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## Hawai'i Land Struggles and a Pacific Statehouse

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United States Public Law 103-150, passed by a joint resolution of the US Congress in 1993, acknowledges that the Kingdom of Hawai'i (1795-1898) "never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States."<sup>1</sup> But, by that point, the damage to Hawaiian land-based spiritual and subsistence practices had already been done. American and European settlers in nineteenth-century Hawai'i pressured the kingdom's mō'i (ruler), Kamehameha III, to institute land-use systems to satisfy their economic interests. The 1848 māhele (division), backed by US citizens in the islands, transformed Hawaiian ahupua'a (communal land systems for food, clothing, shelter, and storytelling) into systems of private property. Lands once shared between mō'i, ali'i (high-ranking chiefs, rulers), and maka'āinana (people of the land, commoners) became available to foreign settlers for plantation and military use through fee-simple titles and leasing. The māhele's impact stretched into Hawai'i's territorial and state laws: countless loko i'a (fishponds) and lo'i kalo (wetland taro fields) disappeared to make way for development and land speculation; "ceded" lands were placed in, and continue to be, held in trust; racialized restrictions to homesteading for Kānaka Maoli (Native Peoples of Hawai'i) were inscribed in the Hawaiian Homes Commission Act (1921); and for decades, city and building codes made it illegal to construct pili and thatch hale (houses) used by Kānaka Maoli for gathering, sleeping, cooking, eating, and sheltering canoes.

Federal and state laws eschew the lived experiences of Kānaka Maoli, whose societal worldviews are tied to 'āina (land, or that which feeds) and expressed, in part, through mo'okū'auhau (genealogical lineage). 'Āina is, as Davianna Pomaika'i McGregor explains, both one hānau (sands of birth) and kula 'iwi (resting place of ancestral bones). 'Āina is foundational to Hawaiian beliefs and practices; it is "alive, respected, treasured, praised, and honored."<sup>2</sup> Kanaka epistemologies are intertwined with 'āina; their entanglement is a familial relationship of love, care, and protection that extends to the seas and skies, the plants and animals, and the wider universe. Noelani Goodyear-Ka'ōpua explains that the interdependence between human and more-than-human forms that is "forged through the process of remembering and caring for wahi pana, storied places" is integral to ea (life, breadth)—often translated into English as "sovereignty" or "political independence."<sup>3</sup> This Kanaka epistemology, as J. Kēhaulani Kauanui reminds us, is rooted in a "nonproprietary relationship to the land" that challenges the very premise of US state power, which is predicated on dispossession and occupation.<sup>4</sup> US planning practices that legally

characterize land as zones for agricultural, residential, industrial, mining, and recreational use lacks the expansive worldview of place—of ‘āina—as a living ancestor tied to Kanaka well-being.

The Hawaii state capitol (erected in 1969) is a physical reminder and (re)assertion of US law and politics in ka pae ‘āina o Hawaii (the Hawaiian archipelago) (fig. 1). The concrete, wood, and tile statehouse takes advantage of Hawai‘i’s temperate climate. It is open to the elements, and sunshine, rain, and trade winds enter the mosaic-filled central courtyard. Two legislative chambers occupy the main body of the building, for which load-bearing columns provide support, and a large reflecting pool surrounds the entire structure. The capitol’s interior is carpeted; woven tapestries hang in the chambers; and wood paneling lines the executive offices. The statehouse visually articulates its island environs: the cone-shaped legislative chambers are like volcanoes, the columns are like palm trees, and the reflecting pool is like the ocean. The statehouse is an archetype of a warm and bountiful paradise, reifying long-established “environmental ideations”—to borrow Hi‘ilei Julia Kawehipuaakahaopulani Hobart’s language—that have “sustained the agricultural and tourist sectors of the economy” without regard for intimate Hawaiian relations to place and mo‘okū‘auhau.<sup>5</sup>



Fig. 1. Belt, Lemmon, and Lo in joint venture with John Carl Warnecke and Associates, Hawaii State Capitol, Honolulu, Hawai‘i, 1969. Image courtesy of the author

The state capitol and its surroundings present a space where Indigenous geographies and architectures confront the built environment of US empire. The statehouse’s monumentality and its physical siting on South King Street near ‘Iolani Palace (1879) and Ali‘iōlani Hale (1874), two Kingdom of Hawai‘i government buildings, reflect the motivations of the settler state in seeking both legitimacy and the completion of a political (read: colonial) process. Mō‘ī commissioned ‘Iolani Palace and Ali‘iōlani Hale as ceremonial and legislative-judicial structures. They strategically adopted neoclassical forms for the seat of government to advance Hawaiian claims for legitimacy and political authority amid rapid US and European expansion in the Pacific. The kingdom buildings are the focal point of a modern, urban architectural environment created by the Hawaiian ruling class decades before statehood. The capital advisory board in the 1960s, unsurprisingly, selected a location adjacent to ‘Iolani Palace for the new statehouse. The area, bounded by

Punchbowl, Beretania, Richards, and South King streets, met this key criterion of being readily recognizable as the center of government.

Capitol architects and planning officials interwove the physical symbol of US nation-building with Hawaiian architectural histories. The five-story capitol hovers over 'Iolani Palace. For many people today, 'Iolani Palace conjures grief and remembrance. It is where mō'i 'Kalakaua, under threat of military violence from American annexationists, signed the Bayonet Constitution in 1887, giving white landowners the right to vote. It is also the site where United States-backed military forces in the islands imprisoned Hawai'i's queen, Lili'uokalani, in an attempt to secure a government takeover in 1895. The capitol and its siting are reminders of the settler state's ongoing violent realities of occupation.

N. Mahina Tuteur convincingly argues that US legal frameworks are inherently flawed because they are "grounded in Western concepts of property that are not universally applicable, especially in Hawai'i."<sup>6</sup> Lawmakers in and around the capitol amended the Hawaii state constitution in 1978 to include Article XII, Section 7, a mandate that expressly calls for preserving Hawaiian customary and traditional land rights; however, the statute is not clearly defined. A series of state-court rulings exposes tensions in governmental attempts to balance private ownership with Hawaiian rights to access land. *Kalipi v. Hawaiian Trust Co., Ltd.* (1982) determined that Native Hawaiians had limited gathering rights to practice cultural traditions on undeveloped land; *Public Access Shoreline Hawaii v. Hawai'i Planning Commission* (1995) determined that private land-use decisions must consider the impact of the proposed use on cultural resources and places. These two cases reinforce the notion that traditional and customary use, as defined in state law, is circumstantial rather than absolute.

It follows that the capitol—enmeshed within the architectural histories of the Hawaiian kingdom—is the scene for dissent against attempts to alienate Hawaiians from the land. The capitol was the backdrop for liberation politics in the Kalama Valley and Waiāhole-Waikāne protests against housing evictions of the 1970s; antimilitary actions of the 1980s; self-determination rallies during the 1990s; kumu hula (hula teacher) demonstrations of the early 2000s; ongoing objections to the Thirty Meter Telescope (TMT) on Maunakea; and, most recently, the staged die-ins and mobilizations over the US military's fuel leaks at Kapūkakī (Red Hill) in 2022. Kānaka Maoli, allies, and coconspirators have filled the capitol's wraparound interior balconies and open-air rotunda to advocate for restorative stewardship of lands and to push for legislation solidifying land trust obligations.

Decades-long land struggles seeking justice for Kānaka Maoli and 'āina indicate the dissonance between a Hawaiian worldview of ecological abundance and Western spatial (and architectural) imaginaries dictated by boundaries and borders. US property laws and cartographies that support the settler state do not account for the reciprocity and consent required to cultivate pilina (intimacy, connectedness) with 'āina. Nevertheless, the capitol co-opts references to Hawai'i's land and ecologies as a neutral architectural aesthetic, a seemingly deracialized ornament underscoring the state's reputation as a multicultural paradise. The capitol's positivist representations of space affirm capitalist land-use systems and private development amid architectural narratives of Kanaka Maoli survival within and against the US empire.

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## Notes

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Note on the Hawaiian language: I prioritize 'ōlelo Hawai'i (Hawaiian language) in the text. As a methodological practice, I do not italicize Hawaiian words and phrases to not "other" 'ōlelo Hawai'i as a foreign language. I also use "Hawaiian," "Kanaka Maoli," and "Kanaka/Kānaka" (singular/plural) interchangeably to refer to the Indigenous Peoples of Hawai'i.

<sup>1</sup> Joint Resolution to Acknowledge the 100th Anniversary of the Overthrow of the Kingdom of Hawaii, Public Law No. 103-150, 107 Stat. 1510 (1993), available at <https://www.govinfo.gov/content/pkg/BILLS-103sjres19enr/pdf/BILLS-103sjres19enr.pdf>.

<sup>2</sup> Davianna Pomaika'i McGregor, Paula T. Morelli, Jon K. Matsuoka, Rona Rodenhurst, Noella Kong, and Michael S. Spencer, "An Ecological Model of Native Hawaiian Well-Being," *Pacific Health Dialog* 10, no. 2 (2003): 103.

<sup>3</sup> Noelani Goodyear-Ka'ōpua, introduction to *A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty*, ed. Noelani Goodyear-Ka'ōpua, Ikaika Hussey, and Erin Kahunawaika'ala Wright (Durham, NC: Duke University Press, 2014), 3-4.

<sup>4</sup> J. Kēhaulani Kauanui, *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism* (Durham, NC: Duke University Press, 2018), 28.

<sup>5</sup> Hi'ilei Julia Kawehipuaakahaopulani Hobart, "At Home on the Mauna: Ecological Violence and Fantasies of Terra Nullius on Maunakea's Summit," *Native American and Indigenous Studies* 6, no. 2 (Fall 2019): 33.

<sup>6</sup> N. Mahina Tuteur, "Reframing Kānāwai: Towards a Restorative Justice Framework for Indigenous Peoples," *Indigenous Peoples' Journal of Law, Culture & Resistance* 7 (2022): 60.