Kawaiaha‘o: Recolonizing the Borderlands of the Native Hawaiian Body

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Cultural trauma as a result of settler colonial institutions is often so internalized that native people fail to recognize those institutions as the source of their trauma. Throughout history, the native body has been dehumanized, eroticized, minimized, made invisible, and even expunged. The native body—even that of the dead—is a culturally traumatic site of struggle that is subject to erasure. This article analyzes the first written account of religious syncretism in Hawai‘i and presents its legal implications in the contemporary controversy of disinterring Native Hawaiian burials at Kawaiaha‘o Church. Using the case of *Hall v. Department of Land and Natural Resources*, this article demonstrates how the law and Christianity have been used as tools of U.S. hegemony to continue colonizing Native Hawaiian bodies through the imposition of spatial and temporal boundaries.

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Unlike European navigators who saw the Hawaiian archipelago as merely a colonial trading post, the early missionaries left Boston to proselytize the Christian gospel and "settle" in the islands. Exemplifying inherent attributes of settler colonialism,[1] the missionaries intentionally worked to influence, subvert, and replace the Hawaiian monarchy with their own religious, social, and political institutions. Cultural trauma as a result of settler colonial institutions is often so internalized that Native Hawaiians fail to recognize those institutions as the source of their trauma. Absent such recognition, recovery from transgenerational cultural trauma will remain elusive.

Since the arrival of the first American missionaries to Hawai'i in 1820, the Native Hawaiian body has been a contested space. A space that needed to be tamed, clothed, segregated, and tutored on how to think, speak, and act in the image of a "civilized" Christian. Throughout history, the Native Hawaiian body has been dehumanized, eroticized, minimized, made invisible, and even expunged. Such cultural trauma has uprooted native consciousness, disconnected people from their native cultural and religious practices, divided communities and families, and physically manifested into health disparities for Native Hawaiians. What was once a sovereign kingdom has since transformed into a system of governance modeled after the West, complete with legal institutions based on Protestant doctrines. The new rule of law criminalized the familial, social, recreational, and sexual behavior of the Native Hawaiian, redefining his identity and creating boundaries for his private space (Merry, 2000, p. 39).

Likewise, history has also shown that when native bodies controlled a contested space, the method to acquire and develop the space is through the removal and relocation of the native body. The 1893 overthrow of the Kingdom of Hawai'i and the Hawaiian Homes Commission Act of 1921 exemplify the removal and relocation of Native Hawaiian bodies, as both events aptly demonstrate historical displacement of natives from their lands. Today, as a generational result of missionary colonization, a disproportionate number of Native Hawaiians can be found living in homeless camps at public beaches, or overcrowded prisons and medical centers. Unfortunately, in life—and even in death—the story of the Native Hawaiian body is still one of displacement, where "the legal underpinnings of colonialism remain implanted in the domestic law of the United States" (Echo-Hawk, 2010, p. 5). In an action that mirrored the civilizing projects of early 19th-century missionaries, O'ahu First Circuit Court Judge Karl K. Sakamoto recently deployed the rule of law to allow for the relocation of Native Hawaiian bodies. This time, however, the natives allotted for removal were burials.

Hall v. Department of Land and Natural Resources

The contested space in question is located at Kawaiahaʻo Church on the island of Oʻahu. The project involves the demolition and replacement of a social hall and office building with a new Multi-Purpose Center, known as the "MPC project." During excavation for the installation of utility lines, human skeletal remains were discovered. A descendant of burials located within the Kawaiahaʻo Church cemetery, Dana Naone Hall, sought an injunction to prevent Kawaiahaʻo Church from proceeding with the MPC project. Among the eleven causes of action she filed included allegations that the church violated state laws enacted for the preservation and protection of traditional Native Hawaiian burial sites.

Based on the evidence presented and the testimony of an expert for the church, Judge Sakamoto narrowly interpreted the letter of the law to allow for the removal and relocation of deceased Native Hawaiian bodies, a move that is contrary to the spirit of the laws designed to protect them, specifically HRS Chapter 6E. In his October 11, 2011 decision, Judge Sakamoto opined that in order for the protective state laws to apply to the disturbed burials at Kawaiahaʻo Church, the burial site "must contain remains of Native Hawaiians *buried according to such unique traditional customs*" (emphasis added; *Hall v. Department of Land and Natural Resources, DLNR,* 2011). Moreover, the court stated, "the burials discovered at Kawaiahaʻo Church *were in fact Christian burials within a Christian cemetery, rather than traditional Native Hawaiian burials*" (emphasis added; (*Hall v. DLNR,* 2011) since the final resting place was a Christian missionary church. To further assert his point, Judge Sakamoto reasoned, "while the discovered burials contained remains that *were ethnically Native Hawaiian, they were nonetheless still Christian burials*" (emphasis added; *Hall v. DLNR, 2011*).

This article discusses how the native body—even that of the dead—is a culturally traumatic site of political and religious struggle, subject to erasure by settler colonial institutions. Specifically, it describes and analyzes the first written account of religious syncretism in Hawaiʻi and presents its legal implications in the contemporary case of *Hall v. DLNR,* which involves the legal disinterment of Native Hawaiian burials at Kawaiahaʻo Church.[2] Most importantly, this article articulates how the law and Christianity have been used as legal tools of U.S. hegemony to continue colonizing Native Hawaiian bodies through the imposition of spatial and temporal boundaries.

The Burial of William Watman

Unbeknownst to Judge Sakamoto, and perhaps to others, religious syncretism has been around in Hawai'i since the arrival of Captain James Cook. Continuing from the 1825 repatriation of the bodies of King Kamehameha II and Queen Kamāmalu (Dampier, 1971), to the funerary rites of Queen Lili'uokalani in 1917 (Loomis, 1979), religious syncretism with respect to burial practices in Hawai'i has been virtually ignored by colonial institutions, especially in "the Courts of the conqueror" (Echo-Hawk, 2010, p. 4), which are predominantly influenced by Christianity. Such an oversight has significance in the contemporary controversy surrounding the MPC Project at Kawaiaha'o Church.

Religious syncretism is the combination of different forms of religious belief or practice (Merriam-Webster, 2012). For instance, it is common to witness practicing Christians participating in Japanese *O Bon* festivals and observing the Chinese *Ching Ming* memorial season in contemporary Hawai'i (Purnell, 1993). Written accounts of the 1779 burial of one of Captain Cook's crewmen at Hikiau Heiau (a pre-Christian place of worship)[3] describe the first occurrence of religious syncretism in Hawai'i. William Watman was the Gunner's Mate on board the *Resolution* (Samwell, 1967; Ledyard, 1963), having previously sailed with Cook on his second voyage. After the second voyage, Watman was admitted into Greenwich Hospital (King, 1967; Samwell, 1967) for an unspecified illness but decided to join Cook on his final journey to accompany the "Captn [*sic*] whose fortunes he was desirous of following" (King, 1967, p. 517).

Watman is described by his fellow crewmembers as an elderly man (King, 1967; Ledyard, 1963; Zimmerman, 1926) who was a 21-year veteran of the British Royal Marines (King, 1967). Following a "[p]aralytic stroke" (King 1967, p. 516), Watman died on board the *Resolution* at Kealakekua Bay, Hawai'i, on February 1, 1779 (King, 1967; Ledyard, 1963; Rickman, 1781; Samwell, 1967), having suffered from "a slow-fever that had partly been hastened if not brought on by intemperance" (Ledyard, 1963, p. 123). "[A]ccording to his own desire" (Rickman, 1781, p. 307) "when he found he should not recover," Watman requested "to be inter[r]ed" (Ledyard, 1963, p. 124) "on shore" (King, 1967, p. 517) "in the Morai belonging to the king[,]" (Rickman, 1781, p. 307) "which Cook promised him should be done" (Ledyard, 1963, p. 124). His request, conveyed to the native priest by Cook (p. 124) was granted, and Watman was interred in "the native burial-ground" (Zimmerman, 1926, p. 37) "called O-hekeaw [Hikiau], the burial Place of the Indian Chiefs" (Samwell, 1967, p. 1172).

The funerary rites documented by Cook's men were more than a "showing [to] the islanders [of] how a European burial was conducted" (Zimmerman, 1926, p. 37). Watman's burial was the first description of how European and Native Hawaiian forms of religious belief and practice were combined for a specific purpose. In essence, it was the first recorded account of religious syncretism in Hawai'i.

Based on the descriptions provided by Cook's men, it appears that the natives conducted Watman's funeral in accordance with customs usually afforded to high-ranking ali'i (chief). Firstly, Hikiau heiau was "the most important heiau in the district of Kona" ('Ī'ī, 1959/1995, p. 115). It was "[d]edicated to the god Kū as a luakini [sacrificial temple] for success in war, [and] it was also dedicated to the god Lono during the annual makahiki[4] season[,] with ceremonies conducted to insure the continued fertility of the land" (DLNR, n.d.). Moreover, both Kamahemeha I and his heir, Liholiho, frequently journeyed to Hikiau Heiau to observe kapu (taboo; sacred, holy) periods ('Ī'ī, 1959/1995, p. 129). To be buried at Hikiau, one must obtain permission prior to burial in the heiau, which Cook secured on Watman's behalf, as aforementioned. Secondly, although Cook and his men "expected the curiosity of the natives…to come in crouds [*sic*] to" witness the burial, "the people all shut themselves up in their houses, and nobody was seen but two or three men who attended Kikinny"[5] (Ledyard, 1963, p. 124), the resident kahuna (priest) at Hikiau Heiau. The other men were identified as "chiefs who attended the funeral" (Rickman, 1781, p. 307) and "brethren" (King, 1967, p. 517) of the kahuna. This description of excluding the entire native populace from a particular event is a practice only afforded to ali'i (Kamakau, 1866–1871/2010), as well as kahuna acting under the authority of an ali'i.

Although one interpretation minimized the native role to that of mere "spectators" (King, 1967, p. 517), another crewmember wrote: "Captain Cook *assisted* [emphasis added] in performing the burial Service," inferring that Cook's role was a secondary one to the kahuna's (Samwell, 1967, p. 1172). Nonetheless, the written descriptions of Watman's burial allow the reader to visualize the joint display of both Native Hawaiian funerary practices and Christian burial rites.

In accordance with European Christian tradition, Watman's corpse was "inclosed [*sic*] in a coffin covered with [military] colors" (Ledyard, 1963, p. 124) and transferred from the *Resolution* to shore aboard a pinnace (Ledyard, 1963). A funeral procession followed Watman's coffin from the beach to the heiau, with Cook and his officers in formation "according to their rank" (p. 124). Further ahead at a distance,

a guard of marines "with their arms reverted" (p. 124) marched "to the tune of a fife that played the funeral march" (p. 124). When they reached the designated gravesite, the "guard[s] opened their ranks and performed the usual evolutions on those occasions" (p. 124). No doubt, Watman was given the military honors afforded to him as a Gunner's Mate in the British Royal Marines.

Adhering to Native Hawaiian customs reserved for ali'i, Watman was buried "at the foot of an Image" (Samwell, 1967, p. 1172) within Hikiau Heiau. The natives previously "dug his grave about four feet deep, [and] covered the bottom of it with green leaves" (Rickman, 1781, p. 307). When "the corpse was deposited in the earth, the chiefs who attended the funeral, put a barbicued [*sic*] hog at the head [of Watman's coffin], and another at the feet, with a quantity of bread fruit, plantains and bananas" (p. 307). This is in accord with Native Hawaiian beliefs that food offerings are necessary to accompany the deceased on his journey in the afterlife (Kamakau, 1866–1871/2010; Malo, 2006).

The kahuna "Kikinny and his [men] squat down upon their hams" in the kapu noho[6] position, as "Cook and his officers read prayers" (Ledyard, 1963, p. 124) "in the usual [Christian] manner…[while] the Natives who were present on the occasion, according to their custom threw a couple of small pigs and some fruit into the grave" (Gilbert, 1982, p. 103). Specifically, the natives "performed other Ceremonies" (Samwell, 1967, p. 1172) where the kahuna "Kikinny seized a little pig he had under his arm by his hinder legs, and beating its head against the stones hove into the grave" (Ledyard, 1963, p. 125). Additional hogs would have been offered "had not Cook interposed" (p. 125) and "ordered the grave to be covered up" (Rickman, 1781, p. 307).

As Cook's men "were filling up the grave, & had finish[e]d reading the ceremony…they [the natives] would throw in a dead pig, & some Coco Nuts, Plantains &c" (King, 1967, p. 517). The amount of offerings presented by the natives was described as "a great quantity" (p. 517). At one point during the ceremony, the natives "were in some measure stop'd [*sic*] from going thro [*sic*] their funeral prayers" (p. 517). Nonetheless, after "[t]he ceremony [was] over and the guard[s] marched off[,] Cook erected a post" (Ledyard, 1963, pp. 124–125) "at the head of the grave…[with] a Square piece of board naild [*sic*] on it, with the name of the deceased, his age" (King, 1967, p. 517), "the date of the year, day of his death, and the nation to which he belonged" (Rickman, 1781, p. 307). The board was fastened directly on the ki'i (image, statue, idol), attached "with wooden pegs" (Samwell, 1967, p. 1172).

Although the burial of Watman concluded the Christian funerary rites for Cook and his men, several accounts documented the continuation of funerary customs observed by the natives. An unspecified number of natives returned later that evening "in a procession carrying a kind of Ensign before them & performed those Rites which they use over the dead" (Samwell, 1967, p. 1172). Later the "next day[,] the Indians rolled large stones over his grave, and brought two barbicued [*sic*] hogs, plantains and bananas, cocoa-nuts and bread-fruit, which they placed over his grave, upon a stage erected for that purpose" (Rickman, 1781, pp. 307–308). The natives continued their rituals "for 3 [*sic*] nights & in one it lasted the best part of it…[where the kahuna] & the rest of them surrounded the grave, killd [*sic*] hogs, [and] sung a great deal" (King, 1967, p. 517). Watman's "grave was ever after visited by the natives, who strewed it over with viands and animal flesh" (Ledyard, 1963, p. 125). One of Cook's crewmembers was invited to witness their rituals and sat "half an hour there, during which time they killed a pig in the manner Kikinny had done his, opened it while warm and threw the entrails into the fire and left them to consume: the carcase [*sic*] of the pig was thrown upon Watman's grave" (p. 125). The crewmember commented that it "seem[ed] the sole purpose of this assembly was to sacrifice (if I may so call it) to the manes[7] of Watman" (p. 125). He also noted that the natives' treatment of Watman's grave was of "the purest spirit…an example that will put seven eights of Christendom to the blush" (p. 125).

Analyzing the Elements of Watman's Burial

The recorded accounts clearly depict the use of a combination of Native Hawaiian and Christian funerary customs for the burial of Watman, thus providing compelling evidence of religious syncretism in Hawai'i as early as 1779. With this fact in mind, let us consider Watman's (1) religious faith, (2) body position, (3) location of burial, and (4) related grave goods, as they are critical pieces in understanding the *Hall v. DLNR* case.

With respect to Watman's *religious faith*, Cook and his crew afforded him with last rites that highly suggest that Watman was a God-fearing Christian. To validate this assumption, a review of Watman's "Last Will and Testament," signed and dated on April 20, 1776, contained language indicative of his Christian faith. His will begins with "In the name of God Amen" and continues with, "I commend

my Soul into the Hands of Almighty God…through the Merits of Jesus Christ my Blessed Saviour, and Redeemer" (Watman, 2002). Surely, Watman was a Christian. As to his *body position*, Watman was "inclosed [*sic*] in a coffin with colors," the "colors" being the regalia fitting of a Gunner's Mate in the British Royal Marines.

In terms of the *location* where Watman was buried, none can deny that Hikiau Heiau is a native space. In fact, according to the previously cited words of Cook's crew, they recognized the *heiau* as a "native burial ground" (Zimmerman, 1926, p. 37), "the burial Place of the Indian chiefs" (Samwell, 1967, p. 1172), and "the Morai belonging to the king" (Rickman, 1781, p. 307). Specifically, Watman was buried "at the foot of an Image" (Samwell, 1967, p. 1172), most likely a wooden ki'i associated with Lono or Kū, gods to whom Hikiau Heiau was dedicated.

Finally, let us summarize the *grave goods* located around, near, and above Watman's grave. His grave was lined with "green leaves" (Rickman, 1781, p. 307), with a "barbicued [*sic*] hog at the head, and another at the feet, with a quantity of bread-fruit, plantains, and bananas" (p. 307). Over the coffin were "large stones" (p. 307), "two barbicued [*sic*] hogs, plantains and bananas, cocoa-nuts and bread-fruit" (pp. 307–308), and other "animal flesh" (Ledyard, 1963, p. 125).

Taking into account the aforementioned information, *would the gravesite of Gunner's Mate William Watman be considered a "Christian burial" or a "traditional Native Hawaiian burial site?"*

To choose one description over the other is tantamount to an erasure, egregiously prejudicial, and suggestive of one's religious or racial bias. Oftentimes the law, as in this case, is a "systematized negation of the other, a frenzied determination to deny the other any attribute of humanity" (Fanon, 1963, p. 182). Thus, in light of the written accounts in the journals and memoirs of Cook's men, particularly the evidence of religious syncretism, Watman's gravesite is, simultaneously, both a "Christian burial" and a "traditional Native Hawaiian burial site." *Even if the written record did not exist*, the physical evidence would still substantiate that Watman's grave is both a "Christian burial" *and* a "traditional Native Hawaiian burial site." While some may argue that the answer to the aforementioned question depends on contextual perspective, such an argument indicates that there is "a struggle over power and over whose ideology informs and controls the interaction" (Cram, McCreanor, Smith, Nairn, & Johnstone, 2006, p. 45) regarding the contested space.

One cannot deny the material evidence. Suppose that Watman's grave were excavated in the present time. Anthropologists would find remnants of a coffin containing human skeletal remains. Assuming the remains were intact, an examination would determine Watman's sex, age, and height. Furthermore, an analysis of the skull may suggest Watman's ethnicity. If allowed, DNA testing would provide a more precise indication as to his ethnicity. Given these points, the evidence would suggest that the individual in question was an elderly male of possible European descent. The fact that his remains were contained in a coffin would indicate that Watman's grave was quite possibly a "Christian burial."

Again, *even if the written record did not exist*, further information about Watman may be revealed. Depending on the integrity of the cultural artifacts found in context with Watman's remains, one might conclude that Watman's grave was also a "traditional Native Hawaiian burial site." Other than the obvious fact that the grave is located within an ancient Hawaiian heiau, testing the organic material found beneath the coffin may reveal leaves from plants usually used in Native Hawaiian burials. Coupled with the midden consisting of pig bones and evidence of offerings, one would believe that Watman's grave was a "traditional Native Hawaiian burial site."

Even if the written record did not exist, one may deduce from the physical and material evidence that Watman's grave was both a "Christian burial" and a "traditional Native Hawaiian burial site."

However, if there were no written accounts of Watman's burial, significant facts would be absent. Specifically, the skeletal and material remains would not reveal that both a Christian (Captain Cook) and a Native Hawaiian kahuna (Kikinny) conducted their respective funerary rites over Watman's corpse. Moreover, the physical evidence would not describe the Christian "funeral march" (Ledyard, 1963, p. 124) that Cook led from the *Resolution* to the heiau, with the crew in military formation "according to their rank" (p. 124). Likewise, the material evidence would not speak to natives "in a procession carrying a kind of Ensign" (Samwell, 1967, p. 1172), nor that they "sung a great deal" (King, 1967, p. 517). To enumerate, the skeletal remains and grave goods that anthropologists would take into consideration to determine whether a grave is a "Christian burial" or a "traditional Native Hawaiian burial site" do not tell the entire story about the burial of Gunner's Mate William Watman. Bluntly put, there are limits to the science of anthropology.

The purpose of this extensive discussion is to emphasize the complexity of questioning whether a grave is a "Christian burial" or a "traditional Native Hawaiian burial." Such a thought process is complicated in Hawai'i, where religious syncretism has been present since 1779. Unlike Europeans familiar with the monotheistic demands of Christianity, Native Hawaiians at the moment of European contact worshipped many gods (Malo, 2006). Thus, a native baptized into Christianity during the 19th century should not be perceived in the same context as a contemporary Native Hawaiian who was reared solely believing in the teachings of Jesus Christ. In fact, history shows that some prominent Native Hawaiians who converted to Christianity in the early 1800s still ascribed to older beliefs and practices.

For example, although High Chief and Prime Minister "William Pitt" Kalanimoku was baptized a Roman Catholic on board the French warship *Uranie* in 1819, the ship's artist commented that after his baptism, "the minister Pitt took his leave; and, furnished with his passport to paradise, went home to his seven wives, and to sacrifice to his idols" (Arago, 1823, p. 111). Likewise, when King Kaumuali'i of Kaua'i died in 1824, his wife Queen Ka'ahumanu still adhered to native beliefs regarding burial and the afterlife, in spite of having converted to Christianity a month earlier. Specifically, Ka'ahumanu prepared Kaumuali'i's corpse in a coffin for exhibition to the people, wrapping his lower extremities with yellow cloth but leaving his head and chest uncovered, with the exception of a wreath of feathers placed around his head to conceal his eyes (Stewart, 1970). Such preparation was explained by Reverend William Ellis as "an important matter, connected not only with the adjustment of the body immediately after death, but a necessary act in order to the departed spirit's entering Meru [Milu], or joining the society of happy spirits in the other world [afterlife]" (p. 290). In spite of this acknowledgment by a missionary that Ka'ahumanu was "blending traditions," so to speak, another missionary commented that King Kaumuali'i's funeral services were "conducted with the propriety and order of a Christian burial" (p. 293). These examples demonstrate that even the ali'i did not relinquish their native religious beliefs and practices just because they converted to Christianity. By the same token, "[e]ven though the "American/Western" culture is dominant in contemporary Hawai'i, most ethnic groups have managed to preserve and perpetuate much of the traditional belief systems...even the manner in which they bury their dead" (Purnell, 1993, p. 193).

Watman's Significance in *Hall v. DLNR*

To reiterate, Watman was a British man buried in a native heiau. His surviving colleagues documented that his funeral service involved both Native Hawaiian and Christian religious traditions. Simply put, the *location* of Watman's final resting place does not determine whether his gravesite was a "Christian burial" or a "traditional Native Hawaiian burial." Rather, the *religious practices* exercised speak more to the issue than the grave's location. By the same token, Judge Sakamoto erred when he stated that "the burials discovered at Kawaiahaʻo Church *were in fact Christian burials within a Christian cemetery*" (emphasis added; *Hall v. DLNR*, 2011). To follow the court's reasoning in Watman's case would surely render Watman's burial as being only a "traditional Native Hawaiian burial," when in fact, it was also a "Christian burial." Surely the *religious practices* exercised should be considered, especially when the court issues an opinion containing obvious religious overtones. Defining a gravesite as simply being one or the other based on mere location ignores the historical and contemporary presence of religious syncretism in Hawaiʻi.

Ultimately, the fundamental flaw in Judge Sakamoto's decision is that he reached a religious conclusion based predominantly on the testimony of a scientist.

Specifically, the court found the testimony of anthropologist David Shideler, expert for Kawaiahaʻo Church, persuasive in reaching its conclusion. The court stated that Shideler's "extensive *knowledge* of the *history* of the Kawaiahaʻo Church…[and] the practices that relate to burials and *religious intent*" were persuasive, coupled with the fact that he "was present during the excavation process and personally observed the findings of remains" (emphasis added; *Hall v. DLNR*, 2011). Indeed, a scholar with an understanding of native funerary customs is quite different from a practitioner who has actual experience conducting the funeral rites in question. After all, a patient would seek the experience of a practicing medical doctor rather than the academic training of a medical school graduate. Thus, the court erred when it found unpersuasive the testimony of Edward Ayau, a religious practitioner who has participated in and officiated over many reburials of Native Hawaiian remains. Notwithstanding Mr. Shideler's archaeological expertise, when a court considers a decision which essentially speaks to *religious practices*, an actual cultural practitioner of said religious practices should bear as much credibility, if not more, than one who has studied the practices and interprets religious significance based on archaeological evidence.

Moreover, Shideler testified "that there was no evidence of any precontact burials in the sense that there was no establishment of fetal *position* burials which constitute or reflect that they may be traditional cultural Native Hawaiian burials" (*Hall v*. DLNR, 2011). To repeat an argument previously discussed, skeletal remains and grave goods that anthropologists would take into consideration to determine whether a grave is a "Christian burial" or a "traditional Native Hawaiian burial site" *would not tell the entire story* about the burial of Gunner's Mate William Watman. In other words, Watman's story reveals the limitations of anthropology, and the *Hall* case underscores the inability of legal and policy decision-makers to respect and defer to cultural perspectives that may differ from their own. The court erred in over-emphasizing the importance of testimony that underscored mere *body position* and *location*.

On a final note, both Shideler and the court appear to place an emphasis on the word *traditional* as if a "traditional Native Hawaiian burial" lacks authenticity unless it is fixed in a specific time period, at a particular location, and situated in a particular body position. Such a conclusion on the spatial and temporal boundaries of a native burial is essentially a settler colonial argument interpreting Native Hawaiian *tradition*. Like the people who create it, tradition is alive, not static (Johnson, 2007). Moreover, it is the *practitioners* who determine what is traditional. In the same fashion, what is traditional is oftentimes *sacred*, and "[s]acredness is always defined by the practitioners" (Native American grave, 1990). Truly, the *practitioners* are those who exercise, modify, add to, or discontinue particular cultural practices—not the legislature, not an anthropologist, and certainly not a judge.

The *Hall* decision is yet another case where specific terms of law are asserted to define and limit the spatial boundaries of native bodies. Again, the courts of the conqueror have rendered a legal erasure and endorsed the removal and relocation of Native Hawaiian bodies to further the interest of contemporary Christian missionaries, both native and non-native, alike.

On a final note, symptoms of cultural trauma include disconnection, division, and distrust. Hall is a Native Hawaiian descendant of burials at Kawaiahaʻo Church in a legal dispute with contemporary Christians who represent the church and happen to be Native Hawaiian. With respect to the native congregation, "[j]ust as an abused child…internalizes a parent's abuse…and may even regard the life of the abusive parent as exemplary, so communities of oppressed peoples internalize their own oppression and come to believe too many of the stereotypes, explicit and implicit, spoken by the oppressor" (Tinker, 1993, p. 3). It is ironic that as

Kawaiahaʻo Church functions as the "Body of Christ" for some Native Hawaiians, the disinterred and relocated bodies *are* the church to other Native Hawaiians. Indeed, Western concepts of identity, culture, and tradition continue to be imposed on native peoples; not just by settler colonial institutions, but also by people in the same native community. In the "later stages of traumatization, sources for cultural injury may come from within as well as from outside the boundaries of a defined cultural group" (Cook & Tarallo-Jensen, 2006, p. 241). Thus, freedom from cultural trauma cannot occur unless Christianity, like the law, is recognized as another settler colonial institution of oppression. Such is the reality when you are alive—or dead—in the borderlands.

> In the Borderlands
> you are the battleground
> where enemies are kin to each other;
> you are at home, a stranger,
> the border disputes have been settled
> the volley of shots have shattered the truce
> you are wounded, lost in action
> dead, fighting back
>
> —Anzaldúa (2007, p. 216)

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E. Sunny Greer, who was born and raised in Kahana, Oʻahu, is a hānai (adopted) student of Papa Henry Allen Auwae and completed ʻūniki (graduation) rituals in laʻau lapaʻau (medicine). She serves on the board of directors of Ke Ola Mamo, the Native Hawaiian Health Care System for the island of Oʻahu, is the youngest member of two kupuna councils convened under federal and state law for traditional Native Hawaiian healing, and is the former Cultural Programs Director at the Hawaiʻi State Historic Preservation Division, where she provided administrative oversight and support to the five island burial councils. Prior to receiving her JD in 2008 from the William S. Richardson School of Law, Greer received dual BA in American Studies and Political Science. She has an MA in American Studies, as well as a graduate certificate in Historic Preservation, and is currently a lecturer in American Studies at the University of Hawaiʻi at Mānoa pursuing a PhD in American Studies and a graduate certificate in Museum Studies.

Notes

1 Settler colonialism is a land-centered structure of a specific formation that is inherently eliminatory and foundational to modernity, with a view to eliminating indigenous societies in order to establish itself on their territory. Wolfe, Patrick (2006). Settler colonialism and the elimination of the native. *Journal of Genocidal Research*, 8:4, 387–409.

2 See *Hall v. DLNR*, Civil No. 09-1-1828-08 (KKS) (Oʻahu 1st Cir. Oct. 11, 2011). Prior to publication, the case was appealed. On December 14, 2012, the Hawaiʻi Intermediate Court of Appeals disagreed with and overturned Judge Sakamoto's reasoning that the burials at Kawaiahaʻo Church were "Christian burials" and were not afforded the protection given to "traditional native Hawaiian burials." According to the appeals court, "The protections provided by HRS Chapter 6E to human skeletal remains and burial sites do not turn on religious distinctions." Moreover, the court referenced the Legislature's intent that "[a]ll human skeletal remains and burial sites within the State of Hawaii are entitled to equal protection under the law regardless of race, religion, or cultural origin." See *Hall v. DLNR partially aff'd and vacated*, CAAP-12-0000061 (Haw. ICA. 1st Cir. Dec. 14, 2012).

3 English translations of Hawaiian words are from Pukui and Elbert (1986).

4 Makahiki is an ancient festival beginning around the middle of October and lasting about four months, with sports and religious festivities and taboo on war (Pukui & Elbert, 1986).

5 In contrast, Captain King identified the native priest as "Kao" (King, 1967, p. 517).

6 Kapu noho is a taboo requiring everyone to sit in the presence of a chief, or when his food container, bath water, and other articles were carried by (Pukui & Elbert, 1986).

7 "Spirit of the dead" (Ledyard, 1963, p. 125, n. 1).