problem in constitutionally protected terms: ‘we are no longer able to enjoy or practice our traditions, culture, fish at night or to pass this knowledge on to the next generation [...] of our unique island lifestyle’.28

Local fisher claims to ‘traditional cultural practices’ are weird and problematic, but not necessarily because local fishers, some of
whom are Hawaiian, are ‘playing Indian’. The issue is a subtle one. Local fishers did not claim to be Hawaiian, except when they were. When they were not, they asserted constitutionally protected right to fish as locals with particular knowledge of the land. Local fishers are saying that what they already are (i.e., ‘locals’) should define the cultures of Hawai’i. These claims confirm the ‘local’ identity’s insensitivity to the political singularity of Hawaiians. But ‘locals’ do not assert that ‘this is America and I can fish here’, either. Local fisher claims to Hawai’i are not simple extensions of US settler colonialism.

While acknowledging local fisher’s singular relationship to Hawai’i and Hawaiians, we need to understand the ways that their misappropriation of Hawaiian constitutional protections can serve to buttress US settler colonialism. The settler state’s multiculturalism brings local fishers, like Sandra Park, to question the presumption that state-protected cultures should be Hawaiian: ‘we same same [sic] no matter the colour of our skin’, she notes. Briefly, the presumption that a state-protected culture is a Hawaiian cultural practice has a distinct political genealogy in a complex and unequal negotiation between US legal systems and Hawaiian Kingdom common law. Park’s proposal – that all cultures should be equally protected – forecloses questions about the state’s assumed authority as a protector in the first place. Her appeal to the State relies on a fantasy that the latter will finally achieve social coherence and disavows the fractured political genealogy that sets Hawaiians apart from a local-only Hawai’i. I am concerned with the kind of social coherence that such appeals push forward.

When local fishers claim that their fishing practices are the traditions the state constitution protects, they seek to fit the settler state’s twinned imperatives of ecological and cultural management. Far from benign, the state’s ‘sovereign and juridical attempts to assert state power over the lives of wild animals and the scientific attempts to regulate the environment through the husbanding of ‘natural’ processes both partly exclude or deny and partly glorify the indigenous subject and indigenous values’. Cultural and environmental stewardship are exercises of police power in the interest of a settler colonial public that only ‘partly’ protects indigenous values and (some) Hawaiian subjects. We should

approach this selective process by focusing on what falls out of these protected realms. ‘Houseless squatters’, for example.

**HOUSELESSNESS IN HAWAI’I**

We are not homeless. Hawai’i is our perpetual home, for thousands of generations. The land on which we are living as stewards belongs to the independent government of Hawaii, which was illegally deposed by the United States in 1893, and which remains under illegal military occupation to this day.


In 2009, local fishers turned their support towards HB 645, which would have instituted a permitting system to regulate overnight camping at KA‘ENA. HB 645 specifically recognised that KA‘ENA Point ‘has long been a place where local residents can exercise and enjoy their cultural practice of fishing’. After two years in legislative committees, HB 645 is now defunct. Too many questions remained about the permitting process, the ecological impacts of any camping, whether cultural practices should require permits, and about the political future of KA‘ENA, which changed after the haole DLNR chair Laura Thielen was replaced by William Ailā, Jr., a Hawaiian activist and fisherman. While HB645 proved politically impracticable, it generated important discussions about relationships between state administrators, local fishers, and Hawaiian cultural practitioners.

Although many local fisher opponents of HAR §13-126 supported HB645, not all fishers endorse permitting as a solution. The Lawai‘a Community Stewardship Network, a group of fishers identified with traditional Hawaiian fishing practice (*lawai‘a*), explicitly denounced HAR §13-126 for failing to provide ‘realistic access’ to fishing grounds. It also rejected permitting as a solution. Their dissent appeared unreasonable to Thielen, who lamented:
We met with fishers and offered to create an overnight fishing permit that allow[s] a limited number of tents at Ka'ena Point [...]. We set up an advisory group including fishers who have been meeting for a year to discuss solutions. To date, the fisher representatives have not accepted any proposals or offered any solutions that would allow managed overnight tents. They simply keep saying we should just let fishers have tents and no one else – which we can’t legally do.

In their Community Stewardship Proposal, the Lawai’ a Network rejected the state’s equal-access mandate as improper to lawai’a practice. Permits allow access to the ‘āina (land) to people who don’t know how to be stewards, and most importantly, they noted, ‘[c]ultural practitioners do not legally need permits for [state] constitutionally-protected access. They only need to be left alone’. 37

What HB645, HAR §13-126, and local fishers that support permitting hold in common is an antipathy towards a ‘homeless population cluttering our beaches’. 38 Thielen defended HAR §13-126 means of guarding against ‘tent cities’. Even the State’s Office of Hawaiian Affairs echoed Thielen’s anti-homeless view in its own opposition to HB645: ‘without its ability to enforce camping rules, the state would have difficulty managing the homeless who may return to Mākua Beach if this bill passes’, it noted. 39 The concern with homeless people on beaches is linked to Hawai’i’s tourist economy. HB 645 itself cautions that state regulation is necessary to protect ‘tourists, who are unfamiliar with the area and not aware of the dangers of the illegal activity occurring at Ka’ena Point’.

The State sees the problem as one of selective enforcement. Thielen said:

The problem is the law does not allow the state to discriminate between different people. We can’t allow tents only for fishers – we have to allow them for anyone [...] In order to manage parks so they remain safe and open to the public, we either have to prohibit tents
overnight or only allow a specific number of tents at a given time without discriminating between applicants.\textsuperscript{40}

The solution that HB 645 proposed was to create a permitting mechanism to differentiate between the two groups. Sandra Park agrees with this solution: ‘They [DOFAW] say we cannot camp there because they cannot tell if we are homeless. But [they could] [j]ust ask for our ID – it says our home address, where we are working’.\textsuperscript{41}

In other words, local fishers suffer the side effect of a law that really meant to get homeless people off of ‘our’ beaches. We should question this framing of the problem.

The DLNR’s anxieties about tent-cities are linked to concerns for public safety, maintaining natural resources for tourist-ready use, and endangered species conservation. These concerns have a history in a longer and larger campaign of evicting ‘houseless squatters’ – people living on state land and public beaches. Importantly, the division between HB 645 supporters and the houseless does pit settlers against Hawaiians. Many Hawaiians work for the state, fish, and view homeless persons as threats to natural resources. Most of the houseless in Hawai’i who receive services are not Hawaiian and usually come from the US continent and Pacific Island states.\textsuperscript{42} Evictions of the “houseless” disproportionately impact Hawai’i. As such, many recognise the state’s eviction campaigns as part of a targeted program of ongoing settler colonisation.\textsuperscript{43} Many of these evictions occurred on beaches in the surrounding areas of Ka’ena (Mokule‘ia, Ke’eau, Wai’anae and Mākua beach parks).\textsuperscript{44} Marie Beltran’s family (the Kaleo ‘ohana), was living in Mokule‘ia. They were evicted pursuant to Act 50, which criminalised ‘houseless squatting’.\textsuperscript{45} As reported at the beginning of this section, the Kaleo ‘ohana statement to the 2004 Hawai’i State legislature cannily re-writes the state’s eviction notice, substituting the term ‘homeless’ for ‘houseless’ and thus makes the connection between settler colonialism and their displacement explicit.\textsuperscript{46}

The conflation of ‘home’ with the ‘house’, a domesticated, state-protected property, is fundamental to the misrecognition of the Kaleo ‘ohana’s stewardship of Mokule‘ia as houseless squatting. Without the solidity of an enclosed structure and a residential address, the homeless lack a crucial component of the Western
public citizen – the private self. The home harbours an intimate private sphere, the political production of which Jürgen Habermas links to the public spheres of eighteenth century England, Germany and France.\textsuperscript{47} The private sphere was crucial to Enlightenment ideals of political organisation and civic life because it supposedly served as a catch-all for private concerns that threaten to sully public interests. The active suspension of a private self allowed for the supposedly dis-interested and free public sphere of transcendental ideas, even as the public production of privacy created a regulatory structure for sexuality and domesticity.\textsuperscript{48} Euro-American conceptual postulates about political subjectivity are mobilized to literally push the ‘homeless’ out of public space (public beaches). In asserting political claims to Mokuleia, the Kaleo ‘ohana challenge the public/private geography of a Western citizenly subjectivity spatialised by the home.

After Act 50 was repealed in 2006, the Kaleo ‘ohana returned to Mokuleia only to be evicted a second time by a Neighbourhood Board in 2008. The Board cited ‘public health and safety concerns’ due to the lack of permanent restroom facilities. This citation specifies what is required to be on the side of the public and the extent of police powers exercised in the public interest. The Kaleo ‘ohana offend this public by being in a state park without bathrooms at night.\textsuperscript{49} These regulations of public membership are also regulations of a settler sexuality that is outlined in the unsexy terms of residency, class, and geography. In the next section I outline settler public culture in a public required to be on private land with toilets at night.

\textbf{QUEER TENT CITIES AND LOCAL FISHER COLONIALISM}

Local fishers distinguish themselves from ‘tent city’ denizens by claiming that their cultures are more worthy of state protections. Far from diversifying Hawai’i’s cultures, this move constricts conceptions of culture to those adapted to settler society. The local Asian fishers’ appropriation of Hawaiian culture’s protected status, as part of their claim to state protection, is not wrong only because they are not Hawaiian, but also because their definition of recreation, culture, and citizenship exclude the Kaleo ‘ohana. The larger problem of the
colonial state’s administration of settler sexuality does not necessarily equate only to expressed anxieties about homelessness. But, focusing on homelessness and sexuality allows a framing of local fisher protests that connects class disgust, Hawaiian dispossession, and claims to exemplary cultural land use worthy of state protections. Park’s comments exemplify the local fishers’ identification with settler colonialism. She complains: ‘They [the DLNR] told us straight out – they cannot tell if we are fishing or homeless. I take this as a low thing – that they cannot tell if we are fishermen or homeless’. To take something as low is to be disgusted. To be disgusted, Berlant and Warner note, is also a sexual practice of public culture. Julia Kristeva also elaborated disgust as a sexual disposition – disgust separates the body from the abject. Citizenly appeals toward state recognition, such as producing a driver’s license, are ways of participating in a public sexual culture and, in so doing, Park can contour her legitimacy as a political subject. She thus abjects a space outside of the settler state that might have been her common ground with the Kaleo ‘ohana. What if, instead, Park had rejected the distinction between homeless and fishermen as irrelevant to the issue of Ka‘ena stewardship? What if she had focused on the land and how one acts towards it – embracing the lawai’a tradition of knowledge of, and respect for, Hawaiian cultures, values, ecologies, site-specific histories and other lawai’a that the Lawai’a Community Stewardship Network insists are the proper terms on which Hawaiians and non-Hawaiians might take care of Ka‘ena? To realise a decolonising difference from the settler state’s land management, her disgust must be interrogated as it is embedded in presumptions about the constitution of home, the political and who can claim a place in either. Settler sexuality and domesticity – i.e., being part of a mononuclear family, buying a house – constitute what is quietly vicious and tenacious about settler colonialism in Hawai‘i.

Colonial sexuality, Mark Rifkin writes, concerns the ways in which ‘a particular configuration of 'home' and 'family' is naturalised and administratively implemented’. Rifkin elaborates federal Indian policy as ‘a heteronormative emplotment [that] works to deny the possibility of registering indigenous residential and kinship formations as political’. Extending Rifkin’s argument, I read state ecological and cultural conservation policies as heteronormative

emplotments, but not only because they explicitly require marriage or prohibit homosexuality. As the Kaleo ‘ohana argue, the state fails to recognise their residential and kinship formation as a political assertion. ‘Squatting’ is the settler state’s emplotment of the kind of citizen who can obtain a permit under HB 645 and avoid an Act 50 eviction notice. This also emplots sexuality. In our contemporary context, sexuality is administered through different mechanisms than those enforced in nineteenth century Hawaii.56 In contrast to early colonial modes of exacting enforcing decorum, contemporary sexuality draws a boundary around a settler colonial public against indigenous families that reside on the beach. A public citizen has a driver license, a ‘workplace’, a home address, and a home that can be verified to, for instance, acquire an overnight camping permit. These characteristics define Asian settler sexuality – a sexual organisation of political subjectivity – because they signal management of a unit defined by sexual relations within the intimate sphere of the private family home. Like a marriage announcement, it is an outline of a sexual practice that can appear in public. Although some local fishers are Hawaiian, my concern lies with the particular complicities of Asian settler operations of local identity, which are distinguished by their separate stakes in articulating non-indigenous-based claims to Hawai’i.

Local fisher claims to Ka'ena land use link collective sexual practices like living in single-family homes, kin-based property inheritance, and even family fishing trips to claims to being the protected subject of US police power in Hawai’i. State regulation specifically intrudes upon fishermen’s ability to care for their family. They point out that it is their wives, girlfriends, and children that most need cots, tents, and sleeping bags. According to Keith Senkiewicz, ‘these restrictions have hurt us traditionally and culturally, we can no longer have our kids with us at night – our wife or girlfriend [...] [We] cannot make them comfortable’. Likewise, Yusumura testified that ‘I cannot bring my grandkids in there because of the camping paraphernalia restrictions. I cannot protect them against the weather’.57 What is settler colonial about the fishermen’s heteronormativity is not its affirmation of reproductive kin-based identities – as grandfathers or husbands. Kin-based roles can be inhabited in many ways, and not just as reasons to affirm state agendas for public safety and anti-homeless initiatives.58 The
problem arises where reproductive kinship is made into an exhibit of citizenly settler sexuality.

Pointedly resistant to the kind of home recognised by US colonial power, the Kaleo ‘ohana claim a home based on a genealogical relationship to land and within Hawaiian nationhood. Their heterosexuality, implicit in their reproductive familiality, is oriented towards an indigenous nationhood that Andra Smith recognises as ‘already queered’. This concept of queerness challenges settler colonial organisations of sexuality and is thus distinguished from, for example, the queer of Lee Edelman’s No Future: it does not exclude heterosexual reproductive kinship from its ambit. Local fishers’ references to heterosexual familial arrangements are not a Native queer problem; the problem is that these heterosexual identities are gathered toward being the proper subject of the settler state. The political difference of Native queerness also resonates with the Kaleo ‘ohana claims to family. Their ‘ohana are not the ‘guarantors[.] of the reproductive future of white supremacy’ but, ‘the nit that undoes it’. Native queer studies push towards a ‘historical relation to futurity’, including generationality, reproduction, intimacy, coupling, and kinship that is not only *not* heteronormative, but is also not seduced by trajectories of emancipation promised by modern sexualities that fail to address their complicity with settler colonial power.

This distinction between what hetero-reproduction pushes into the future allows me to analyse Asian settler attachments to the settler state. Asian settler sexuality is specifically not sexy. It is fit for public display and thereby feels to be a way of being an appropriate citizen. Affective registers can trade on the appeal of institutional recognition, which, amongst other things, relieves marginalised groups from the experience of being a social contradiction. Judith Butler schematises this dynamic: ‘the appeal to the state is at once an appeal to a fantasy already institutionalised by the state, and a leave-taking from existing social complexity in the hope of becoming “socially coherent” at last’. This desire for relief is read retroactively (for example, after citizenly recognition is achieved), as an occasion to reinvest in optimism for the US Through this affective relay, stories of Asian settlers’ ongoing and historical civil rights struggles are enlisted into the work of maintaining Hawai‘i as a US
settler colony. At Ka‘ena, local fishers enact citizenship by articulating their private interest in fishing as a matter of public concern. They claim standing as people who embody the cultures that define ‘us’.

CONCLUSION

Local fishers articulate a relationship with Hawaiian land that amount to the awkward claims of settlers to *living* the cultural practices that the state professes to protect. These claims are not inauthentic, opportunistic or merely tactical. They are strategic mobilisations, and the languages with which communities speak to the state are tailored to the categories that the state sets out to recognise. Yet, it is the very process through which the settler state shapes its subjects that needs to be interrogated. To approach the ways in which the settler state controls land use and creates the conditions of possibility for non-Hawaiian cultural practice and stewardship, we must also attend to the ways in which sexuality is used to manage those conditions.

What is unresolved is the relationship between non-Hawaiian claims to Hawai‘i and the settler colonial state’s disavowal of Hawaiian sovereignty. This calls us to consider Asian settler home-making as also a mode of space-making for a politics that has not worked out its relationship to decolonisation. Dismissing the indirect contributions of home-making to colonial power as opaque to analysis, politically inexpedient, or simply irrelevant may make us miss the ordinary and definitive forms through which the settler colony exists. Instead, I look to rectitude as convention, and conventionality as the regulation of a colonial order. Conventional forms, such as residency, houses, and permits are the micrological textures of a settler sexuality that stitches Asian settlers into a US-occupied Hawai‘i. I work from this oblique angle on colonial power to shake our certainty about the forms that colonialism takes, like family fishing trips. This means undoing the settler colonial labour of making selves intelligible as market segments, emotionally-appropriate citizens, and, in my examples, living receptacles of local traditions that absorb colonial contradictions in order to let a colonial order live on.

BIOGRAPHICAL NOTE

Bianca Kai Isaki, PhD continues to edit her manuscript, A Decolonial Archive: The Historical Space of Asian Settler Politics in a Time of Hawaiian Sovereignty, while attending the William S. Richardson School of Law in Honolulu, Hawai‘i, and working at KAHEA, a community-based group that advocates at intersections of environmental justice and Hawaiian cultural politics.

NOTES

1 In Hawai‘i, ‘Hawaiian’ is assumed to refer to a Native Hawaiian and not merely a state resident. I use this convention out of recognition for the space from which I write.
5 I am indebted to Chad Shomura for this comment.
8 In Land and Power in Hawai‘i Cooper and Daws explore the colonial complicity of local politics in their account of Hawai‘i Democrats’ rise to power in the context of land development. George Cooper and Gavan Daws, Land and Power in Hawai‘i: The Democratic Years (Honolulu, HI: Benchmark Books, Inc., 1985), p. 205. Many of these well-connected Democrats were Asian, particularly Japanese, males who were also realtors, bankers, and investors that stood to gain from burgeoning land development, tourism, and defense industry growth.
16 The State legislature passed Act 139 in 1970, which created the Natural Area Reserve System to conserve Hawai‘i’s threatened native ecology. Earlier, in 1904, a
Board of Commissioners of Agriculture and Forestry was commissioned to protect the 1.2 million acres of forest throughout the islands and established the first Forest Reserve in Hawai‘i. The Hawai‘i government came to manage 68 percent of the forest and watershed regions, with the rest held by private owners. See Cynthia Josyama, ‘Facilitating Collaborative Planning in Hawai‘i’s Natural Area Reserves’, Research Network Report, 8 (1996), Available at: <http://www.mekonginfo.org/mrc_en/doclib.nsf/0/9F38F5220E3C041947256D8A0008FA7B/$FILE/FULLTEXT.html>. Accessed 1 March 2011.


20 Many of the complaints against DLNR enforcers are levelled against a game warden, Henry Haina (accused of unauthorised enforcement of arbitrary rules and of pointing his gun at a child who was fishing with her father at night). In response, the DLNR reassigned Haina to another district. Eloise Aguiar, ‘State reassigns game official’ Honolulu Advertiser (14 November 2008).
21 With an area of 12 acres of coastal dune lands, it is the smallest of the State’s Natural Area Reserve System and harbours eight federally endangered plants and rare animals such as the Laysan albatross and Hawaiian monk seal. Josyama, ‘Facilitating Collaborative Planning’.
22 ‘Fishermen Speak Up’, in Tina Quizon, Carroll Cox (eds), (Honolulu: `Olelo Hawai‘i Television, 2010).
24 Hawai‘i Fishing News (February 2010), pp. 6-7.
25 ‘Fishermen Speak Up’.
26 Despite the Constitution’s messy slippage from Hawaiian to ‘ethnic’ protections, case law has been attentive to the political difference – broadening protections for Hawaiian cultural practice in particular. See, P.A.S.H. v. Nansay Corp. & Hawai‘i Planning Comm’n, 903 P.2d 1246 (1995), Pele Defense Fund v. Paty, 73 Haw. 578, 620 (1992), and State v. Hanapi, 970 P.2d 485 (1998). The state legislature also enacted Act 50 in 2000 to require cultural impact assessments as part of the permitting process for any significant land uses. Act 50 aims to ‘identify and address effects on Hawaii’s culture, and traditional and customary rights’ and thus repeats the Constitution’s equivocal recognition of both Hawaiian and local settler cultures.
27 ‘Fishermen Speak Up’.
30 In 1978, the state organised an Office of Hawaiian Affairs after a constitutional referendum. In the 1970s, Hawai‘i Supreme Court Chief Justice William S. Richardson reasoned that Hawaiian common law should be adopted alongside U.S. generic common law in Hawai‘i courts. ‘The common law of England, as ascertained by English and American decisions, is declared to be the common law
of the State of Hawai‘i in all cases, except as [...] established by Hawaiian usage’, Hawai‘i Revised Statutes § 1-1 (1978) (emphasis added).


34 Both the Hawai‘i House Bill 645 and its Senate version were unanimously approved in the 2009 session, but were not taken up during the 2010 session.

35 In 1995, the DLNR formed the Ka‘ena Point Advisory group, which suggested implementing a similar permitting system.


37 Lawai‘a Network, ‘Lawai‘a Community Stewardship Partnership Proposal’.

38 State of Hawai‘i Legislature, ‘HB645_TESTIMONY_WLO_01-30-09’.

39 State of Hawai‘i Legislature, ‘HB645_TESTIMONY_WLO_01-30-09’.


41 ‘Fishermen Speak Up’.

42 A 2008 study found that 60% of homeless receiving services have lived in Hawai‘i for less than ten years. Trisha Kehaulani Watson, ‘Homelessness’, in Craig Howes and Jon Kay Kamakawiwo’ole Osorio (eds), The Value of Hawai‘i: Knowing the Past, Shaping the Future (Honolulu: University of Hawai‘i Press, 2010), p. 128.


45 Act 50 contained a provision that made entering or remaining unlawfully on public property after a warning or request to leave by owners/lessors or police officers into an offense of criminal trespass in the second degree. Watson, ‘Homelessness’ p. 129. In April 2005, hundreds protested the bill at the capitol, and HB806, which amended Act 50 to focus on the homeless, was passed in the following legislative session. This was no victory because it still allowed police to arrest ‘squatters’ (like Beltran) and the ACLU sued the state. Act 50 was repealed altogether in 2006 when the main advocate for the anti-homeless initiatives, Senator Bunda, was unseated as Senate President. See Honolulu Star-Bulletin (17 June 2008).

46 Beltran, ‘Statement of the Kaleo ‘Ohana’.

49 Leila Fujimori, ‘City forces homeless to leave Mokuleia’, Hawai‘i Star-Bulletin (17 June 2008).
50 ‘Fishermen Speak Up’.
52 Lawai‘a Network, ‘Lawai‘a Community Stewardship Partnership Proposal’.
57 ‘Fishermen Speak Up’.
61 As her example, Smith cites Colonel John Chivington, the leader of the famous massacre at Sand Creek, who charged his followers to not only kill Native adults but to mutilate their reproductive organs and to kill their children because ‘nits make lice’. Smith, ‘Queer Theory and Native Studies,’ p. 48.
62 Warner, Publics and Counterpublics, p. 194.