"And Outside Where Do We Begin?": Indigenous Hawaiian Culture and the US Criminal System in Ciara Lacy's "Out of State"

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Abstract

The recent debate on the politics of life has developed in different directions, from Waste theory (Bauman, 2004) to Necropolitics (Mbembe 2004, 2019) and Butler's idea of precariousness (2004, 2009). Despite their relevant differences, such critical perspectives reflect on how power has appropriated a semantics of disposability, superfluousness, and death. This essay explores the intersections of the US prison system, the abjection of colored lives, and Hawaiian Indigenous cultural resurgence. My chosen text for this exploration is Ciara Lacy's powerful documentary Out of State (2017). The film follows a group of Native Hawaiian inmates to a private, for-profit prison, dislocated thousands of miles away from their island home, deep in the desert of Arizona. In this unfamiliar, barren space, Native Hawaiian inmates find a community and rediscover their cultural identities by teaching one another native culture, language, and traditional dance. As two of the men complete their sentences, the film uses their particular journeys for a much more universal story on the difficulty of re-entering a society that casts subjects into a residual existence. Lacy's documentary thus complicates the logic of a clear separation between the inside and outside of prison. Yet, the film turns the metaphor of being out into a space of self-awareness and recognition that can eventually spark change.

Keywords: *Out of State, Native Hawaiian incarceration, hyperghetto, Achille Mbembe's ethics of the passerby*

In 1995 the state of Hawai'i began shipping male prisoners to for-profit prisons in the continental U.S. as a temporary measure to alleviate overcrowding. In most cases, the destination for Hawaiians was and still is Saguaro Correctional Center, a detention facility based in the small town of Eloy in the Arizona desert, midway between Tucson and Phoenix, nearly 3,000 miles from home. Operated by CoreCivic, one of the two largest private-prison firms, previously known as Corrections Corporation of America, Saguaro has contracts with the Hawai'i Department of Public Safety, as well as the Idaho Department of Corrections to warehouse Native Hawaiians and Native Americans. For decades, Hawaiians have widely

criticized the state for never stopping the practice of sending local people convicted of crimes away from their land, families, and friends.

In 2016, the Hawai'i Supreme Court established a Task Force to make recommendations to the legislature on costs and ways to improve Hawai'i's correctional system. Its 2018 final report[1] indicates that in just four decades, the state's incarcerated population increased 670%, and its incarceration rate (the number of prisoners per 100,000 residents) increased 400%; the recidivism rate for parolees is 53.3%, 66% for prisoners who served their maximum sentence, nearly two-thirds (63.2%) of recidivists reoffended within the first twelve months, and 88.9% reoffended within twenty-four months. The study shows that the high number of prisoners has led to ever-increasing costs. The two figures—amount of detainees and money—are the main justifications for sending inmates to Arizona, since housing an inmate at Saguaro costs $82.61 a day, compared to $182 a day in Hawai'i. The Task Force reported that Native Hawaiians are overrepresented at every stage of the criminal justice system (they make up approximately 21% of the general population, and 37% of the prison population). More sociological statistics contribute to the picture: about 43% of people taken into custody by the police are homeless; 10 to 12% of the people incarcerated in the state are mentally ill, and more than 90% are addicted to drugs or alcohol. Many people who have been charged with minor crimes but who cannot afford bail are held in prison. The analysis also found that, on average, Hawaiians receive longer sentences, more parole revocations, and harsher drug-related punishments than other ethnic groups.

The Task Force concluded that "Hawai'i's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change," especially "our primary recommendation is that Hawai'i immediately begin to transition from a punitive to a rehabilitative correctional system" (HCR 85 Task Force 2018, iii). Following this analysis up with action, the Office of Hawaiian Affairs (OHA)[2] and several local community and civil organizations promoted a bill that intended to reduce the number of prisoners sent to correctional facilities in the mainland and then gradually prohibit the practice. Although ending the use of out-of-state private prisons was widely supported as "a critical step towards

[1] All data come from the final report prepared by the HCR 85 Task Force with editorial assistance by the Legislative Reference Bureau, State of Hawai'i in December 2018. https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf. All websites last visited on 03/02/2022.

[2] On the creation of OHA and its controversial history see Andrade 2017; for a critique of its functions as an extension of the state and its powerlessness in preventing abuses of Hawaiian people see Haunani-Kay Trask 1999, especially pages 69-79.

addressing the unique harms that result from the disconnection of Native Hawaiian pa'ahao [prisoners] from their native lands, culture, and sources of support" (HB424 Testimony 2019, 1), House Bill 424 was rejected by legislature. The rejection of HB424 was not only a missed opportunity to change things effectively for Hawaiian society and the Native community in particular, but also a failure to critically examine the nexus of penality, poverty, racism, and politics that Loïc Wacquant describes as the crucible of the neoliberal revolution.

The 2017 documentary *Out of State*, created and directed by Kanaka Maoli[3] Ciara Lacy and co-produced by Beau Bassett, reflects on the recent context when the complex issue of prison reform in Hawai'i was widely debated. The film follows a group of Native Hawaiian inmates at Saguaro as they find a community with their peers and learn about their cultural identities by teaching one another Native culture, language, and traditional dance. Thereafter, Lacy's lens zooms in on the lives of David and Hale as they complete their sentences and return to society and families in O'ahu. It is in this environment of 'normalcy,' I argue, that hardships—inner demons and outside pressures, frustration and injustice—are experienced harder. This essay explores *Out of State* in order to address some of the issues that have been raised only prefatorily here. By looking at some of the formal and figurative strategies at work in the film, I shall attempt to show first how fences, gates, and curfews are recurrent elements in the film that contribute to a sort of 'prisonization' of the city space reminiscent of the hyperghetto (Wacquant 2008). Thus, reproduced on the outside, these familiar procedures of prison management create a strong continuity between social environments, provide a deceitful sense of personal safety, and underlie the progressive criminalization of the most precarious margins of the population. Next, I will discuss how in Hawai'i the ban of Native culture and the reinforcement of moralizing individualism determined by the advent of missionary logic and capitalist interests in the mid-19th century have produced social, political, and cultural consequences that contribute to keep traumas unhealed and make subjects struggle for a change. Filming the cultural awakening of a community of prisoners, Lacy foregrounds Native Hawaiian culture as a means of promoting self-transformation and helping people move beyond the label of 'criminal.' Finally, I intend to think through the different layers of healing and forgiving, vulnerability and recognition that are portrayed in *Out of State*, with Achille Mbembe's *ethics of the passerby*, which signals a "way to becoming self-aware, not necessarily as a singular individual but as a seminal fragment

[3] There are different terms with which Hawaiians identify: Kānaka Maoli and 'Ōiwi in the Hawaiian language, and in English, Native Hawaiians ('Native' capitalized to contrast the primitivizing 'native') and just Hawaiians. I use Kanaka Maoli and Native Hawaiians as they are the chosen terms in *Out of State*. I do not italicize Hawaiian words and do not add diacritics unless they are present in quotations.

(*éclat*) of a larger humanity" (2019, 187). I also want to suggest that the stories narrated by Lacy are both specifically grounded in a uniquely Hawaiian experience and yet have a universal relevance, acknowledging a storytelling that focuses on its subjects in a relational manner, rather than in a way that assumes a given order.

1. Symbiotic places, surplus population

The independently produced, seventy-nine-minute documentary *Out of State* premiered at the LA Film Festival in June 2017, then started touring the international festival circuit, winning several awards and being broadcast on *PBS*. When I began doing research on the film, it struck me that most reviewers receive and advertise it almost exclusively as a documentary about the state's practice of sending convicted Hawaiians away from home to a prison in the desolate desert of Arizona, and that most comments foreground what comes as an unexpected learning of "ancient Hawaiian traditions behind bars, including dance routines, chants, and other rituals that they had previously disregarded for a life of crime and substance abuse" (Rojas 2017). Clearly, the idea of a community that supports personal change and provides the necessary strength to start healing through culture and spirituality is powerful and captivating; I confess that I also was driven to the film by this understanding. However, only the first twenty minutes, with occasional returns, actually film life behind bars.

The reviewers' insisted emphasis on the first quarter of the documentary is telling. On the one hand, it speaks volumes about the persistent fascination with the world behind prison walls from which the general public is excluded: at least one reviewer admits that "personally, I would have loved to explore that [the prison part] a bit more" (Rojas 2017). Whether this urge to see more stems from a certain pathological drive to enjoy places of suffering or from the voyeuristic fantasy to access the invisible that is normally precluded, carceral life has been the object of an intense writing activity for over a century.[4] *Out of State*, it seems, successfully frustrates the desire to "explore a bit more." More interested in the psychological and emotional analysis of characters than in documenting the reality of the US carceral system, Lacy does not show much of the material conditions of life in prison, and certainly does not record any act of cruelty, yet

[4] For a bibliography that pays particular, although not exclusive, attention to the US context see the database of the Global Issues Library curated by an international board of advisors: https://alexanderstreet.com/products/mass-incarceration-and-prison-studies. For a discussion in Italian see Cagliero 2019. Apart from the chapter by Sonoda published in Fujikane and Okamura 2008, a collective study sponsored by OHA and the University of Hawai'i at Manoa in 2010, and the sociological research it generated, I am not aware of Indigenous critical sources about incarceration and the criminal justice system.

periodically reported by local newspapers.[5] A strong sense of oppression, though, surges from the tiny cell with bunk beds, no-privacy sink and toilet, a slit window as the only view to the outside, and few pictures as the extent of the contacts with one's family. Similarly, the beautiful activities of empowerment—spiritual ceremonies and hula dances—happen in a basketball court inside a barbwire enclosure. Lacy finds a balance between involving the public and avoiding the prison guided tour, by simultaneously rejecting demonizations and idealizations within the prison.

On the other hand, I want to argue that the reason why the first part of the film drew most of the attention is that, throughout the film, prison is both the primary concept and the architectural framework, the object of scrutiny and the narrative structure. The two parts—inside and outside Saguaro or, put otherwise, Arizona and Hawai'i—are contained within a narrative frame of which David is the only narrator. By conjoining the initial scenes and the final ones, the film presents a circular structure, one that, among other things on which I shall return in my last remarks, instates a sense of enclosure that mirrors the structure of the prison. Endlessly cycling back to prison is also one of the main concerns expressed by the Hawaiian Task Force (and more in general, a constant of prison debates), and is often set as a possibility in the documentary. While certainly the film contrasts the rich nature and abundance of water in the first scenes filmed in Hawai'i with the aridity and bleakness of the Saguaro area, the inside and outside of prison are not thoroughly separate.

Visually, *Out of State* creates a continuity between the building of Saguaro in the small town of Eloy (AZ),[6] on which an external camera lingers in a ten-second stop motion (4:23-4:33), and the buildings in Kalihi, the working-class district of Honolulu where David lives when he returns home. At first, David moves in an apartment that is part of the complex building property of the Hawai'i Public Housing Authority. Not only is the property restricted and monitored, as it is closed to the public between 10pm and 5am, but also it is made of honeycombed, cell-like projects, walled behind gates. Fenced and subjected to curfew, the space in Kalihi reminds of both prison and the hyperghetto: as described by Loïc Wacquant, the hyperghetto is "the spatial retranslation of economic and social differences" in our historical time (2008, 9). Like the classic ghetto, the current one is a neighborhood of relegation where segregation, stigmatization, and

[5] See the recent: https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143; https://www.kansas.com/news/politics-government/article234440087.html; https://www.civilbeat.org/2020/12/two-more-hawaii-inmates-who-died-at-saguaro-prison-had-covid-19-new-details-show/

[6] On the profit that the private prison industry brings to impoverished rural towns see Eisen 2017.

political abandonment conjoin; however, the two master qualities of the 'hyper' version are "territorial indignity and its corrosive consequences upon the fabric and form of local social relations, and the principal cleavages that organize the consciousness and interactions of their inhabitants among themselves" (Wacquant 2008, 197). Unlike their 'ancestors,' present forms of ghettoization, while still existing within the influence of market, state, class, and ethnicity as factors that coagulate onto physical space, also loosen and thus weaken the network of community coalitions.

Kalihi presents an inventory of urban marginality totally deprived of any support nets. When David, who went to Saguaro for crimes connected to twenty years of drug abuse and dangerous promotion, is released on parole, he gets a job as an instructor at Ho'omau Ke Ola, a center whose treatment and recovery program is based on Hawai'i's cultural and spiritual values.[7] The human population that David meets or sees from a distance, while walking around or catching a bus to and back from his job, belongs to the category that Zygmunt Bauman calls "surplus population," which is "one more variety of human waste" (2004, 39). The conversations David exchanges on his way center on trying to stay out of prison while drinking heavily, doing drugs, losing jobs, picking through trash, surviving each day. It is a world mostly populated by young Hawaiian men, who are "just trying to get through," as one of them tells David. To David's suggestion that he join Ke Ola, the drunk man responds: "I live on the street my whole fucking life, brah, it's hard […] nobody help me, I help myself," therefore alcohol "is my best friend […] the thing make me feel good, the thing make me feel better inside, [it's] all I have, [since] I don't see my family" (44:38-45:40). This short dialogue voices many film shots that portray this impoverished community of people defined largely by race and class, largely as disposable and unworthy of care and concern.

Hale's story adds another layer. His narrative voice supports and diversifies David's, thus creating a community of individuals who, by sharing the same context, share similar yet very personal stories. His perspective confirms that the world of the underclass can be as much a prison as the prison itself. Having served his long-term sentence at Saguaro, Hale enters the work furlough program of O'ahu Community Correctional Center that enables him to transition back into society: according to the terms, during the day he leaves the facility to work as a shuttle driver connecting the airport to the rich downtown area, whereas at night he has to return to his cell. If Hale violates the terms, he jeopardizes his provisional status and could be sent back to Saguaro. But a more internal reason to return to the facility is that Hale has trouble

[7] For information about the program, its values and methods, visit http://www.hoomaukeola.org.

letting the prison go. Driving around Waikiki area and assessing the novelties in the lifestyle of the island as a consequence of mutually reinforcing economic and sociopolitical changes, Hale wonders where home is and where he belongs after spending so many years in prison. Hale has internalized the prison and its barriers, therefore he struggles to imagine himself out of its material and symbolic edifice. Prison with all its regulations makes him feel on track and sheltered precisely from those changes that have produced a polarization of the class structure, particularly for ethnic subjects. Hale explains to his therapist that "it's security, right? When I get back to the prison, it's like now I can breathe again because is the environment that I know. […] that's where I belong" (47:27); he is "so used to the guard opening the door or wait for a buzzer" (47:42) that despite finally having a key, he cannot make himself use it. Combining an ideology of security with personal safety, his intimate anxieties about a home and an identity coexist with the fears of a large section of the Hawaiian population toward economic precariousness and social marginality.

As for David, Hale's ride to his job is an important moment of both character development and spacial characterization. His commute extends the 'prisonization' of the city space outside the ghetto-neighborhood, to the point that even a beautiful sunrise, viewed through the gate of a parking lot, appears for a moment involuntarily confined. In this setting, Hale narrates the story of how he got addicted to drugs through his mother when he was very young and then fell into crime, ending up collecting money from insolvent gamblers. Although Hawai'i outlaws gambling, it remains accessible through the internet, inexpensive trips to Las Vegas, and especially through the illegal underworld. Despite a lack of empirical research on gambling problems in Hawai'i, in 2013 the Hawai'i House of Economic Development Committee rejected a resolution that asked the state to study the potential social and economic effects of gambling in Hawai'i (Shepherd 2016). Thus, the state refused to address the problem in socio-economic terms; rather, by relying on the police, the courts, and the prison, it implemented a 'zero tolerance' policy against criminalized people. The new punitive common sense is part of a much broader political change that branches out beyond the Hawaiian context.

Wacquant sees the passage in the so-called First World from a social state model of inclusive community to crime control and penal, exclusionary state as part of a redefinition of the state's mission, "a matter of state-crafting" (2016, 71; 83). He argues that the neoliberal state policies of welfare retrenchment and urban withdrawal, as well as the imposition by the labor market of a precarious and underpaid wage system co-occur to cause subpoverty and facilitate the illegal economy, which overexploits marginal laborers. The abandoning of previous forms of welfare and assistentiality both generates and relies on a structural and functional symbiosis between

ghetto and prison: on the one hand, correctional facilities become the biggest homeless shelters accessible to subproletarians, who do not find institutional support in their local communities, thus regulating those categories of people rendered superfluous in the market and threatening in society; on the other hand, the expansion of mass imprisonment produces a new regime of urban poverty, which moves around ghettoes (Wacquant 2008). In this context, the criminalization of poverty and crime-fighting are but a convenient pretext, while the penal system contributes to the rise of an underclass marginalized from the benefits of wealth and social mobility afforded to many (Alexander 2012).

In *Out of State*, both the retrenchment of the state and the symbiosis between ghetto and prison are widely documented from the point of view of the most marginalized Hawaiian population. Considering human waste as a "sideline" of market demands and modern values of productivity and efficiency, Bauman argues that:

> Causes of exclusion may be different, but for those on the receiving end the results feel much the same. Faced with the daunting task of gaining the means of biological survival while stripped of the self-confidence and self-esteem needed to sustain their social survival, they have no reason to contemplate and savour the subtle distinctions between suffering by design and misery by default. They may well be excused for feeling rejected, being incensed and indignant, breathing vengeance and harbouring revenge—though having learned the futility of resistance and surrendered to the verdict of their own inferiority they could hardly find a way to recast all such sentiments into effective action. Whether by an explicit sentence or by an implied though never officially published verdict, they have become superfluous, unnecessary, unneeded and unwanted, and their reactions, off the mark or absent, render the censure a self-fulfilling prophecy. (2004, 40)

Within a year since he was released, David has to deal with his job shifting to part-time before losing it due to cuts in the budget. Meanwhile, he struggles with his $45,000 debt from fees, fines, court costs, and accumulated child support, which continued to accrue while he was in prison. With the impossibility to get public benefits such as welfare, food stamps or medical aid, his "self-fulfilling prophecy" becomes that of a homeless person. Since he can no longer afford rent, David moves to his cousin's house for a while: "he's gonna let me stay at his place until I can get back on my feet...but then nothing, nothing really keeps you grounded" (1:01:43). Suddenly disqualified, David loses confidence in getting control of his life back, therefore he is stripped of self-esteem and stops feeling socially useful to his community, a feeling that has kept him anchored up to that moment.

He grows more and more alienated from his family, particularly from his daughter Devina. On his last day of parole, Devina congratulates him and shows affection while David—staring blankly—shies away from her cheerfulness. Their exchange goes as follows:

> Devina: Congratulations dad […] it's good alright. You actually made it through without...
> David: ...messing up again?!
> Devina: I'm proud of you. Actually it does work great when you have support.
> David: …
> Devina: Congratulations dad. Thank you for being an awesome dad, remember what I told you last night. [She gives him a kiss] Do you feel like you achieved something?
> David: Not really. I will let you know when that day comes.
> Devina: But we should count the middle steps that we take too before us, cuz if we can't appreciate and be grateful for that, we can't appreciate once the big things will come, we always want, want, want more. (1:03:02)

As Devina tries to build a relationship with her father after years of absence from her life growing up, David feels pressured by her attempts to fix his life right off, according to the norms of a society with which he is still trying to connect. David is aware that she is a big help in his transition home: "I never had that the other times, I came all on my own and I always messed up, you know, because that's what happen when you try things on your own" (36:29). Yet, he feels that he cannot live up to her expectations, for she asks her father to have a job, get financial assistance, and learn the Scriptures in order to be baptized. In a scene from the middle of the film, David and Devina are watching a tv program that narrates the origins of Christianity, the execution of Christ, and the persecution of early Christians, by quoting from Tacitus's *Annals*. At the same time, Devina reads aloud to a yawning David that "self-discipline is essential to personal development, spiritual growth, and Christian service. However, self-discipline does not just happen or appear as a natural trait, people must practice self-control in order to lead disciplined lives" (36:48). Speaking in unison the language of Christian morality and that of Foucauldian examinatory society, Devina's voice encompasses more than a daughter's preoccupations for her ex-convict father. She comes to embody the family as a regulatory institution in continuity with the disciplinary apparatuses of both prison and ghetto.

2. "Why couldn't have I learned my culture while I was outside?"

Transferred to the realm of religion, the familial conflict opposes a spirituality that has connected David to his identity as Kanaka Maoli inside and outside prison, and a colonially imposed religion that does not "grab" him (37:40). Passively listening to an impersonal voice, as it talks over the words of the quoted Roman source shown on the screen, does not stir David's

spirituality. He appears skeptical of the missionary imperialism that throughout history has caused the physical and spiritual dismemberment of the conquered cultural practices. No doubt that in Hawai'i the existence of dumping grounds for the human waste is one of the legacies of colonization and imperialist politics, which are inextricably entwined with the impact of neoliberalism that has contributed to the vast expansion of the criminal justice system arguably everywhere.

The first Christian missionaries arrived in Hawai'i in the 19th century to 'civilize' indigenous people by way of proselytism. As Noenoe Silva argues, by instilling market values and trying to change Indigenous Hawaiian society to a more acceptable Christian way of life, puritanical missionary discourse had an enormous influence on the economic and social relations on the islands: "As Weber characterizes the Calvinists […]: 'Unwillingness to work . . . is symptomatic of the lack of grace.' This discourse fits seamlessly into the planters' designs: the planters wanted workers willing to labor for long hours with little pay. When the Kānaka Maoli refused to do so, they were called lazy and extortionate" (2004, 51-52). Silva contends that the missionaries turned their values and the conviction of their superiority into enormous economic profit that allowed them to become the owners of the land and the beneficiaries of the plantation economy, "while the people they had come to save labored and lived in poverty" (2004, 52-53). As the United States came to construe itself as a democratic nation, where inherited statuses of class, ethnicity, and race succumbed to meritocracy and liberal individualism, poverty was transformed into "a mere *residue* of the past inequalities and backwardness or as the product of *individual deficiencies* liable to remedy" (Wacquant 2008, 16).

The discourse that intertwines missionary logic and capitalist interests is behind the ban of indigenous cultural practices of the mid-19th century. In *Out of State*, many inmates say that they have learned Hawaiian culture and practices, such as hula, ha'a, chants and prayers, at Saguaro. David declares: "I never knew I was Hawaiian before I even came to jail. I learned everything *in* jail. One of my friends was active in Hawaiian class. He was my Alaka'i [leader], he told me 'hey, sign up'" (6:37, emphasis added); and Hale echoes "I would have never learned that, if I wasn't in prison. That's messed up, why couldn't have I learned my culture while I was outside? And the simple answer to that is because I was getting more progressive with the drinking and the drugs" (11:47). If Hale's question is legitimate—why were so many Hawaiian men not exposed to Hawaiian culture before they went to Saguaro? Why did they miss cultural connections before they found a collective identity in prison?—his answer appears misleading. What is, in fact, internalized as a personal deficiency, as the result of one's bad choice of

alienating oneself with intoxicating substances, is actually a political decision grounded in colonialism.

Healani Sonoda explains that in the first half of the 19th century missionaries

> were instrumental in instituting settler laws in Hawai'i, criminalizing traditional Hawaiian cultural ways, including hula, surfing, and the Native language. Hawaiians were charged with vagrancy, whereas for millennia we freely traveled to the mountains and ocean to gather food and fish. For these colonial crimes, Hawaiians were imprisoned and fined. (2008, 99)

From the political coup of 1893 and the American annexation in 1898 up to 1978, "the Hawaiian language was disparaged as inadequate to the task of 'progress,'" writes Silva (2004, 3), therefore "the U.S.-identified oligarchy outlawed public and private schools taught in the Hawaiian language, and English became the only acceptable language for business and government." The fact that previous generations were not allowed to speak Hawaiian and pass Hawaiian traditions down until the ban became a focus of intense protests in the 1970s, is a more accurate explanation for the gap in cultural knowledge registered among the inmates at Saguaro than their individual life choices.

The narrative of the responsible choosing subject is a deliberate colonial strategy that leaves unaddressed the different effects of historical circumstances and chances on the individual. Ngugi wa Thiong'o argues that "the biggest weapon wielded and actually daily unleashed by imperialism […] is the cultural bomb" whose effect is "to annihilate a people's belief in their names, in their languages, in their environment, in their heritage of struggle, in their unity, in their capacities and ultimately in themselves. It makes them see their past as one wasteland of non-achievement and it makes them want to distance themselves from that wasteland" (1994, 3). Therefore, reconnecting cultural assertion to one's identity is, as Haunani-Kay Trask states, a form of resistance, a decolonization of the mind, and a political act:

> Language, in particular, can aid in decolonizing the mind. Thinking in one's own cultural referents leads to conceptualizing in one's own world view, which, in turn, leads to disagreement with and eventual opposition to the dominant ideology. […] This is why thinking and acting as a Native under colonial conditions is a highly politicized reality, one filled with intimate oppositions and powerful psychological tensions. (1993, 43)

Forming a community with their peers, along with their spiritual advisers from the outside, Native Hawaiian inmates actively work to close the cultural gap. Since in prison the practice of one's religion is a civil liberty, they are provided with the means (time, space, books, musical instruments, and advisers) to learn the traditional language and culture of their ancestors. Thus, the peer-to-peer program managed by the prisoners, under the guide of Kalani, the lead

inmate teacher serving a life sentence, helps them find the connection with indigenous Hawaiian culture and the community coalition that they could not experience in the hyperghetto. In no time, culture and a sense of community spark a positive change within their self-perception.

As a voice-over that comments on the scenes of his arrival to Saguaro, David reveals: "I didn't know who I was, I wanted to know where did I come from. Where am I, inside? You need to know your culture to know who you really are" (4:55). The cultural awareness that David and Hale gain on their journeys becomes their personal strength. Hale states it simply: "the more I understood *our* culture, the more I understood *myself*. First and foremost, I *am* Hawaiian" (12:34, emphasis added). Similarly, David turns to culture to work on specific aspects of his personality; for example, he tries to win his anger by dancing it away: "ha'a is the Hawaiian bombastic dance, it's aggressive, but you are not acting out, letting them know the pain that you feel inside you about what you went through in your life" (8:55). Out of prison as well, in the moment David is about to surrender to despair or to the temptation to call old 'friends' to make some easy money in order to pay for his debts, he fights the ghosts of his past by thinking of his community back in prison: "I have too much to lose right now. I don't wanna go back to jail because I don't wanna have to explain to the guys, again, what went wrong" (55:57). Symbolically, while David, his feet in the water, faces the horizon, we start hearing percussions and chants from a distance before returning visually to the Arizona desert. What follows is the first scene to return to Saguaro since both David and Hale left it: the camera frames dancing feet, then widens its lens to capture the scene of a group of dancers; at last, it zooms in on Kalani sitting crossed-legged on the ground and playing ipu heke, the Hawaiian double gourd hand-drum, as he also looks pensively ahead. In moments of difficulty, David sings or plays ukulele, dances alone or with his students, and celebrates a dimension of the Hawaiian culture—the strong Hawaiian male—that has often been absent or distorted in Western representations.[8]

3. Storytelling, forgiveness, and the ethics of the passerby

In *Out of State*, Lacy examines the healing role of cultural practices in rehabilitation for the incarcerated population. The restorative and transformative impact of indigenous culture shared with a community of peers creates an impulse to break the cyclical return to prison and

[8] On gendered and cultural identities created by Hawaiian men through narrative and performative enactments see Ty P. Kawika Tengan 2008. Tengan discusses the possibilities and problematics of such identities for socio-political change in a historical context largely determined by race, class, gender, and colonial domination.

find anchoring in the outside. However, there is no naive romanticization, for culture is not a sinecure solution for socio-economic problems and inner traumas. In a group session with Ka'iana, a cultural advisor at Saguaro, David claims that one must kiloi (discard) the baggage from the past, before one can start doing something pono (righteous) and that Hawaiian cultural practices catalyze that healing process. While many nod in agreement, Ka'iana challenges them to focus on the reality that outside finding a job might not be easy and family members might not be ready to forgive. In an interview with Sarah Childress, Michelle Alexander explains that:

> most people have a general understanding that when you're released from prison, life is hard. You have to work hard to get your life back on track, get it together. But I think most people imagine if you really apply yourself, you can do it. It just takes some extra effort. The people who believe that rarely have actually been through the experience of being incarcerated and branded a felon. (Childress 2013)

As I have discussed, Lacy devotes most of *Out of State* to show a deeper understanding of what returning to an impoverished, jobless community and a cautious family means. In the last part of this essay, I intend to focus on possible outcomes of personal development, forgiveness, and social inclusiveness, as well as on Lacy's narrative strategies to represent these issues.

Ka'iana tells the inmates that many of them will never be able to break out of the narrow trajectory that constricts their futures unless they have a plan for their lives, which starts with asking themselves: "and outside where do we begin, when we are used to be locked up?" (16:18). The advisor invites the Hawaiian men to acknowledge that, as people who have been through prison, they have some measure of post-traumatic stress disorder, that is, they carry with them a trauma that is both at the roots of their wrong actions of the past and reenacted by the penal system within prison.[9] *Out of State* does not try to analyze individuals' traumas within the span of a film; rather, it suggests the need of dealing with effective correctional rehabilitation and trauma-informed care. Also, the documentary draws attention to storytelling and the underlying factors that shape the narrative, by searching for caring ways of narrating stories that have to be told *despite* the enormous trauma that in many cases undermines narrative capacity.

[9] Many studies have shown a connection between trauma and criminality due in part to the coping mechanisms of aggression and substance misuse after a traumatic event. While the correctional environment may cause or exacerbate PTSD symptoms in some individuals, facilities could instead implement trauma-informed practices to minimize re-traumatization and reduce PTSD symptoms. Within a vast bibliography, see for example Wolff, Huening, Shi, and Frueh 2014; Van der Kolk 2015; Bauer 2018; Cagliero 2019.

In an interview with filmmaker and Associate Director of Sundance Institute's Indigenous Program Adam Piron, Lacy discusses her goals with *Out of State*. On the one hand, she says that she wanted her audience to understand the importance of caring for "our people," so that the documentary is about "addressing the othering; there is no other in this, it's *all* us—and if we fail them, we fail ourselves" (Piron 2020). On the other hand, she highlights that the call for action is elicited through a storytelling that does not shy away from discomfort; in fact, it makes people feel a sense of injustice:

> I think there's often, particularly in American-centered storytelling, the need to have a solution, the need to have a clean ending—and if you walk out of a film, particularly one that has a socially conscious orientation, if you're given the solution, what is the call to action for an audience? I think the truth is often messy, and I want people to sit in that discomfort. And if you're given a single solution, does that falsely suggest that an intersectional issue can be tied up in a bow with one approach? So many of the things we tackle today are the outcomes of multiple factors crisscrossing, thus their solutions need to be just as complex or varied. (Piron 2020)

In my last remarks, I would like to address *Out of State*'s *complex or varied* ending, by following two possible routes of life after prison. While Hale's assisted path enables him to process his traumas and therefore move on with his life, David's position at the closing of the film could be read as that of the *passant* in Achille Mbembe's Fanonian language.

Once back to Hawai'i, Hale undergoes "a whole new beginning," which starts with receiving help (47:53). As part of his work furlough program, he can benefit from the assistance of a therapist and is allowed visits with approved friends and family members. Here enters Laura, a childhood friend with whom Hale reconnected while still in prison and who stood by his side throughout his years at Saguaro. Laura's loving presence and the therapeutical work on his childhood traumas eventually enable Hale to reach a new view of himself: "this was my mistake in life growing up: thinking I would rather be respected or feared than loved. Today it's totally the opposite" (52:13). When six months after entering the program he is released on parole, Hale gets married to Laura and moves into her house. As he develops a deep affection for her family, he finds a new scope of life and discovers that he is finally able to let his past go: he accepts his mother's request for forgiveness and, from that moment, puts an end to former resentment.

However, Hale makes clear that forgiveness is a complex phenomenon that works in unison with the willingness to forget. As he cannot escape that for which he is responsible or change what he did wrong, Hale reflects on how he can disentangle himself from the past, and, if he does, how he can avoid forgetting what he needs to remember in order to act for the future. "Rememoration," writes Mbembe, "is simultaneously a taking of distance, a self-examination,

and is thus the alleged price to pay for living and thinking freely" (2019, 185). Hale's conclusion is that forgiving is not merely based on emotions, or entirely a decisional act; rather, it is a mechanism that requires voluntary engagement in order to liberate oneself from the addiction to abuse and patterns of repetition compulsion, including the unconscious desire to return to the security of prison. Working on the ingrained harmful behaviors that he had kept revisiting, Hale begins to forgive himself for failing as a father, develops a positive relationship with Shyann, Laura's adolescent pregnant daughter, and gives himself a chance to be a good grandfather for her son.

Hale's happy ending signals a new pattern that ultimately leads to constructive behaviors and choices. It is also a hopeful possibility, a demonstration of what can be achieved when helpful and healthy coping strategies are made available, self and cultural awareness are encouraged, and love becomes an asset in the healing process. The documentary's final scenes portray Hale as a reborn new man, no longer imprisoned by pain and anger: framed at the center of the picture, Hale is holding his grandson in his arms while bathing into the ocean; as they play with water, their backlit profiles are illuminated by the shimmering light of dawn. Focusing on the subject as he steps out of both his former setting and state of being, the shot establishes the character's physical and emotional connection with the environment and the elements—the Hawaiian sea and the child—within it. We are now in the concluding part of *Out of State*, and Hale's poetic finale is powerfully contrasted with both David's inadequate opportunities to rebuild his life and Kalani's lack thereof as he is convicted with a life-sentence.

Temporally situated one year after returning home, the last five minutes of *Out of State* circle back to the initial narrative frame, which also begins with water as we hear and then see the ocean waves breaking on the rocks. At the beginning of the film, we only meet David, who, by narrating a story from his childhood that his mother used to tell, explains that the water always called him. The ocean, in fact, has a power of its own: "when you dive into the water, you cleanse yourself and you heal. You forgive yourself for a lot of stuff that you did. And I think I had to go to the end of earth so to speak, hit bottom, to really find who I was" (2:20). As David struggles with his life, cinematic returns to Saguaro become more frequent toward the end of the documentary. Any time the camera overlooks the Arizona desert, it seems to suggest that David could be found again in prison. Similarly frequent, though, the scenes by the water make us hope for a different outcome.

The initial and final scenes show David's life in the present moment: he lives in a tent by the ocean, washes himself and does laundry at the public beach showers. He explains that he ended up falling back into drugs and considered committing suicide:

> People always say it's the choices you make, true, but what happens when you get to be my age and you're still in jail lock up. But thinking about your baby, before, before she was even born, and you no see her for sixteen years, when you finally do come out, you see this grown young girl standing in front of you, calling you dad and you don't even know who she is. (1:14:57)

Lacy does not reveal the complete story of how things fell apart for David, she does not provide the audience with any given solution to untie the knot. The intersectional issues in David's story are left to inform the precariousness of his life "in the ordeal of extreme vulnerability" where "many are tempted by some repetition of the originary, while others are attracted by the void" (Mbembe 2019, 184).

In the conclusion of his *Necropolitics*, Achille Mbembe considers the pervasive condition of shared fragility of all humans in the 21st century and wonders about the possibilities of life in a world where "one cannot really break with this accident of being born somewhere" (2019, 185). Mbembe's commitment to articulating a common humanity as praxis, or as a humanity in creation regenerated from the experience of social death, brings him to formulate the *ethics of the passerby*, that is, a Fanonian understanding of the subject as *passant*. The different meanings ascribable to the French word *passant*, for Mbembe, conjure up the image of this contemporary subjectivity: *pas* as both the negative adverb "not" and a word that, meaning "step," suggests rhythmic movement; *passé* which is not a concluded "past" but that in development; *passeur*, *passage*, and *passenger* indicate both the vehicle and the person in movement; *passant* as "passerby" is the individual whose life is ever shifting. An ethics of passing life, however, means that "no praise is being made either of exile or of refuge, flight, or nomadism. Nor is this a celebration of a bohemian and rootless world. In current conditions, simply no such world exists" (2019, 187). Rather, it is a passage, crossing, and movement that simultaneously draws the subject to a community and demands that it/she/he consciously embrace (apprehend, Butler would say)[10]

[10] In *Precarious Life* (2004), Judith Butler begins a reflection on precariousness as a general condition of human life. She claims that despite this common ontology—life is by definition precarious because mortality is a feature of all life—a differential operates on specific lives so that some lives are *apprehended*, made visible, valuable, even grievable, while others are left faceless, unrecognized, unmourned. Unsurprisingly, the dehumanization effected on the latter group follows a distinction based on race, ethnicity, money, and legal status (migrants, refugees, stateless people, prisoners). In *Frames of War* (2009), expanding on the idea that "certain lives are perceived as lives while others, though apparently living, fail to assume perceptual form as such" (2009, 24), Butler focuses on politics. She states that "[t]he more or less existential conception of 'precariousness' is thus linked with a more specifically political notion of 'precarity'" (2009, 3). By precarity she means "that politically induced condition in which certain

> the broken up part of its own life; that it compel[s] itself to take detours and sometimes improbable connections; that it operates in the interstices if it cares about giving a common expression to things that we commonly dissociate. […]
> This experience of presence and distance, of solidarity and detachment, but never of indifference—let us call it the ethics of the passerby. (2019, 187-188)

In Mbembe's account, the status of passerby, as the condition of humanity and culture, engenders a subject whose main significance is to mediate between places and between people. The passerby, that is, exists in an unbounded "negative" condition formed out of the experience of encountering others.

In the closing scenes of *Out of State*, David is constantly moving in his literally unwalled environment: he walks, he sits, he showers, he goes into the water, he chants to the sky. We follow his steps as he walks on abandoned railroad tracks, his movements are interrupted only by the shots capturing Hale in the water with his grandchild and Kalani as he studies in his prison cell. In the final minutes, David regains his position as the documentary's narrator and claims the goal of the storytelling as his own necessity: "So I was thinking from the time I came out to now, wouldn't that be a trip for people to see how hard it really is" (1:13:30). Claiming the film as the result of his own deep thinking, David connects his story to Hale's and Kalani's, disclosing them as possible outcomes of a communal journey. In the last of his comments, David says: "So been in a house, paying rent that's what you are expected to do, those kinda things, it's called life. What I wanted people to know is: this is life too, right here, you know?" (1:16:47). This figure of a human, who has lost or renounced everything and is left walking a steep path, "enjoins us to welcome him, at least momentarily," for in it Mbembe sees "the face of a humanity to come" (2019, 186; 187), one in which others will be able to recognize their own faces.

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populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death" (2009, 25).

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