



DATE DOWNLOADED: Thu Dec 14 11:05:37 2023

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.

Keanu Sai, Synergy through Convergence: The Hawaiian State and Congregationalism, 5 HAW. J.L. & POL. 57 (2023).

ALWD 7th ed.

Keanu Sai, Synergy through Convergence: The Hawaiian State and Congregationalism, 5 Haw. J.L. & Pol. 57 (2023).

APA 7th ed.

Sai, Keanu. (2023). Synergy through Convergence: The Hawaiian State and Congregationalism. Hawaiian Journal of Law and Politics, 5, 57-81.

Chicago 17th ed.

Keanu Sai, "Synergy through Convergence: The Hawaiian State and Congregationalism," Hawaiian Journal of Law and Politics 5 (2023): 57-81

McGill Guide 9th ed.

Keanu Sai, "Synergy through Convergence: The Hawaiian State and Congregationalism" [2023] 5 Haw JL & Pol 57.

AGLC 4th ed.

Keanu Sai, 'Synergy through Convergence: The Hawaiian State and Congregationalism' [2023] 5 Hawaiian Journal of Law and Politics 57

MLA 9th ed.

Sai, Keanu. "Synergy through Convergence: The Hawaiian State and Congregationalism." Hawaiian Journal of Law and Politics, 5, 2023, pp. 57-81. HeinOnline.

OSCOLA 4th ed.

Keanu Sai, 'Synergy through Convergence: The Hawaiian State and Congregationalism' (2023) 5 Haw JL & Pol 57 Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Provided by:

William S. Richardson School of Law Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

**SYNERGY THROUGH CONVERGENCE:  
THE HAWAIIAN STATE AND CONGREGATIONALISM**

David Keanu Sai, Ph.D.\*

- I. INTRODUCTION
- II. STATE OF WAR
- III. FAITHLESS SONS OF MISSIONARIES
- IV. THE HAWAIIAN STATE
- V. CONGREGATIONALISM
- VI. SYNERGY
- VII. CONCLUSION

I. INTRODUCTION

In *Larsen v. Hawaiian Kingdom*, the Permanent Court of Arbitration acknowledged “in the nineteenth century the Hawaiian Kingdom existed as an independent State recognized as such by the United States of America, the United Kingdom and various other States, including by exchanges of diplomatic or consular representatives and the conclusion of treaties.”<sup>1</sup> According to Huber, the sole arbitrator in the seminal *Palmas* case, “Sovereignty in the relations between States signifies independence. Independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other State, the functions of a State.”<sup>2</sup> Independence in international law is not a physical attribute of being separate, but rather a political term with legal consequences.

The significance of this recognition in the nineteenth century is that these States, which were European, recognized the territorial sovereignty and independence of Hawaiian Kingdom law. In other words, when citizens of these States entered Hawaiian territory, they were subject to Hawaiian laws. Section 6 of the Hawaiian Civil Code provided, “The laws are

---

\* The author is a Senior Lecturer in political science and Hawaiian Studies at the University of Hawai‘i Windward Community College, and Affiliate Graduate Faculty member in the graduate program at the University of Hawai‘i at Mānoa College of Education. He served as lead agent for the Hawaiian Kingdom in arbitration proceedings before the Permanent Court of Arbitration in *Larsen v. Hawaiian Kingdom*, PCA Case no. 1999-01.

<sup>1</sup> *Larsen v. Hawaiian Kingdom*, 119 *International Law Reports* 566, 581 (2001).

<sup>2</sup> *Island of Palmas Case* (Netherlands/U.S.A.), R.I.A.A., vol. II, 829, 838 (1928).

obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign State, while within the limits of this kingdom.”<sup>3</sup>

As a non-European State, this is worthy of attention because European States did not afford recognition of the independence of other non-European States. Japan, along with China, Siam, Persia, and the Ottoman Turks, were the subject of unequal treaties that imposed foreign law within these territories over their citizenry who could only be held to account by that State’s consulate called consular jurisdiction. This extraterritorial application of foreign law over these non-European States’ territories was a denial of their independence. These States justified extraterritorial application of their laws because of the concern that non-European authorities could not afford protection of the rights of their citizenry—an absence, in their view, of the application of the rule of law.

The independence of these States were not fully recognized until the turn of the twentieth century. It should be noted that the Hawaiian Kingdom also applied its own laws over Hawaiian subjects within Japanese territory between 1871 and 1893, when it was the first Power to recognize Japan’s complete independence and to have rescinded Hawaiian consular jurisdiction. In 1881, while King Kalākaua was in Tokyo, he “proposed to change the 1871 Hawaiian-Japanese treaty to abrogate Hawaiian privileges of extraterritoriality and thereby create a precedent for the Western Powers.”<sup>4</sup> However, it was his successor, Queen Lili‘uokalani, that recognized Japan’s independence in 1893 “that led to the full recognition of Japan’s independence between 1894 and 1899” by the Western Powers.<sup>5</sup>

By direction of Queen Lili‘uokalani, R.W. Irwin, Hawaiian Minister to the Court of Japan in Tokyo sent a diplomatic note to Mutsu Munemitsu, Japanese Minister of Foreign Affairs. Irwin stated:

Her Majesty’s Government reposing entire confidence in the laws of Japan and the administration of justice in the Empire, and desiring to testify anew their sentiments of cordial goodwill and friendship towards the Government of His Majesty the Emperor of Japan, have resolved to abandon the jurisdiction hitherto exercised by them in Japan. It therefore becomes my agreeable duty to announce to your Excellency, in pursuance of instructions from Her Majesty’s Government, and I now have the honour formally to announce, that the Hawaiian Government do fully, completely, and finally abandon and relinquish the jurisdiction acquired by them in respect of

---

<sup>3</sup> *Compiled Laws of the Hawaiian Kingdom* (1884), §6, Chapter II, Title I.

<sup>4</sup> Lorenz Gonschor, *A Power in the World: the Hawaiian Kingdom in Oceania* (Honolulu: University of Hawai‘i Press, 2019), 77.

<sup>5</sup> *Id.*, 162.

Hawaiian subjects and property in Japan, under the Treaty of the 19th August, 1871.<sup>6</sup>

According to Westlake there were forty-four independent States, including the Hawaiian Kingdom, in 1894. He states, the “international society to which we belong, and of which what we know as international law is the body of rules, comprises—First, all European States...Secondly, all American States...Thirdly, a few Christian States in other parts of the world, as the Hawaiian Islands, Liberia and the Orange Free State.”<sup>7</sup>

As an independent State, the Hawaiian Kingdom entered into extensive treaty relations with a variety of States establishing diplomatic relations and trade agreements.<sup>8</sup> The Kingdom also maintained over ninety diplomatic representatives accredited to foreign States, to include consulates.<sup>9</sup> Foreign diplomats accredited to the Hawaiian Kingdom were from the United States, Italy, Chile, Germany, Sweden and Norway, Denmark, Peru, Belgium, the Netherlands, Spain, Austria and Hungary, Russia, Great Britain, Mexico, Japan, and China.<sup>10</sup> In his speech at the opening of the 1855 Hawaiian Legislative Assembly, King Kamehameha IV, reported:

---

<sup>6</sup> *The Consolidated Treaty Series, 1648-1919*, ed. Clive Parry (Dobbs Ferry, New York, Oceana Publications, Inc., 1969-1981), 126.

<sup>7</sup> John Westlake, *Chapters on the Principles of International Law* (Cambridge, Cambridge University Press, 1894), 81. In 1893, there were 44 other independent and sovereign states in the *Family of Nations*: Argentina, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, Colombia, Costa Rica, Denmark, Ecuador, France, Germany, Great Britain, Greece, Guatemala, Hawaiian Kingdom, Haiti, Honduras, Italy, Liberia, Liechtenstein, Luxembourg, Netherlands, Mexico, Monaco, Montenegro, Nicaragua, Orange Free State that was later annexed by Great Britain in 1900, Paraguay, Peru, Portugal, Romania, Russia, San Domingo, San Salvador, Serbia, Spain, Sweden-Norway, Switzerland, Turkey, United States of America, Uruguay, and Venezuela. In 1945, there were 45, and today there are 197. Of this number, 193 are member States of the United Nations and 4 are not, which are the Hawaiian Kingdom, Kosovo, the Holy See and Palestine.

<sup>8</sup> The Hawaiian Kingdom entered into treaties with Austria-Hungary (now separate states), June 18, 1875; Belgium, October 4, 1862; Bremen (succeeded by Germany), March 27, 1854; Denmark, October 19, 1846; France, September 8, 1858; French Tahiti, November 24, 1853; Germany, March 25, 1879; New South Wales (now Australia), March 10, 1874; Hamburg (succeeded by Germany), January 8, 1848; Italy, July 22, 1863; Japan, August 19, 1871, January 28, 1886; Netherlands & Luxembourg, October 16, 1862 (William III was also Grand Duke of Luxembourg); Portugal, May 5, 1882; Russia, June 19, 1869; Samoa, March 20, 1887; Spain, October 9, 1863; Sweden-Norway (now separate states), April 5, 1855; and Switzerland, July 20, 1864; the United Kingdom of Great Britain and Northern Ireland) March 26, 1846; and the United States of America, December 20, 1849, January 13, 1875, September 11, 1883, December 6, 1884.

<sup>9</sup> Thomas Thrum, *Hawaiian Register and Directory for 1893*, in *Hawaiian Almanac and Annual* (1892), 140-141.

<sup>10</sup> *Id.*

It is gratifying to me, on commencing my reign, to be able to inform you, that my relations with all the great Powers, between whom and myself exist treaties of amity, are of the most satisfactory nature. I have received from all of them, assurances that leave no room to doubt that my rights and sovereignty will be respected.<sup>11</sup>

Not only did the Kingdom provide universal healthcare at no cost for aboriginal Hawaiian subjects through Queen's Hospital,<sup>12</sup> it also became the fifth country in the world to provide compulsory education for all youth in 1841, which predated compulsory education in the United States by 77 years.<sup>13</sup> The other four countries were Prussia in 1763, Denmark in 1814, Greece in 1834, and Spain in 1838. Literacy throughout the kingdom was nearly universal with thirteen Hawaiian language newspapers in circulation throughout the islands in 1893.<sup>14</sup> As a constitutional and limited monarchy since 1840, the kingdom adopted the separation of powers doctrine in 1864, whereby Hawaiian governance is "divided into the Executive, Legislative, and Judicial [and] these shall always be preserved distinct."<sup>15</sup> Hawai'i's form of government was far more progressive and inclusive than even the United States in the nineteenth century, which although it outlawed slavery in 1865 it still maintained racial inequalities under Jim Crow laws and segregation under the Chinese Exclusionary Act.

## II. THE MYTH OF MISSIONARY CONTROL

Although, the focus of this article is not on the prolonged occupation of the Hawaiian Kingdom since 1893, this period, however, is a critical time where a false narrative of the American missionaries in Hawai'i began to receive national attention—a narrative that has been accepted today as a truism. Infused with racialized rhetoric, the protagonists of this narrative sought to portray the American missionaries as the emissaries of American civilization that was brought to bear upon a population of savages and that annexation to the United States was *fait accompli*. According to Moore,

---

<sup>11</sup> Robert C. Lydecker, *Roster Legislatures of Hawaii* (Honolulu, The Hawaiian Gazette Co., Ltd., 1918), 57.

<sup>12</sup> "The Queen's Hospital," *The Hawaiian Star*, July 30, 1900, 4.

<sup>13</sup> Kalani Makekai-Whittaker, "Lahui Na'auao: Contemporary Implications of Kanaka Maoli Agency and Educational Advocacy during the Kingdom Period" (PhD diss., University of Hawai'i at Mānoa, 2013), 12, ProQuest Dissertation & Theses Global.

<sup>14</sup> Helen G. Chapin, *Guide To Newspapers of Hawai'i, 1834-2000* (Honolulu, Hawaiian Historical Society, 2000), 132.

<sup>15</sup> 1864 Constitution, article 20.

The idea of missionary control as the dominating force in shaping Hawaiian progress and government was a part of a discourse put out by those who were fighting for American control over Hawai‘i in the later 1880s and 90s. In the struggle between written histories from and about this period, it is American hegemonic historical discourse that describes the 19th century as a time where the shaping of Hawaiian society and governance was due to missionary engineering.<sup>16</sup>

One of the protagonists that appear to have introduced this narrative into the political discourse of the American public in 1893 appears to have been U.S. constitutional scholar Thomas M. Cooley. In his article published in *The Forum* in June of 1893, Cooley wrote:

American missionaries had been pioneers in the work that had in a very short time converted the whole of the barbarous race of cannibals who were found native on these islands to the Christian faith, and brought them from savagery to the taking up of peaceful occupations and the cultivation of the arts and, to a large extent, the adoption of the customs of civilized life. It was the most striking illustration perhaps in the history of the world, of a people being brought almost immediately out of savagery by the teaching and the doctrines of Christ, and elevated to a condition in which it would be proper to recognize them as a member of the family of civilized nations.<sup>17</sup>

Despite his crude exaggerations regarding Hawai‘i’s people, Cooley opposed the annexation of the Hawaiian Islands. His reference to the American missionaries, however, was apparently seized upon by pro-annexationists in the Congress to justify annexation. Congressman Frederick H. Gillett of Massachusetts, argued that the Hawaiian Islands “were first redeemed from savagery by the devotion of our American missionaries, and which are perhaps the most conspicuous example upon the globe of the good accomplished by those noble societies organized for the redemption of distant and unknown heathens.”<sup>18</sup>

Retired General Schofield reported to the House Committee on Foreign Affairs, the United States has “a preemption title to those islands through the volunteer action of our American missionaries who went there and civilized and Christianized those people and established a Government that has no parallel in the history of the world, considering its age, and we made a preemption which nobody in the world thinks of disputing,

---

<sup>16</sup> P. Kalawai‘a Moore, “American Hegemonic Discourse in Hawai‘i: Rhetorical Strategies in Support of American Control Over Hawai‘i,” *Hawaiian Journal of Law & Politics* 3 (2021): 75.

<sup>17</sup> Thomas M. Cooley, “Grave Obstacles to Hawaiian Annexation,” *The Forum* (June 1893): 389.

<sup>18</sup> Congressional Record—House of Representatives (June 11, 1898), 5783.

provided we perfect our title.”<sup>19</sup> Statements like General Schofield’s and men of like mind excited more than a few American newspapers rousing a bloom of yellow journalism, which logically leads to jingoism, which is an open invitation to the purveyors of tribalism and their songs of racial superiority. This is exhibited by Representative Charles F. Cochran of Missouri when he stated:

The rescue of these islands from the absurd, grotesque, tottering native dynasty was only another step in the onward march of liberty and civilization; another forward movement in the conquest of the world by the Aryan race. Bewail it as you may, the process of regeneration will go on and on until the reign of the Aryan, with justice, enlightenment, and the establishment of liberty shall penetrate to every nook of the habitable globe ... Sir, the fittest will survive. Under the providence of God, Anglo-Celtic civilization is accomplishing the regeneration of the planet.<sup>20</sup>

This was, to some extent, part of the prevailing narrative in American political ideology at the time, engineered to garner support promoting an agenda of expansionism into the Pacific. This political narrative thrived at the national levels of the American government, which eventually crept its way into the national consciousness and was ultimately disseminated through the American school system.

### III. FAITHLESS SONS OF MISSIONARIES

To deconstruct this manufactured story of the omnipotent missionary, we need to articulate the narrative from a Hawaiian national perspective, being separate from the American national perspective we’ve come to believe and know. To do so, let’s begin with a statement drawn from a petition sent to President Cleveland from the Hawaiian Patriotic League dated December 27, 1893, whose leadership, comprised of Hawaiian statesmen and lawyers. The petition read:

Last January, a political crime was committed, not only against the legitimate Sovereign of the Hawaiian Kingdom, but also against the whole of the Hawaiian nation, a nation who, for the past sixty years, had enjoyed free and happy constitutional self-government. This was done by a *coup de main* of U.S. Minister Stevens, in collusion with a cabal of conspirators, mainly faithless sons of missionaries and local politicians angered by continuous political defeat, who, as revenge for being a hopeless minority in the country, resolved to “rule or ruin”

---

<sup>19</sup> *Id.*, 5772.

<sup>20</sup> *Id.*, “Appendix,” 586.

through foreign help. The facts of this “revolution,” as it is improperly called, are now a matter of history.<sup>21</sup>

Their mention of “faithless sons of missionaries” is telling on two points. First, the members of the provisional government were not missionaries and, second, they were not Christian or at least were not acting as Christian. On June 5, 1852, the Hawaiian Mission Children’s Society was formed “amid the sneers of a few [and] the fears of some.” It was an organization of any “descendant of those who are, or who have been members of the American Protestant Mission to these islands.”<sup>22</sup>

Asa Goodale (A.G.) Thurston was its first presiding officer, and he was the son of Asa Thurston who arrived with the first company of missionaries in 1820 and naturalized as a Hawaiian subject on May 30, 1849. A.G. Thurston, a Hawaiian subject as well, was also the father of Lorrin Thurston, one of the lead insurgents. In 1853, A.G. Thurston gave a rather interesting presidential address to the members of the year-old Society, which could be construed as sowing the seeds of elitism and the ushering in of self-aggrandizement. He stated:

After our parents it is to us that the Hawaiian nation must look for its teachers, its ministers, its advocates, its protectors and defenders against the oppression of the foreign element which is daily gaining strength ...and here in the great highway of nations to maintain and preserve the independence of the race for whom our parents have forsaken home and friends and all they hold dear.<sup>23</sup>

Another insurgent was Albert F. (A.F.) Judd, Chief Justice of the Hawaiian Kingdom Supreme Court and the son of Gerrit P. (G.P.) Judd, confidential agent to Kamehameha III when the Hawaiian Kingdom was seized without warrant by British naval officer, Lord Paulet, in 1843. G.P. Judd arrived with the third company of missionaries in 1828 as a medical doctor. He resigned from the ABCFM and joined government service for the kingdom on May 15, 1842, as a “Translator and Recorder.”<sup>24</sup> He was naturalized as a Hawaiian subject on March 9, 1844.

Thirteen years prior to his active participation as an insurgent, A.F. Judd wrote an introduction to his mother’s book that chronicled her experience in the kingdom when she arrived with her husband, G.P. Judd, in 1828 through 1861. His prologue would by no means portend his eventual

---

<sup>21</sup> United States, *Executive Documents*, 1295.

<sup>22</sup> Hawaiian Mission Children’s Society, *First Annual Report of the Hawaiian Mission Children’s Society* (Honolulu, Government Press, 1853), 22.

<sup>23</sup> *Id.*, 71.

<sup>24</sup> Ralph S. Kuykendall, *The Hawaiian Kingdom: 1778-1854 Foundation and Transformation*, vol. I (Honolulu, University of Hawai’i Press, 1938), 210.

treasonous conduct, but he did acknowledge the Hawaiian Kingdom for what it was. A.F. Judd wrote, the “Hawaiian kingdom still stands prosperous and respected, making and executing its own laws, its autonomy preserved. It occupied but a little share of the world’s attention, but it presents to-day the only instance of a nation lifted from the darkness of heathenism to the light of Christian civilization without the destruction of the native Government.”<sup>25</sup> Nordhoff, a correspondent for the newspaper *Hawaii Holomua*, discerns the father from son. He wrote:

They, the fathers, stood by the natives against all foreign aggression. The elder Judd, a very able man, gave time, ability and his own means to the restoration of Hawaiian independence when it was attacked by an English admiral; his degenerate son, the present chief justice was part of the conspiracy which upset the government he had sworn to support and, himself a native of Hawaii, is active in the movement to destroy the State which his father gave a long life to establish defend and maintained.”<sup>26</sup>

So were these faithless sons of missionaries American citizens? According to James Blount, Presidential appointed Special Commissioner and investigator into the American invasion, of the eighteen insurgents who comprised the Executive and Advisory Councils that replaced the Queen and her Cabinet, there were 10 Hawaiian subjects, 6 American citizens and 2 British subjects. Blount stated the majority of the group was not American, but comprised of “foreign subjects.”<sup>27</sup> The faithless sons of missionaries included Sanford B. Dole, president of the insurgency, Samuel M. Damon, vice-president, William O. Smith, attorney general, A.F. Judd, chief justice, and Lorrin A. Thurston, all of who were Hawaiian subjects, not American citizens.

Although Cooley and Schofield were on opposite sides of the annexation argument, both acknowledged the Hawaiian Kingdom’s rapid rise in governance was unparalleled in the history of the world. What is misplaced, however, is that it wasn’t the missionaries who were the driving force, but rather it was a convergence of the Hawaiian State with Congregationalism that ultimately produced a synergy of political and religious growth.

---

<sup>25</sup> Laura Fish Judd, *Honolulu: Sketches of Life—Social, Political, and Religious in the Hawaiian Islands from 1828-1861* (New York, Anson D.F. Randolph & Company, 1880), iv.

<sup>26</sup> Chas Nordhoff, “Missionary Policy of Greed Disastrous To The Islands,” *Hawaii Holomua* (September 23, 1893), 1-4.

<sup>27</sup> United States, *Executive Documents*, 588.

## IV. THE HAWAIIAN STATE

Ancient human society was comprised of tribes or bands that were either subsumed or grew into what anthropologists have come to call ancient States, which pre-dates the Westphalian States of the 17th century that was the genesis of current understanding of States today. Ancient States, which Hommon calls primary States, “are generally believed to have developed in six widely distributed regions of the world: Mesopotamia, Egypt, the Indus Valley, China, Mesoamerica, and Andean South America.”<sup>28</sup> To these regions, Hommon and Kirch add the North Pacific and the emergence of the ancient Hawaiian State from the fifteenth century with “centralized, active leadership based on political power, delegation of such power through a formal bureaucracy, and territorial expansion by conquest warfare.”<sup>29</sup> According to Kirch, “the Hawaiians had invented divine kingship, a hallmark of archaic states.”<sup>30</sup> Political science and law distinguishes between the State and its government, but this distinction pertains to the Westphalian States that arose in Europe since 1648, and not the ancient States that Hommon and Kirch refer to. The Hawaiian Kingdom transformed itself from an ancient State into a Westphalian States in the nineteenth century when it was universally recognized as a sovereign and independent State.

When Captain James Cook arrived in the islands in 1778, he witnessed a phenomenon not seen in other parts of the Pacific he previously visited. What he observed was a society whose governmental structure was centralized, organized, and disciplined. He wrote, “I have no where in this Sea seen such a number of people assembled at one place.”<sup>31</sup> Kirch concludes, the “combination of quantitative and qualitative criteria... bolster the case that the late Hawaiian politics as encountered by Cook and other early European explorers fit conformably with the pattern of primary archaic states known for other regions of the world.”<sup>32</sup>

Captain James King, who served under Cook, provides an eyewitness view of the Chiefs of that time. He admired Hawaiian nobility and described their regal appearance:

---

<sup>28</sup> Robert J. Hommon, *The Ancient Hawaiian State: Origins of a Polynesian Society* (Oxford, Oxford University Press, 2013), 1-2.

<sup>29</sup> *Id.*, 243.

<sup>30</sup> Patrick Vinton Kirch, *How Chiefs Became Kings: Divine Kingship and the Rise of Archaic States in Ancient Hawai'i* (Berkeley, University of California Press, 2010), ix.

<sup>31</sup> James Cook, *The Journals of Captain James Cook on his Voyages of Discovery, vol. III, part 2, The Voyage of the Resolution and Discovery 1776-1780*, J.C. Beaglehoe (ed.) (1967), 490.

<sup>32</sup> Kirch, 75.

[T]hese chiefs were men of strong and well-proportioned bodies, and of countenances remarkably pleasing. Kaneena (Kana'ina) especially, whose portrait Mr. Webber has drawn, was one of the finest men I ever saw. He was about six feet high, had regular and expressive features, with lively, dark eyes; his carriage was easy, firm, and graceful.<sup>33</sup>

One month after King's journal entry, Cook was killed in a skirmish on February 14, 1789, where Kana'ina was also killed by musket fire from the British Marines on shore with Cook. Cook was attempting to kidnap King Kalaniopu'u in order to ransom the king for the return of a schooner taken from his ship. Kana'ina and another chief were the slayers of Cook.<sup>34</sup> On February 15, 1779, King commented on the character of Kana'ina:

Our unfortunate friend, Kaneena (Kana'ina), possessed a degree of judicious curiosity, and quickness of conception, which was rarely met with amongst these people. He was very inquisitive after our customs and manners; asked after our King; the nature of our government; our numbers; the method of building our ships; our houses; the produce of our country; whether we had wars; with whom; and on what occasions; and in what manner they were carried on; who was our God; many other questions of the same nature, which indicated an understanding of great comprehension.<sup>35</sup>



Portrait of Chief Kana'ina by John Webber.

<sup>33</sup> Captain James Cook, *A Voyage to the Pacific Ocean... 1776, 1777, 1778, 1779, and 1780*, vol. 3 (London, 1794), 3.

<sup>34</sup> Kana'ina, also known as Kalanimanookaho'owaha, is the author's paternal 4th great-grandfather.

<sup>35</sup> Cook, 131.

It would be these Chiefs of the island Kingdom of Hawai‘i that would forge a relationship with the British despite the death of Cook. The Kingdom of Hawai‘i’s constitution was unwritten and comprised of two basic *kanawai* (laws), “the *kanawai akua*, or gods’ laws; and the *kanawai kapu ali‘i*, or sacred chiefly ‘laws.”<sup>36</sup> Religious laws were closely interwoven with chiefly laws and it was the duty of the King “to consecrate the temples, to oversee the performance of religious rites in the temples of human sacrifice,” and “to preside over the celebration of the *Makahiki*-festival, and such other other ceremonies as he might be pleased to appoint.”<sup>37</sup> Sovereignty was consolidated in the person of the King in whose hands controlled life and death, and consequently, he also could adjust the form of governance. The State and government were one. Religion constituted the organic law of the country while, administratively, governance resided solely with the King and his Chiefs. Hawaiian Justice Walter Frear noted:

“The system of government was of a feudal nature, with the King as lord paramount, the chief as mesne lord and the common man as tenant paravail—generally three or four and sometimes six or seven degrees. Each held land of his immediate superior in return for military and other services and the payment of taxes or rent. Under this system all functions of government, executive, legislative and judicial, were united in the same persons and were exercised with almost absolute power by each functionary over all under him, subject only to his own superiors, each function being exercised not consciously as different in kind from the others but merely as a portion of the general powers possessed by a lord over his own.”<sup>38</sup>

On February 25, 1794, the Kingdom of Hawai‘i joined the British Empire as a protectorate State under an agreement with Captain George Vancouver.<sup>39</sup> King Kamehameha I recognized King George III as his liege and lord. Kamehameha eventually conquered the Kingdom of Maui in 1795, and brought the Kingdom of Kaua‘i under its suzerainty in 1810 that allowed King Kaumuali‘i to continue to rule, but as a vassal State.<sup>40</sup> In his letter to the British King dated March 3, 1810, Kamehameha who was

<sup>36</sup> Samuel Manaiakalani Kamakau, *Ka Po ‘e Kahiko: The People of Old* (Honolulu, Bishop Museum Press, 1964), 11.

<sup>37</sup> David Malo, *Hawaiian Antiquities* (Honolulu, Hawaiian Islands, 1898), 79.

<sup>38</sup> Walter Frear, “The Evolution of the Hawaiian Judiciary,” *Papers of the Hawaiian Historical Society* (June 29, 1894), 1.

<sup>39</sup> George Vancouver, *Voyage of Discovery to the North Pacific Ocean and the round the World*, vol. III (London, G.G. and J. Robinson, Paternoster-Row, and J. Edwards, Pall-Mall, 1798), 56.

<sup>40</sup> David Keanu Sai, *Ua Mau Ke Ea—Sovereignty Endures: An Overview of the Political and Legal History of the Hawaiian Islands* (Honolulu, Pū‘ā Foundation, 2011), 23.

aware of Great Britain's many wars at the time, wrote, "I am in particular need of some Bunting having no English Colours also some brass Guns to defend the Islands in case of Attack from your Enemies."<sup>41</sup> In his follow up letter dated August 6th of the same year, Kamehameha stated as "King of the Sandwich Islands, wishing to render every assistance to the ships of his most sacred Majesty's subjects who visit these seas have sent a letter by Captain Spence, ship 'Duke of Portland,' to his Majesty, since which Timoree [Kaumuali'i], King of Atooi [Kaua'i], has delivered his island up, and we are now in possession of the whole of the Sandwich Islands."<sup>42</sup>

The consolidation of these polities came under the title of the Kingdom of the Sandwich Islands of whom Kamehameha was its King. In a sheer move to begin to incorporate English governance into the Hawaiian State, Kamehameha designated Kalanimōkū as his Prime Minister that functioned in similar fashion to Britain's Prime Minister after the defeat of the Maui kingdom. Foreigners had come to refer to Kalanimōkū as "Billy Pitt" after King George III's Prime Minister William Pitt the Younger, who was also Chancellor of the Exchequer and First Lord of the Treasury.

The role of the Prime Minister established by Kamehameha I in 1794 was a misnomer. There were no other ministers that ran government by direction of a primary minister appointed by the Crown until 1845, when a cabinet ministry was established for the first time by statute.<sup>43</sup> Prior to 1845, Hawaiian governance did not experience, as the British did, the function of ministers in administering government separate from the Crown. According to Bryum Carter, a political scientist, the first prototype of the modern Prime Minister emerged during the reigns of the first two Hanoverian Kings, George I and II.<sup>44</sup> George I had little interest in English politics nor a grasp of the English language, and often returned to Hanover and left the country to be run by his cabinet ministers who were led by Sir Robert Walpole, First Lord of the Treasury and Chancellor of the Exchequer, and Lord Charles Townshend, secretary of state. Shortly after the ascension of George II, Townshend resigned, and Walpole was able to gain full control of the cabinet ministry as the treasurer, thereby creating the office of Prime Minister that "made possible the evolution of the modern system of ministerial responsibility."<sup>45</sup>

---

<sup>41</sup> Rhoda E.A. Hackler, "Alliance or Cession? Missing Letter from Kamehameha I to King George III of England Casts Light on 1794 Agreement," 20 *The Hawaiian Journal of History* (1986): 1-22, 7.

<sup>42</sup> Manley Hopkins, *Hawaii: The Past, Present and Future of Its Island Kingdom* (London, Longman, Green, Longman, and Roberts, 1862), 125.

<sup>43</sup> *Statute Laws of His Majesty Kamehameha III*, vol. 1 (1846), 2.

<sup>44</sup> Bryum Carter, *The Office of Prime Minister* (Princeton, Princeton University Press, 1956), 22.

<sup>45</sup> A.B. Keith, *The King and the Imperial Crown* (London, Longman, 1936), 65.

Kalanimōkū's duty was to manage day-to-day operations of the national government, as well as to be commander-in-chief of all the military, and head of the kingdom's treasury. According to Kamakau:

By this appointment Kamehameha waived the privilege of giving anything away without the consent of the treasurer. Should that officer fail to confirm a gift it would not be binding. Kamehameha could not give any of the revenues of food or fish on his own account in the absence of this officer. If he were staying, not in Kailua but in Kawaihae or Hōnaunau, the treasurer had to be sent for, and only upon his arrival could things be given away to chiefs, lesser chiefs, soldiers, to the chief's men, or to any others. The laws determining life or death were in the hands of this treasurer; he had charge of everything. Kamehameha's brothers, the chiefs, the favorites, the lesser chiefs, the soldiers, and all who were fed by the chief, anyone to whom Kamehameha gave a gift, could secure it to himself only by informing the chief treasurer.<sup>46</sup>

The English custom of appointing governors over former kingdoms or territories acquired by the Crown was also adopted by the Hawaiian State when governors were appointed to preside over the former kingdoms of Hawai'i, Maui and O'ahu. The governors served as viceroys over the lands of the former kingdoms "with legislative and other powers almost as extensive as those kings whose places they took."<sup>47</sup> The Hawaiian State became a juggernaut in the north Pacific.

Kamehameha I died on May 8, 1819. His son Liholiho succeeded him as King Kamehameha II and Ka'ahumanu, a strong chiefess and one of his widows, served as Prime Minister. After Kamehameha's passing, the kingdom experienced a radical change in its governance. No longer would there be a duality of religious and chiefly laws, but rather the religion would be overthrown by edict of Kamehameha II. The most prominent law that separated religious law from chiefly law was the *'ai kapu* (eating restriction). Accordingly, men and women ate separately, and the latter were forbidden to eat pork, bananas, coconuts, and particular types of fish, shark, turtle, porpoise, and whale.<sup>48</sup> If there was any infraction of this kapu (taboo), the punishment was death.

Kamakau explained that "free eating followed the death of the ruling chief," but "after the period of mourning was over the new ruler placed the land under a new tabu following old lines." Of the eleven degrees of rank within the Chiefly class, Kamehameha II had the rank of a *pi'o* Chief,

---

<sup>46</sup> S.M. Kamakau, *Ruling Chiefs of Hawaii* (Honolulu, Kamehameha Schools Press, 1992), 175.

<sup>47</sup> Walter Frear, "Hawaiian Statute Law," *Thirteenth Annual Report of the Hawaiian Historical Society* (1906), 18.

<sup>48</sup> Malo, 29.

second highest in rank through his mother, Keopuolani. “The kapu [tabu] of a god was superior to the kapu of a chief, but the kapus of the *ni ‘aupi ‘o* and *pi ‘o* chiefs were equal to the gods.”<sup>49</sup> According to Kamakau, the overthrow of the religion was warranted, and “in this case Kamehameha II merely continued the practice of free eating.”<sup>50</sup> The repudiation of the eating kapu set in motion a chain of events that culminated in the order to destroy all religious temples and idols throughout the realm. The overthrow of the religion not only created a political vacuum to be filled with more chiefly edicts, but it also threw into question the organization and stratification of Hawaiian society that religion had dictated for centuries. Mykkanen points out that the abolition of the religion “allowed people more flexibility in their dealings with the increasing numbers of foreigners.”<sup>51</sup>

When the first company of missionaries from the American Board of Commissioners of Foreign Missions (ABCFM) arrived in the kingdom in March of 1820 they perceived the overthrow of the *‘ai kapu* as divine intervention.<sup>52</sup> According to Hopkins, these were not the “religious instructors whom the King and chiefs expected from England,” and when it was discovered “that they were not, there was much opposition to their landing; and it was only on the assurance of the English settler, John Young, that these missionaries came to preach to the same religion as those whom they expected, that they were permitted to come on shore.”<sup>53</sup>

The missionaries were granted a license of one-year residency by Kamehameha II, which he later extended. For the next four years the missionaries would reduce the Hawaiian language into written form, provide instruction on reading and writing, and through this medium teach the Protestant religion. This teaching was limited at first to the chiefly class. If the missionaries “could not win the Chiefs they had little chance of success with the common people,”<sup>54</sup> because the “condition of the common people was that of subjection to the chiefs.”<sup>55</sup> The overthrow of the Hawaiian religion did not ease this relationship; rather, it reinforced it through the consolidation of authority in the chiefly class and was the

---

<sup>49</sup> Kamakau, 10.

<sup>50</sup> *Id.*, 222.

<sup>51</sup> Juri Mykkanen, *Inventing Politics: A New Political Anthropology of the Hawaiian Kingdom* (Honolulu, University of Hawai‘i Press, 2003), 35.

<sup>52</sup> Hiram Bingham, Daniel Chamberlain, Samuel Whitney, Samuel Ruggles, and Elisha Loomis, “Joint Letter of the Missionaries to the Corresponding Secretary [23 July 1820],” *MH* 17 (1821), 111.

<sup>53</sup> Hopkins, 133.

<sup>54</sup> *Id.*, 104.

<sup>55</sup> Malo, 60.

cause of much burden and oppression.<sup>56</sup> The Chiefs would be the ones to decide whether or not the missionaries would have access to the common people, a mainstay of authority that was not diminished by the overthrow of the religion.

On November 27, 1823, Kamehameha II departed on a diplomatic mission to England and the Kingdom came under the administration of Ka‘ahumanu as Regent and Kalanimōkū her Premier. The purpose of the King’s trip was to confirm the cession of his father’s kingdom to Great Britain in 1794, which later included the former kingdoms of Maui and Kaua‘i. After Kamehameha II departed the islands, Ka‘ahumanu, as Regent, formally declared Christianity to be the new religion of the country on December 21, 1823, by requiring strict observance of the Sabbath.<sup>57</sup> Six months later she proclaimed by crier laws prohibiting murder, theft of any description, boxing or fighting among the people, work or play on the Sabbath, and added that, “when schools are established, all the people shall learn the *palapala* [reading and writing].”<sup>58</sup> On April 13, 1824, Ka‘ahumanu met with the Chiefs in council in Honolulu “to make known their decision to extend the teaching of *palapala* and the word of God to the common people.”<sup>59</sup>

These events not only paved the way for universal literacy throughout the country, but Christianity also filled the void left by the abolition of the ancient religion. The missionaries thereafter assumed a role akin to those held by the priests under the old religion, where “it was the duty of the high priest to urge the king most strenuously to direct his thoughts to the gods; to worship them without swerving; [and] to be always obedient to their commands with absolute sincerity and devotedness.”<sup>60</sup> Thenceforth, the use of Jehovah in the chiefly laws was reminiscent of the use of the deities of Ku, Kane, Lono and Kanaloa in Kamehameha I’s time. As the old religion “organized and stratified Hawaiian society,” the Christian religion would do the same. It served as the unwritten constitution of the country. Mosaic law in theory became the foundational or organic law for the Chiefs and natives, which was supplemented by native customs and edicts of the Chiefs.

Nor did the Chiefs relinquish Hawaiian governance to the missionaries, as the false narrative proclaims. On this note, the U.S. Consul to the Hawaiian government did bring this issue up with Hawaiian authorities in 1839. The inquiry was prompted by anti-Catholic edicts and policies declared by

---

<sup>56</sup> *Id.*

<sup>57</sup> Kuykendall, 117.

<sup>58</sup> *Id.*, 118.

<sup>59</sup> Mykkanen, 49.

<sup>60</sup> Malo, 188.

Hawaiian authorities since 1830 when the Catholic religion was banned by order of Ka‘ahumanu, as Regent, who stated that the Catholic “worship is like that which we have forsaken.”<sup>61</sup> On October 26, 1839, United States Consul P.A. Brinsmade made a formal inquiry of the King and asked whether “American citizens residing in the Sandwich Islands as missionaries under the patronage of an Incorporated Institution of the United States... exerted a controlling [sic] influence upon the framer of the laws of this country.”<sup>62</sup> Two days later, Kamehameha III responds:

I have received your letter asking questions respecting the American missionaries, supposed by some to regulate the acts of my government under me; I, together with the chiefs under me, now clearly declare to you, that we do not see any thing in which your questions are applicable to the American missionaries. From the time the missionaries first arrived, they have asked liberty to dwell in these islands. Communicating instructions in letters, and delivering the word of God has been their business.

They were hesitatingly permitted to remain by the chief of that time, because they were said to be about to take away the country. We exercised forbearance, however, and protected all the missionaries, and as they frequently arrived in this country, we permitted them to remain in this kingdom because they asked it, and when we saw the excellence of their labors, then some of the chiefs and people turned to them in order to be instructed in letters, for those things were in our opinion really true.<sup>63</sup>

He concluded his response with a tongue and cheek comment that only a King could remark and still be taken seriously. Kamehameha III wrote, “We think that perhaps these are their real crimes:—Their teaching us knowledge. Their living with us, and some times translating between us and foreigners. Their not taking the sword into their hand, and saying to us with power, stop, punish, not the worshippers in the Romish religion.”<sup>64</sup> Since the nineteenth century there has been a move to distinguish between the State and its government. According to Hoffman a government “is not a State any more than a man’s words are the man himself,” but “is simply an expression of the State, an agent for putting into execution the will of the State.”<sup>65</sup> Wright also concludes that, “international law distinguishes

---

<sup>61</sup> Hopkins, 394.

<sup>62</sup> *Id.*, 392.

<sup>63</sup> *Id.*, 393-394.

<sup>64</sup> *Id.*, 395.

<sup>65</sup> Frank Sargent Hoffman, *The Sphere of the State or the People as a Body-Politic* (1894), 19.

between a government and the state it governs.”<sup>66</sup> As a result, Hommon and Kirch’s ancient Hawaiian State evolved into an independent State with a Hawaiian government that exercises sovereign authority.

#### V. CONGREGATIONALISM

On June 29, 1810, the ABCFM was formed in Connecticut that grew out of the *Second Great Awakening* that sought to remedy the evils of society in order to prepare for the second coming of God’s kingdom. Theologically, the missionaries believed “Christian activity was a precondition of the coming new age, for Christians who engaged in benevolent activities, social reform, and missionary outreach actually played a divinely ordained role in ushering in the Kingdom of Christ.”<sup>67</sup> To the missionaries it wasn’t only evangelizing the heathen, which by definition is a non-Christian, but according to Kling, that “truly virtuous behavior required little more than the inculcation of moral teaching.”

Arising after the American Revolution, Mathews also states that, “the Awakening in its social aspects was an organizing process that helped to give meaning and direction to people suffering in various degrees from the social strains of a nation on the move into new political, economic and geographical areas.”<sup>68</sup> The revolution “provided a political and social world view which was conducive to building a new religious community based on common participation in a holy life.”<sup>69</sup> Preachers of the *Awakening* blamed the Revolution and King George III “as afflictions placed upon Americans for their sins,” and these “afflictions could be removed by acts of contrition and monumental exertion coupled with faith in the mercy of Almighty God who promised judgment upon the wicked and victory for the virtuous.”<sup>70</sup> The *Awakening* had “a dedicated corps of charismatic leaders who proposed to change the moral character of America.”<sup>71</sup> To the missionaries of the *Awakening*, “the principles to work in reviving the spiritually ‘stupid’ [in America] and evangelizing the ‘benighted heathen’ [in foreign lands]” were the same.<sup>72</sup>

---

<sup>66</sup> Quincy Wright, “The Status of Germany and the Peace Proclamation,” *American Journal of International Law* 46, no. 2 (Apr. 1952): 307; see also Edward Heath Robinson, “The Distinction between State and Government,” *Geography Compass* 7, no. 8 (2013): 556-566.

<sup>67</sup> David W. Kling, “The New Divinity and the Origins of the American Board of Commissioners for Foreign Missions,” *Church History* 72, no. 4 (2003): 791-819, 800.

<sup>68</sup> Donald G. Mathews, “The Second Great Awakening as an Organizing Process, 1780-1830: An Hypothesis,” *American Quarterly* 21, no. 1 (1969): 23-43, 27.

<sup>69</sup> *Id.*, 35.

<sup>70</sup> Mathews, 27.

<sup>71</sup> Mathews, 31.

<sup>72</sup> Kling, 799.

Underlying this ideology (theology) was Congregationalist polity or congregationalism. Congregationalism is church governance that is democratic in theory and places authority in the local congregation, a system without a hierarchical structure like the Church of England, which they despised. It is similar to a confederation where each congregation is independent and governed by its members. Congregationalism views each congregation as “a separate and independent body, conducting its own business without reference to any higher body, without ultimate appeal beyond itself; calling Councils, but only for decorum; combining with other churches in a Conference, but only for conference; organizing itself with others in a National Council, but only for counsel.”<sup>73</sup> Collectivity and voice, through vote, governs the congregation. This type of polity “noted the parallels between congregationalism in church government and democracy in civil government.”<sup>74</sup>

According to Woodbury, missionaries “influenced democratic theory and institutions and expanded mass printing, mass education, civil society, and the rule of law.”<sup>75</sup> But a secular force was necessary in order to allow for the missionaries’ zeal “in ushering in the Kingdom of Christ” through print and education, without, which, the lofty endeavour would fail. “Without conditions that dispersed power beyond a small elite and prevented life-and-death struggles between secular and religious forces,” states Woodbury, “democracy did not last.”<sup>76</sup> This secular force was the Hawaiian State.

When the missionaries arrived they did not expect the control the Hawaiian State held throughout the islands, and ultimately the control it would have on them. The Hawaiian State was not a group of savages, but a highly organized political unit of governance. As savagery, by definition, is the “condition of being savage, or wild, primitive, uncultivated,”<sup>77</sup> this was clearly not the Hawaiian State the missionaries expected. What was conducive for the missionaries, however, was that the Hawaiian State was awaiting the arrival of missionaries, but from Britain. The only obstacle that did not make for a warm reception was that the missionaries were American and not British, especially when their arrival came on the heels of the War of 1812, which ended just five years prior. The Hawaiian State was a British protectorate since 1794.

---

<sup>73</sup> Gail Hamilton, “Why I Am a Congregationalist,” *The North American Review* 144, no. 365 (1887): 330-339, 330.

<sup>74</sup> Samuel C. Pearson, Jr., “From Church to Denomination: American Congregationalism in the Nineteenth Century,” *Church History* 38, no. 1 (1969): 67-87, 85.

<sup>75</sup> Robert D. Woodberry, “The Missionary Roots of Liberal Democracy,” *The American Political Science Review* 106, no. 2 (2012): 244-274, 247.

<sup>76</sup> *Id.*, 249.

<sup>77</sup> *Webster’s New World Dictionary*, 2nd ed. (New York, New York, Prentice Hall Press, 1986), 1266.

As a secular force, the government of the Hawaiian State provided the means and infrastructure by which the new religion would spread but remained under the supervision of the Chiefs. Prior to his diplomatic mission to England in 1823, Kamehameha II dispatched a formal letter to King George IV dated August 22, 1822, where he not only spoke of the condition of the Hawaiian Kingdom, but also inferred that the Protestant religion of Britain would soon spread throughout the islands, which occurred in 1824. Kamehameha II wrote:

I avail myself of this opportunity of acquainting your Majesty of the death of my father, Kamehameha, who departed this life the 8th of May, 1819, much lamented by his subjects; and, having appointed me his successor, I have enjoyed a happy reign ever since that period; and I assure your Majesty it is my sincere wish to be thought as worthy of your attention as my father had the happiness to be, during the visit of Captain Vancouver. The whole of these islands having been conquered by my father, I have succeeded to the government of them, and beg leave to place them all under the protection of your most excellent Majesty; wishing to observe peace with all nations, and to be thought worthy the confidence I place in your Majesty's wisdom and judgment.

The former idolatrous system has been abolished in these islands, as we wish the Protestant religion of your Majesty's dominions to be practiced here. I hope your Majesty may deem it fit to answer this as soon as convenient; and your Majesty's counsel and advice will be most thankfully received by your Majesty's most obedient and devoted servant,

“KAMEHAMEHA II,  
“King of the Sandwich Islands.  
“To George IV., King of England.”<sup>78</sup>

While the new religion was taught so were the principles of congregationalism and democracy. Members of Hawaiian congregational churches that were being established throughout the Islands soon began to understand their role in the congregation and involvement in its leadership. It was a confederation of churches whose collective membership of each congregation had voice. Congregationalism became a strong influence in government reform that eventually moved Hawaiian governance from absolute rule to a constitutional and limited monarchy and paved the way for the Hawaiian Kingdom's entry into the exclusive Euro-centric *Family of Nations*.

---

<sup>78</sup> James Jackson Jarves, *History of the Hawaiian Islands*, 4th ed. (Honolulu, Henry M. Whitney, 1847), 110.

## VI. SYNERGY

Synergy is “combined or cooperative action or force,”<sup>79</sup> and, according to Benedict, “is set up sociologically by a social order that provides mutual advantage and eliminates activities at the expense of other groups involved. When synergy is high, psychological behavior responds.”<sup>80</sup> The Hawaiian State’s purpose was to evolve, first as a British protectorate in government reform and, second, complete reception of the Protestant faith. The purpose of the missionaries was to spread the word of God through Congregationalism, mass education, and the printing press.

The objectives of both forces coalesced, and each saw the other as beneficial to their own goals. Because the missionaries were very small in number, they needed the support of the Hawaiian State and its infrastructure, and the Hawaiian State needed the missionaries because of their Protestant knowledge. Conventional missionary work operated from a premise of resistance to Christianity and the focus of converting. The Hawaiian situation was different because the Protestant religion was welcomed. In this way, the religion would spread not through Biblical Revivals that occurred throughout the United States at the time, but rather through formal education in the schools. This became the seed of high synergy.

Education was through the medium of the native language. On January 7, 1822, the first printing of an eight-page Hawaiian spelling book was done, and all “the leading chiefs, including the king, now eagerly applied themselves to learn the arts of reading and writing, and soon began to use them in business and correspondence.”<sup>81</sup> In 1828, Laura Fish Judd, wife of Gerrit P. Judd, was amazed at how the natives grasped reading. She wrote, it “is astonishing how so many have learned to read with so few books. They teach each other, making use of banana leaves, smooth stones, and the wet sand on the sea beach, as tablets. Some read equally well with the book upside down or sidewise, as four or five of them learn from the same book with one teacher, crowding around him as closely as possible.”<sup>82</sup>

As the masses learned to read they simultaneously learned to write and letter writing was pervasive as a means of communication between the islands. By 1839, the success of the schools was at its highest point, and literacy was “estimated as greater than in any other country in the world,

---

<sup>79</sup> *Webster’s Dictionary*, 1444.

<sup>80</sup> Abraham H. Maslow and John J. Honigmann, “Synergy: Some Notes of Ruth Benedict,” *American Anthropologist* 72, no. 2 (1970): 320-333, 328.

<sup>81</sup> W.D. Alexander, *A Brief History of the Hawaiian People* (New York, Cincinnati, Chicago, American Book Company, 1891) 179.

<sup>82</sup> Judd, 20.

except Scotland and New England.”<sup>83</sup> In 1863, Associate Justice Lorrin Andrews, a strong proponent of classroom instruction in the Hawaiian language, acknowledged, “that the sources from which I formed the Hawaiian Grammar, and am now [1860] writing a Hawaiian Dictionary, are the letters, essays, compositions, etc., all manuscripts, besides thousands of printed pages, the matter of which was originally written by Hawaiians themselves.”<sup>84</sup>

Education was a hallowed word in the halls of the Hawaiian government, “and there is no official title more envied or respected in the islands than that of a member of the board of public instruction.”<sup>85</sup> De Varigny explains that this “is because there is no civic question more debated, or studied with greater concern, than that of education. In all the annals of the Hawaiian Legislature one can find not one example of the legislative houses refusing—or even reducing—an appropriation requested by the government for public education. It is as if this magic word alone seems to possess the prerogative of loosening the public purse strings.”<sup>86</sup>

The history from absolute rule to a constitutional government is a narrative of the interplay of internal and external forces that shaped the government of the Hawaiian Kingdom. Throughout nineteenth century Europe, there were two main strands of constitutional development—liberalizing a monarchy as advocated in Great Britain, and enlightening despotism that took place on the European continent.<sup>87</sup> Both strands sought to limit the monarch’s authority, and monarchs rarely were willing participants. And to this Hawai‘i can add a third strand of constitutional development—paragon of virtue. Neither the threat of internal revolt nor the curtailing of powers was the driving force of Hawaiian constitutionalism. Rather, it was the collective endeavor of the Chiefs, under the sanction of Kamehameha III and the tutelage of their instructor of political science, William Richards, to establish a constitutional government whereby all people, whether Chiefs or commoners, were equal before the law. Both foreign intervention and the threat of more served as a driving force for government reform, but reform itself was a national matter and ultimately left to the deliberations and work of the King and Chiefs.

---

<sup>83</sup> Judd, 79.

<sup>84</sup> Sandwich Islands Mission of the American Board of Commissioners for Foreign Missions, *Proceedings of the Hawaiian Evangelical Association, at its Annual Meeting in Honolulu, June 3, to July 1, 1863* (Boston, Press of T.R. Marvin & Son, 1864) 97.

<sup>85</sup> Charles Victor Crosnier De Varigny, *Fourteen Years in the Sandwich Islands, 1855-1868* (Honolulu, The University Press of Hawaii, 1981), 151.

<sup>86</sup> *Id.*

<sup>87</sup> John A. Hawgood, *Modern Constitutions Since 1787* (London, Macmillan and Company, Ltd., 1939), 2.

In 1823, William Richards who arrived in the islands with the second company of missionaries in 1823 resigned from the ABCFM and entered Hawaiian government service in 1838 to deliver “lectures on the science of government and assisting in drawing up the first constitution and code of laws.”<sup>88</sup> Richards, who had no formal education in political science, relied on the work of Professor Francis Wayland, President of Brown University. Wayland was interested in “defining the limits of government by developing a theory of contractual enactment of political society, which would be morally and logically binding and acceptable to all its members.”<sup>89</sup>

Richards developed a curriculum based upon Hawaiian translations of Wayland’s two books, “Elements of Moral Science (1835)” and “Elements of Political Economy (1837).” According to Richards, the “lectures themselves were mere outlines of general principles of political economy, which of course could not have been understood except by full illustration drawn from Hawaiian custom and Hawaiian circumstances.”<sup>90</sup> Through his instruction, Richards sought to theorize governance from a foundation of Natural Rights within an agrarian society based upon capitalism that was not only cooperative in nature, but also morally grounded in Christian values. In Richards translation of Wayland’s *Elements of Political Economy*, he stated, “Safety and peace of a land will not endure if righteousness is not maintained. The goodness of the chiefs and of the people is the only thing that secures the laws and the government.”<sup>91</sup>

From the premise that governance could be formed and established to acknowledge and protect the rights of all the people and their property, it was said to follow that laws should be enacted to maintain a society for the benefit of all and not the few. Richards asserted, “God did not position the people as workers for the chiefs, or as something to make the chiefs wealthy. God granted the occupation of chiefs as something to benefit the people and as something necessary for the land.”<sup>92</sup> Wayland’s theory of cooperative capitalism, which presupposed private ownership of land and a free market as the foundation of political economy, was hindered at the

---

<sup>88</sup> Alexander, 224.

<sup>89</sup> Mykkanen, 154.

<sup>90</sup> William Richards, “William Richard’s Report to the Sandwich Islands Mission on His First Year In Government Service, 1838-1839,” *Fifty-first Annual Report of the Hawaiian Historical Society for the Year 1942* (Honolulu, Hawaiian Printing Company, Limited, 1943), 66.

<sup>91</sup> William Richards, *No ke Kalai ‘aina* (Lahaina, Lahainaluna High School Press, 1840), 123. “Aole hoi e mau ka malu ana a me ka kuapapa nui ana o ka aina ke malama ole ia ka pono. O ka pono o na ‘lii a me na kanaka, o ia wale no ke kumu e paa ai na kanawai a me ke aupuni.” Translation by *Awaiaulu*.

<sup>92</sup> *Id.*, 64. “Aole i honoho mai ke Akua in a kanaka i poe hana na na ‘lii a i mea e waiwai ai na ‘lii. Ua haawi mai ke Akua i ka oihana alii mea e pomaikai ai na kanaka i mea hoi e pono ai ka aina.” Translation by *Awaiaulu*.

time because the Kingdom was still in a feudal state of ownership as it had been since Kamehameha I.

So, the full application of Wayland's political economy, at this point, could not be fully realized until the people could possess freehold titles, e.g. fee-simple and life estates. In the meantime, personal property and agriculture formed the basis of the Hawaiian economy. According to an 1840 statute, making direct reference to Richards' 1839 instructional book that translated Wayland's Political Economy into the Hawaiian language:

The business of the Governors, and land agents [Konohiki], and tax officers of the general tax gatherer, is as follows: to read frequently this law to the people on all days of public work, and thus shall the landlords do in the presence of their tenants on their working days. Let every one also put his own land in a good state, with proper reference to the welfare of the body, according to the principles of Political Economy. The man who does not labor enjoys little happiness. He cannot obtain any great good unless he strives for it with earnestness. He cannot make himself comfortable, not even preserve his life unless he labor for it. If a man wish to become rich, he can do it in no way except to engage with energy in some business. Thus Kings obtain kingdoms by striving for them with energy.<sup>93</sup>

On June 7, 1839, Kamehameha III proclaimed an expanded uniform code of laws for the kingdom that was preceded by a "Declaration of Rights." The Declaration formally acknowledged and vowed to protect the *natural rights* of life, limb, and liberty for both chiefs and people. The following year on October 8, Kamehameha III granted the first Constitution incorporating the Declaration of Rights as its preamble. The Declaration of Rights stated:

Protection is hereby secured to the persons of all the people, together with their lands, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. Whatever chief shall act perseveringly in violation of this constitution, shall no longer remain a chief of the Hawaiian Islands, and the same shall be true of the Governors, officers, and all land agents.<sup>94</sup>

The purpose of a written constitution "is to lay down the general features of a system of government and to define to a greater or less extent the powers of such government, in relation to the rights of persons on the one hand, and on the other... in relation to certain other political entities which

---

<sup>93</sup> William Richards, *Translation of the Constitution and Laws of the Hawaiian Islands, established in the reign of Kamehameha III* (Lahaina, Lahainaluna, 1842), 40.

<sup>94</sup> *Id.*, 10.

are incorporated in the system.”<sup>95</sup> The first constitution did not provide for separation of powers, e.g. executive, legislative and judicial, and the prerogatives of the Crown permeated every facet of governance. The Crown’s duty was to execute the laws of the land, serve as chief judge of the Supreme Court, and sit as a member of the House of Nobles who would enact laws together with representatives chosen from the people.

The granting of the first constitution by Kamehameha III was not a limitation, per se, of abusive power, but an incorporation of sharing power. By that instrument he “declared and established the equality before the law of all his subjects, chiefs and people alike. By that Constitution, he voluntarily divested himself of some of his powers and attributes as an absolute Ruler, and conferred certain political rights upon his subjects, admitting them to a share with himself in legislation and government.”<sup>96</sup> According to Associate Justice Robertson, on behalf of the entire Supreme Court:

King Kamehameha III originally possessed, in his own person, all the attributes of absolute sovereignty. Of his own free will he granted the Constitution of 1840, as a boon to his country and people, establishing his Government upon a declared plan or system, having reference not only to the permanency of his Throne and Dynasty, but to the Government of his country according to fixed laws and civilized usage, in lieu of what may be styled the feudal, but chaotic and uncertain system, which previously prevailed.<sup>97</sup>

## VII. CONCLUSION

There are two trajectories of the false narrative that reveal themselves. The first was politically motivated to blur the illegality of the overthrow and to project the insurgents as merely the continuation of Americanism initiated by the missionaries since 1820. The second, which was born out of the Hawaiian indigeneity movement of the 1980s,<sup>98</sup> is reactionary and accepts the American missionary tale as true. Both trajectories rely on rhetoric and not analytical rigor and research.

The American occupation of the Hawaiian Kingdom is now at 130 years where the national consciousness of the Hawaiian Kingdom has been obliterated in the minds of Hawaiian subjects through denationalization—

---

<sup>95</sup> Edward S. Corwin, “Constitution v. Constitutional Theory,” *American Political Science Review* 19, no. 2 (1925): 290-304, 291.

<sup>96</sup> *In the Matter of the Estate of His Majesty Kamehameha IV*, 3 Hawai‘i 715, 720 (1864).

<sup>97</sup> *Rex v. Joseph Booth*, 3 Hawai‘i 616, 630 (1863).

<sup>98</sup> David Keanu Sai, “Setting the Record Straight on Hawaiian Indigeneity,” *Hawaiian Journal of Law and Politics* 3 (2021): 6-72.

*Americanization*.<sup>99</sup> A national consciousness includes an accurate portrayal of its history based on verifiable facts and circumstances. Since the *Larsen* case at the Permanent Court of Arbitration in 1999, a concerted effort has been made in the academy to do research and apply analytical rigor in order to discern between fact and fiction. This is a contribution toward that end.

---

<sup>99</sup> David Keanu Sai, “United States Belligerent Occupation of the Hawaiian Kingdom,” in *The Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations in the Hawaiian Kingdom*, ed. David Keanu Sai (Honolulu, Ministry of the Interior, 2020), 114, [https://www.hawaiiankingdom.org/pdf/Hawaiian\\_Royal\\_Commission\\_of\\_Inquiry\\_\(2020\).pdf](https://www.hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_(2020).pdf).