

MAPPING THE HAWAIIAN KINGDOM: A COLONIAL VENTURE?

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I. INTRODUCTION

The early to mid-1800s was an era of tremendous cultural and socio-political change for Hawai`i and its native people. A wave of outside influences swept through the islands, inundating the ruling *ali`i* (chiefs) as well as the *maka`ainana* (commoners). In addition to many new technologies and materials, this wave introduced ideologies, cultural norms and worldviews foreign to Hawai`i. The establishment of the Kingdom of Hawai`i, with its adoption of and adaptation to "modern" forms of government and policy, represented a fundamental change to Hawaiian society. The ruling *ali`i* struggled to maintain the sovereignty of their islands in the midst of foreign attempts to gain control over the lands and resources of Hawai`i. Policies implemented during these difficult years may have been a mix of policies that the *ali`i* were pressured to implement and others *ali`i* strategically implemented in their attempts to secure their nation's political and cultural future. One of those policies - - the surveying and mapping of Kingdom lands - - not only had political and economic implications, but affected traditional Hawaiian concepts of land division and *palena* (place boundaries).

Scholars have suggested that western surveys and maps are tools used to aid "colonizers" in the dispossession of native people from their native lands.¹ While this is sadly true in other contexts, the Hawaiian case, we

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¹ Bruce Braun, *The Intemperate Rainforest: Nature, Culture and Power on Canada's West Coast*, (Minneapolis: University of Minnesota Press, 2002); Timothy Mitchell, *Colonizing Egypt*, (New York: Cambridge University Press, 1991); Evelyn Stokes,

argue, is different in fundamental ways. Many surveys conducted and maps produced under the Kingdom of Hawai'i were done by Native Hawaiians, and most were done with Native informants and are based largely on traditional *palena*. The maps produced by these surveys are in effect a hardcopy translation, admittedly imperfect and potentially very limiting, of 'Oiwī (native born) maps that were catalogued and maintained in the minds of a very brilliant people. This stands in contrast to early surveys in the United States that had no regard for how the original inhabitants saw or possibly bounded the land.² United States maps of the other 49 states do not reflect the traditional boundaries of the indigenous people of those lands. Hawai'i is markedly different in this respect.

This paper critically examines the development and role of surveying and mapping during the Kingdom years, and the resultant implications then and now. We find that these surveying activities and the maps they produced were due in varying degrees to (1) the efficient adaptation by Native Hawaiians of new technologies, (2) an attempt to record traditional knowledge of *palena* before elders passed, (3) imperialistic intent of foreigners and (4) efforts of *ali'i* to maintain their national lands. Though these maps and the *palena* they exhibit do not do justice to the knowledge that existed prior to their creation, it is important and useful to take note of the critical efforts of a number of 'Oiwī and Hawaiian nationals of foreign origin alike to map the places and *palena* of Hawai'i.

II. THE USE OF "TOOLS OF THE OTHER"³

Much discourse in Colonial/Post-Colonial fields of Geography has focused on the tools of the colonizer that enabled him to colonize.⁴ Authors such as Pratt⁵ utilize a spatial approach when examining the

"Contesting Resources: Maori, Pakeha, and a Tenurial Revolution" in Eric Pawson, Tom Brooking, (eds), *Environmental Histories of New Zealand*, (Melborne: Oxford University Press, 2002); Cole Harris, "How Did Colonialism Disposess? Comments from the Edge of Empire", *Annals of the Association of American Geographers* 94 (2004): 165-182.

² Edward T. Price, *Dividing the Land. Early American Beginnings of Our Private Property Mosaic*, (Chicago: University of Chicago Press, 1995), 11.

³ The term "the Other" is most often applied to describe native/oriental/aboriginal peoples in western academic discourse. In this paper, we refer to "the other" as the foreigner (haole). We also use the terms "Western" to refer to the people who had their origins geographically *east* of Hawai'i. We use the term "Eastern" to refer to those who had their origins geographically *west* of Hawai'i. We use these terms because this is the way in which much imperial discourse is shaped. We have noted its possible inconsistencies here, so that 'oiwi scholars might decide if a discourse that reflects a Hawaiian sense of place might be more appropriate.

⁴ Braun, Mitchell, Stokes, and Harris, *supra* note 1.

⁵ Mary Louise Pratt, *Imperial Eyes, Travel Writing and Transculturation*, (London and New York: Routledge, 1992).

material effects of exchange between the “West” and the people of the places that “Westerners” visited. This approach treats the “place of exchange” as a space where Western tools, concepts and technology are imposed on the native peoples and any attempt to adapt and make use of those processes is termed “transculturation”, which Pratt describes as,

How subordinated or marginal groups select and invent from materials transmitted to them by a dominant or metropolitan culture. While subjugated peoples cannot readily control what emanates from the dominant culture, they do determine to varying extents what they absorb into their own, and what they use it for.⁶

“Transculturation” is used here to define the adaptations of “subjugated” or “marginal” peoples everywhere on the globe, in each and every space of the “periphery.” In the Hawaiian case, this usage possibly underestimates the “subjugated” people’s ability to facilitate and control the adoption of new technologies within their own epistemology, rather than purely reacting to a forced concept, technology or material. Casey argues that applying a placial analysis to the adoption and adaptation of tools, concepts or technologies with foreign origin may lead to a clearer understanding of that adaptive action.⁷

For example, Murton writes,

the understanding of the great divide between spatial and placial ways of seeing and coming to know the world is critical for geographers working on the interface of Native and Western understandings of the world.⁸

Specific questions need asking to understand the differences between placial and spatial approaches to research:

1. Who were the subjugated people?
2. Were they subjugated in their own “place” or merely in a perceived Western space?
3. Who defines the subjugation?
4. As places gather, cannot the people of those places gather and still keep their sense of place?⁹

⁶ *Id.*, 6.

⁷ Edward Casey “How to Get From Space to Place in a Fairly Short Stretch of Time: Phenomenological Prolegomena” in Feld, Steven and Keith H. Basso, ed., *Senses of Place* (Santa Fe: School of American Research Press, 1996), 13-52.

⁸ B. Murton, *Interpretations of the Foreshore in Aotearoa/New Zealand*, Paper presented at the 2005 Annals of American Geography Conference, Denver, Colorado.

⁹ Casey, *supra* note 8.

An understanding of the traditional complex system of government and “hybridity”¹⁰ through the eyes of an *‘Oiwī* scholar may prove to be the difference between a viewing of history through the lenses of adaptation/adoption rather than imposition, of survival rather than subjugation.

The inclusion and adaptation of Western tools and concepts by Hawaiians is abundant in their rich history, both ancient and recent. Iron, electricity, mapping, and independent Statehood were among some of the more modern tools and concepts that Hawaiians of the late-1800s and 1900s brought into the Hawaiian consciousness. Rather than pre-supposing that Western adaptation was imposed on Hawaii's native people, is it reasonable to assume that in some cases *‘Oiwī* themselves chose to engage and adapt a tool/concept through their own epistemologies? Is there a native epistemology that looks at the efficacy of a tool/concept rather than its origin?

Hawaiian people value applied knowledge. *‘Olelo no‘eau* (traditional proverbs) such as “*ma ka hana ka ‘ike*” (through work one gains knowledge) privilege knowledge gained through application. Knowledge and ideas that can be applied, to achieve a goal, are generally more important than theoretical knowledge or knowledge for knowledge's sake.¹¹ *Kupuna* (elders or ancestors) named plants that they could use, while often times those that had no use also had no name.

Much effort in the Hawaiian Renaissance, which began to blossom in the 1970s, has focused on the development and expansion of a Hawaiian epistemology. Scholars like Meyer¹² have brought Hawaiian ways of knowing from cultural practitioners and *kupuna* into and through the halls of academia, opening doors to “Hawaiian ways of knowing.” This elusive, but fundamental, aspect of Hawaiian worldview also drives many Hawaiian language classes seeking to provide a framework for understanding Hawaiian Epistemology through our native tongue. As students of Hawaiian language, we strive to reach the summit to think

¹⁰ Homi K. Bhabha, *The Location of Culture*, (London: Routledge, 1994), 4. “The stairwell became a liminal space, a pathway between the upper and lower areas, each of which was annotated with plaques referring to blackness and whiteness... The stairwell becomes the process of symbolic interaction, the connective tissue that constructs the difference between the upper and lower the black and white. The hither and thither of the stairwell, the temporal movement and the passage that it allows, prevents identities at either end of it from settling into primordial polarities. This interstitial passage between fixed identification opens up the possibility of a cultural hybridity that entertains difference without an assumed or imposed hierarchy.”

¹¹ Manu Aluli Meyer, *Ho‘oulu: Our Time of Becoming Hawaiian Epistemology and Early Writings* (Honolulu: Ai Pohaku Press, 2004), 113.

¹² Manu Aluli Meyer, “Native Hawaiian Epistemology: Sites of Empowerment and Resistance.” *Equity and Excellence in Education: The Journal of the School of Education* 31, no. 1 (1998): 22-28.

through our *maoli* (native) language—a place we are able to understand and evaluate Hawaiian concepts in comparison to each other, rather than in contrast to concepts that arise out of English.

Western philosophy is a quilt of many different and contesting philosophies, as is Eastern philosophy. What can be said about Hawaiian philosophy? It is likely that within Hawaiian epistemology one also finds different ways of seeing and knowing the world. If examples of differing epistemologies can be found in Hawaiian *mo`olelo* (history), then one is able to begin to engage with the multiple Hawaiian epistemologies of the `O*iwi* of past and present. A tremendous amount of *mana* (spiritual energy and material effort) has been put into understanding and developing Hawaiian epistemologies. It is also important to examine if that development is consistent with the myriad ways of Hawaiian behavior.

For instance, Hawaiians of the late 1700s and early 1800s quickly recognized the utility of steel and iron, and incorporated these materials into applications such as ship making. Freycinet notes:

there were five brigs of 90 to 100 tons each, and equal number of 60-70 ton schooners, and about ten 20-ton cutters—all in all, twenty vessels of European type. The brigs were sold to the islanders by the Anglo-American speculators, and the rest came from the King's shipyards where they had been built by the natives themselves under the direction of foreign carpenters.¹³

This illustrates a Hawaiian Epistemology that is inclusive and opportunistic towards useful technologies or ideas. This epistemology might not be based on the experience of one's ancestors, since it is unlikely that Hawaiians could have experienced this prior to Kamehameha's time, but rather on one's own reasoning to see the utility of including non-`O*iwi* originated ideas and objects that are nevertheless useful. This form of Hawaiian epistemology remains unexplored and may provide a fruitful ground for future research.

This epistemology may explain the industry of the *Mo`i* (King) Kalakaua in making Hawai`i's palace the first seat of government in the world to make use of electricity. Kalakaua, being a man of confidence and industry, also challenged missionary assumptions of morality, while promoting traditions like *mele* (song), *oli* (chant), and *hula* (dance) that link `O*iwi* to their metaphysics. Many Hawaiian epistemologies were available to Kalakaua, to whom we have to thank for such diverse sources of knowledge as the Kumulipo, a creation chant which he and

¹³ Louis Claude Desaulses de Freycinet, *Hawai`i in 1819 A Narrative Account* (Honolulu: Bishop Museum, 1978), 91. This was an 1819 account; iron may have been utilized even earlier by `o*iwi*. See, David Kalakaua, *The Legends and Myths of Hawai`i*, (Honolulu: Charles Tuttle, 1999), 182-185.

Lili'uokalani may be credited for bringing back into the Hawaiian consciousness, and the Hale Naua society, a “secret” society that attempted to preserve cultural practices such as the Hawaiian martial art of *lua*.

Cultures and the bearers of those cultures are not static. In the case of Kalakaua taking advantage of the utility of electricity, did Hawaiians marvel at his industriousness or look up at the lit palace on a moonless night and see it as a Western creation? Can `Oiwī not use and adapt a resource, such as surveying and mapping, while maintaining identity?

III. S.P. KALAMA'S 1838 MAP: ACCULTURATION OR TRANSCULTURATION?

Fitzpatrick suggests that, “about six hundred years ago according to the dating of surveyor Curtis J. Lyons, the Hawaiians created the *moku* (a land division roughly equivalent to a district) and settled on a series of names for them.”¹⁴ Therefore, since the ancient divisions were already well established in the minds of the Hawaiian people, when the Kingdom of Hawai`i began to “modernize” its land system in the period of the Mahele of 1848,¹⁵ the kingdom was able to award large portions of land based on traditional name and location alone.

Fitzpatrick also notes that probably the only written map of *ahupua`a* (a basic Hawaiian division of land that is smaller than a *moku* district) available during the time of the Mahele was created at Lahainaluna (a school on Maui), by a Hawaiian named on the map as S.P. Kalama.¹⁶ Kalama had been exposed to mapping that had been done by other States, such as the U.S., when representatives toured Hawai`i to perform biological data specimen collection. Kalama guided the visitors and witnessed the power of mapping. One of the first of its kind, the Hawai`i

¹⁴ Gary L Fitzpatrick & Riley M. Moffat, *Surveying the Mahele*, (Honolulu: Editions Limited, 1995), 23.

¹⁵ The Mahele set the stage for large-scale privatization of lands in the Hawaiian Kingdom. In order for this to happen, the undefined rights of three classes which had vested rights in the dominion of the Kingdom; the government, the chiefs, and the native tenants (as stated 1839 Declaration of Rights) needed to be settled. The Mahele was an instrument to begin settling these interests, and was the division of nearly all the lands in the Hawaiian islands between government and chiefs (the King being the highest ranking chief), which allowed for large scale private ownership in the Hawaiian Kingdom, subject to the rights of native tenants (Native Hawaiian “commoners”) to make their claims for land. The only class still undivided, in this process was the Native Tenants and would be later addresses in the Kuleana Act of 1850. Those individuals of the Native Tenant class who did not divide continued to possess, in perpetuity, an undivided right in the entire dominion, until they divided their interest and acquired a freehold title whenever they desired a division.

¹⁶ Gary Fitzpatrick, *The Early Mapping of Hawai`i*, (London: KPI, Ltd. 1987), 111.

nei 1838 map by Kalama shows *ahupua`a* in color codes as well as *moku* divisions. Fitzpatrick notes,

The most significant aspect of the map is the number of place names shown for each island. Earlier maps of Hawai`i contained few names, usually giving the names of islands, districts, and some of the important anchorages. On the 1838 Lahainaluna map, (*Kalama*) however the islands are ringed by the names of hundreds of *ahupua`a*.¹⁷

Kalama seems to have taken the theory of mapping and created a product that reflects an *`Oiwi* approach or view of place and boundaries. The originality of creating a color coding for *moku* and different lettering for *ahupua`a* was truly an act of agency, in a way taking traditional *palena* and attempting to put them, for the first time, into a language that could be understood by other States and cultures of the world. If Fitzpatrick is right in noting that the Kalama map was the only written map of *ahupua`a* in the Mahele, one could speculate on the map's importance. As every map has an intent, Kalama's intentions seem to have been on conveying *ahupua`a* and *moku* divisions of land, although a man as knowledgeable as he would have been able to compose maps including other Hawaiian land divisions such as *`ili lele* and *`ili kupo* which are land within *ahupua`a*. Kalama was not only a mapmaker; he was also note taker for the *Buke Mahele* (book of land awards for the Mahele). Kame`eleihiwa writes that Kalama was a secretary for the *ali`i* and that he described the proceedings of the Mahele in the probate case of Hewahewa, where Kalama writes, "I was Clerk for the Commission who made the division of the lands in 1848."¹⁸

That being said, is Kalama's map a form of transculturation or acculturation? We argue that it is neither. Kalama, a native man of Hawai`i, purposefully used the tool of mapmaking to commit to paper traditional divisions of land and the names of those places.

IV. POLITICS AND LAND IN THE MID-1800S

If maps are "weapons in the fight for social domination,"¹⁹ then the process of making maps constitutes arming oneself for the power struggles of the world, or, in the case of the Hawaiian Kingdom, in the power struggle of States. To refuse this process could lead to inadvertent domination.

¹⁷ *Id.*, 112.

¹⁸ Lilikala Kame`eleihiwa, *Native Land and Foreign Desires; Pehea la e Pono ai?*, (Honolulu: Bishop Museum Press, 1992), 224.

¹⁹ Denis Wood, *The Power of Maps*, (New York: The Guilford Press, 1992), 66.

Cadastral mapping in the modern sense of States²⁰ originated in Europe, and is said to have its specific origin in France. As James C. Scott writes, “Napoleonic France was mapped much earlier than England.”²¹ One would then assume that England borrowed from France’s mapping techniques when they eventually mapped out their territory. The early Cadastral mapping of States consisted of mapping out pre-existing usages of the land. This contrasted with the mapping done to places that were colonies, like Australia and America, where in the words of Scott:

There it was a question less of mapping preexisting patterns of land use than of surveying parcels of land that would be given or sold to new arrivals from Europe and of ignoring indigenous peoples and their common-property regimes.²²

According to Scott, one notable difference in the early mapping of States and the mapping of colonies is that when States map their own territory they map pre-existing usages of the lands, or pre-existing boundaries that might regulate the way in which the land was ordered prior to its being mapped. On the other hand, when colonies (at least in the western U.S.) are mapped, maps begin to reflect not pre-existing indigenous usages, but rather checkerboard grids because lands are treated as empty slates that need to be rationally ordered for future land use purposes. Shapiro comments that the Land Ordinance proposed by Jefferson “constituted an erasure, a cartographic overcoding of indigenous spatial practices.”²³ This reordering of the land in accordance with an epistemology and worldview of foreign origin is central to a colonial mapping enterprise.

It is a battle of epistemologies that leads many aboriginal people to turn in disgust toward the field of international law. Having been described by authors like Pratt as “subjugated people,” many aboriginal people seek to define law and their existence under their own terms rather than the terms imposed by colonizers. International law has also failed to grant “indigenous peoples” the right to access its body of law as independent States, and instead has left these populations subject to the laws of their “colonizer.” Examining the plight of statehood under the Hawaiian context, Osorio questions whether it is

²⁰ It should be noted that cadastral mapping would be different according to each State’s property laws. Thus to argue that all cadastral mapping is Western might give too much authority to “Western States.” To understand cadastral mapping in the Hawaiian Kingdom one would have to look to Hawaiian Kingdom property law, which might be seen as a hybrid itself.

²¹ James Scott, *Seeing Like a State* (New Haven: Yale University Press, 1998), 49.

²² *Id.*

²³ Michael Shapiro, *Radicalizing Democratic Theory: Social Space in Connolly, Deleuze & Rancière*, Paper Presented at Goldsmiths College London (17 September 2003), 6.

a good idea for Hawaiians to claim a kind of immunity from colonialism based on a nineteenth-century constitution and a few words of recognition by a British diplomat and a French diplomat? Should not national identity mean more than that? Should we Hawaiians acquiesce to the colonization of other Native peoples because they themselves did not perform these legal rituals?²⁴

There exists the viewpoint that international law is a Western creation.²⁵ This perspective has a significant historical basis, given that the only way for a State to be recognized as an independent-State is to first be accepted as such by "powerhouse" Western nations such as Britain, France, and the U.S. One can easily see the moral, practical and theoretical grounds on which such an opinion stands. That being said, were Hawaiian nationals "selling out" by adapting to what many view as "Western law"?²⁶

Hawai'i became a member of the Family of Nations in 1843.²⁷ Having

²⁴ Jonathan Kamakawiwo'ole Osorio, "Ku'e And Ku'oko'a: History, Law, and Other Faiths," in Sally Engle Merry & Donald Brenneis' (eds.) *Law & Empire in the Pacific: Fiji and Hawai'i*, (Santa Fe: School of American Research Press, 2003), 230. Reprinted at *Hawaiian Journal of Law & Politics* 1 (Summer 2004): 108.

²⁵ S. James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 2000), 9. "International Law especially is rooted in jurisprudential strains originating in classical Western legal thought, although today it is increasingly influenced by non-Western actors and perspectives."

²⁶ Osorio seems to be open to adaptation and inclusion of the tools of the other where he writes, "Regardless of the fact that law has changed the Native and may have created a being that is not entirely like his ancestors, law has also been made a part of our being, adopted and adapted to our view of ourselves and the world." Osorio, *supra* note 24, 235; reprinted at *Hawaiian Journal of Law & Politics* 1 (Summer 2004): 113.

²⁷ In a letter to U.S. Secretary of State Daniel Webster, December 14, 1862, Hawaiian envoys Ha'alilo and Richards wrote, "His Majesty...have awakened the very strong desire that his Kingdom shall be formally acknowledged by the civilized nations of the world as a sovereign and independent State." "Messrs. Richards and Ha'alilo to the Secretary of State," *Executive Documents of the United States House of Representatives, 53d Congress, 1894-95, Appendix II, Foreign Relations*, (1894), 42. This was an early attempt to have the U.S. sign a treaty acknowledging the Hawaiian Kingdom as an independent State. In response, Secretary of State Webster stated, that "the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matter of commerce." *Id.*, 44. On November 28, 1843, France and England explicitly recognize the Hawaiian Islands as an "Independent State." Also see David Keanu Sai, "Occupation of the Hawaiian State: A Century Gone Unchecked," *Hawaiian Journal of Law & Politics* 1 (Summer 2004): 53. "There is no doubt that, according to any relevant criteria (whether current or historical), the Hawaiian Kingdom was regarded as an independent State under the terms of international law for some significant period of time prior to 1893." Matthew Craven, "Continuity of the Hawaiian Kingdom," *Hawaiian Journal of Law & Politics* 1 (Summer 2004): 461.

seen the way other native nations were being colonized around the Pacific and the globe, Hawaiian nationals went to great lengths to secure the recognition of the Hawaiian Kingdom as an independent State, and the importance of this action can be better understood through Oppenheim:

The conception of International Persons is derived from the conception of the Law of Nations. As this law is the body of rules, which civilized States consider legally binding in their intercourse, every State that belongs to the civilized States and is, therefore, a member of the Family of Nations, is an International Person.²⁸

Hawai`i, by being recognized as an independent State or International Person, assured itself independent recognition thus assuring that it could meet with and negotiate treaties with other independent States as juridical, if not factual, equals. This action by the Hawaiian Kingdom in no way condoned the actions of independent States that were “colonizers,” but rather was a means to assure its (Hawai`i’s) continued existence. Oppenheim notes that a “State remains one and the same International Person in spite of changes in its headship, in its dynasty, in its form, in its rank and title, and in its territory,”²⁹ which virtually assures the continuity of the State though its organ (e.g. government) may change through internal politics. Writing on the continuity of the State and using France, an independent State that experienced many changes in forms of government, as an example, Oppenheim states:

Whatever may be the importance of such changes, they neither affect a State as an International Person, nor affect the personal identity of the State concerned, France for instance, has retained her personal identity from the time the Law of Nations came into existence until the present day, although she acquired, lost, and regained parts of her territory, changed her dynasty, was a kingdom, a republic, an empire, again a kingdom, again a republic, again an empire and is now, finally as it seems, a republic. All her international rights and duties as an International Person remained the very same throughout the centuries in spite of these important changes in her condition and appearance.³⁰

The inclusion of Hawai`i into the Family of Nations, as an independent State, legally protected Hawai`i from a repeat of the Paulet affair.³¹

²⁸ Lassa Oppenheim, *International Law: a Treatise*, 3rd ed. (London: Longmans, 1920), 125.

²⁹ *Id.*, 141.

³⁰ *Id.*

³¹ The Paulet affair was a land dispute between a foreigner and the Hawaiian Kingdom that led to the eventual illegal seizure of the Hawaiian Kingdom by a captain Lord Paulet

Oppenheim holds that only territory of non-recognized States can experience what he terms “occupation,” which has come to be known as colonization.

Occupation is the act of appropriation by a State through which it intentionally acquires sovereignty over such territory as is at the time not under the sovereignty of another State...³²

The value of being included in the Family of Nations was likely understood by `Oiwi of the early Kingdom era *maka`ainana* and *ali`i* alike. Oppenheim illustrates the important practical political value of being a State when he lists possibly the most important aspect of being a member of the Family of Nations, the “continuity” of the State,

A State ceases to be an International Person when it ceases to exist. Theoretically such extinction of International Persons is possible through emigration or the perishing of the whole population of a State, or through permanent anarchy within a State. But it is evident that such cases will hardly ever occur in fact. Practical cases of extinction of States are merger of one State into another, annexation after conquest in war, breaking up of a State into several States, and breaking up of a State into parts which are annexed by surrounding States.³³

V. PRINCE LOT KAPUAIWA AND THE BOUNDARY COMMISSION

Implementing a mapping system in the Hawaiian Kingdom was a critical step to enable the Hawaiian State to engage with other States. Property disputes between foreigners and natives had dragged the State into international disputes, such as the Paulet affair.³⁴ Another important impetus for mapping was expressed by Prince Lot Kapuaiwa and later King Kamehameha V, who were both concerned with losing the knowledge of traditional *palena* due to the alarming death rate of *kupuna* who knew the *palena* of their lands.³⁵ He therefore initiated the first large

of the British Navy for a period of roughly six months. A formal apology for the actions of Lord Paulet was later sent by the British government via Admiral Thomas and the occupation of the Hawaiian Kingdom ended on the 31 of July 1843. See Stephen Laudig, “Editor’s Note,” *Hawaiian Journal of Law and Politics* 1 (Summer 2004).

³² Oppenheim, *supra* note 28, 383.

³³ *Id.*, 143.

³⁴ Laudig, *supra* note 32, 1.

³⁵ *Bill for an Act Providing for Commissioners of Boundaries*, introduced by Prince Kamehameha (June 26, 1862), 1. In the native language the bill stated, “e hoomaopopo i na palena o ua mau aina la, oiai e ola ana na kamaaina i ike i na iwi a me na palena o ua mau la.” And the English version of the bill stated, “Owners of said lands require a settlement of the boundaries of said lands, for the reason of the death and consequent loss of the testimony of witnesses necessary for the just settlement of such boundaries.” The Hawaiian version of the bill can also be translated, as “traditional boundaries can be

scale surveys of the Hawaiian Kingdom with the Boundary Commission of 1862, at least partially in an attempt to use maps to transfer this knowledge.

During the Mahele, large portions of land were awarded via Konohiki awards by name and not accompanied by survey. Often times an *ali`i* was awarded an entire *ahupua`a*, or *`ili* (a division of land smaller than an *ahupua`a*), subject to the rights of the native tenants,³⁶ as was the case with the *ahupua`a* of Waiapuka which was awarded to Mataio Kekuanao`a. Large land owners such as the government, or private lands owners such as Mataio Kekuanao`a might want to themselves understand precisely what lands they had been awarded. In some cases, disputes between neighboring land owners may have resulted due to the lack of knowledge about the exact boundaries of newly acquired lands. These problems were to be remedied through the establishment of the Boundary Commission.³⁷

There are, however, different subtleties that can be seen in the different versions of the Boundary Commission Act, depending on a reading of either the Hawaiian or English version of the law. In a version of the Act introduced by “Prince Kamehameha” (Lot Kapuaiwa) on June 26 of 1862, the English version of the “Act for Providing for Commissioners of Boundaries” states:

all persons, owning land, within this Kingdom awarded by the Commission to quiet land titles, by name only, without boundaries being defined, are hereby required to file with the said Commissioner of Boundaries within four years from the passage of this Act, a survey defining by natural boundaries or otherwise the limits of such land belonging to them...³⁸

This seems to focus on settling the interests of the present and future owners of the land awards. The Hawaiian version of the same section makes clear that ancient boundaries are to be preserved for those who

known, since the natives of those places who know the boundaries of their lands are living.”

³⁶ Land titles issued in the 19th century contained the following condition of title, “subject to the rights of native tenants.” Chief Justice William Lee, who also served as President of the Board of Commissioner to Quiet Land Titles, wrote in response to a concerned ABFM (American Board of Foreign Missions) pastor, “I will see that no Konohiki has a title to lands except on the condition of respecting the rights of tenants.” *Supreme Court Letter Book of Chief Justice William Lee* (January 4, 1848).

³⁷ *An Act Providing for Commissions of Boundaries*, August 23, 1862, Hawaiian Kingdom Laws. The entire law was also published in *ka Nupepa Ku`oko`a* on September 17, 1862, which was a native language newspaper that was published in the Hawaiian language.

³⁸ Bill for Boundary Commission, *supra* note 35.

might be inheritors of the land. The last part of the above section, in Hawaiian and translated in brackets, reads

...i palapala ana no ia aina, e hoakaka ana i na palena Kahiko,
a i ole ia, he palapala e hoakaka ana ka iwi kahi i pau ai kona
aina. [...Lands will be mapped to make clear the ancient
ahupua'a boundaries, or in some cases maps will be made to
make clear `iwi (boundary of a land division smaller than an
ahupua'a), at the place where one's land ends.]³⁹

Another interesting section in this early version of the bill states in Section 11,

No transfer or conveyance of land shall be legal, from and
after four years after the passage of this Act, unless the
boundaries of said land are accurately defined, in the
instrument transferring the land.⁴⁰

These sections were later modified in the final version of the Act that passed on the 23rd of August 1862, and they show a clear and precise understanding of the importance on mapping and accurate survey in the new land and resource management system. Furthermore, assuming Prince Lot Kapuaiwa was not coerced, it may be said that the *ali`i* themselves had been involved in initiating the Hawaiian Kingdom's movement toward the use of mapping technology to aid in the new land management system, to retain Hawaiian control over the lands, and to preserve traditional knowledge of place. When Lyons speaks about the principles adopted in the Mahele, he notes,

The theory that was adopted, in effect, was this: That the
King, the chiefs, and the common people held each undivided
shares, so to say, in the whole landed estate.⁴¹

VI. (RE)MAPPING THE HAWAIIAN STATE

Surveys conducted and maps produced during the Mahele and Boundary Commission era were some of Geography's earliest encounters with Hawai'i and its people. Mapping was applied to aid in the transition from the traditional *maoli* (*native/true*) system of land "tenure" to that of fee-simple and lease hold ownership and to record traditional knowledge of boundaries and places. The later 1870 Hawaiian Government Survey was headed by the Surveyor General of the Hawaiian Kingdom, W.D. Alexander. He discusses methods of triangulation that had been done in

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ C.J. Lyons, Land Matters in Hawaii, *The Islander* (July 23, 1875), 126-127.

order to complete later surveys,⁴² describes the way in which areas were marked, and mentions that surveys were done in accordance with ancient place divisions such as *moku*, *ahupua`a*, and *ili*.⁴³ While other contemporary *haole* (Caucasian foreigners) of his time termed the Hawaiian people “savages,”⁴⁴ Alexander concludes his report with the words, “your humble servant,” when addressing Hawai`i’s reigning Mo`i (Monarch), King David Kalakaua.

Much of the academic work on mapping in Hawai`i has focused on colonial/post-colonial analysis. The “bounding of the native” and the subsequent dispossession of the native with their land is a topic that has received much attention in fields of post-modern/post-colonial geography. Harris writes, “the management of the dispossession of the colonized of their land rested with a set of disciplinary technologies of which maps, numbers and law were perhaps the most important.”⁴⁵

⁴² William D. Alexander, “A Brief History of Land Titles in the Hawaiian of Kingdom,” in the *Surveyors General Report* (Honolulu: P.C. Advertiser Co. Steam Print, 1882).

⁴³ The following text is a reprint from 19th century historian David Malo’s *Ka Mo`olelo Hawai`i* (Honolulu: Bishop Museum, 1987), 13-14, in the Hawaiian language. The text is translated into English by the authors.

“Ke Kapa ana i ko loko mau inoa o ka moku. Ua kapa aku ka poe kahiko inoa no ko ka mokupuni mau mea ma ko lakou nana ana a kupono ko lakou manao ana, elua inoa i kapa ia ma ka mokupuni, he moku ka inoa, he aina kahi inoa, ma ka moku ana ia ke kai ua kapa ia he moku, a ma ka noho ana a kanaka, ua kapa ia he aina ka inoa. O ka mokupuni, oia ka mea nui e like me Hawaii, Maui a me keia pae moku apau. Ua Mahele ia i mau apana maloko o ka mokupuni o kela mau apana i mahele ia, ua kapa ia he moku oloko e like me Kona ma Hawaii a me Hana ma Maui, a me na mea like ae ma keia mau moku. A ua mahele hou ia mau apana hou ua kapa ia aku ia he okana kahi inoa he kalana kahi inoa, he poko maloko ia o ka okana. A ua mahele hou ia mau apana hou malalo iho o keia mau apana, ua kapa ia aku ia he Ahupuaa, aka malalo o ke Ahupuaa, ua kapa ia he Ili aina. A ua mahele ia malalo o ka Ili aina na moo aina a malalo o ka moo aina na pauku aina a malalo o na pauku aina na kihapai malaila i mahele ia na Koele, na hakuone, na kuakua.”

Translation: “The naming of the interior of a land. The people of old gave names for the island’s different parts through their observing until their ideas became clear and precise, there are two names used on an island, moku is a name, `aina is another name, lands that were separated by the sea were called moku, lands where people resided were called moku. The island (moku that is surrounded by water) is the main division, like, Hawai`i, Maui and the rest of the island chain. (Islands) were divided up into sections inside of the island, called moku o loko, like such places as Kona on Hawai`i island, and Hana on Maui island, and such divisions on these islands. These sections were further divided into subdivision called `okana, or kalana; a poko is a subdivision of a `okana. These sections were further divided into smaller divisions called Ahupua`a, and sections smaller than an Ahupua`a were called `ili `aina. Divisions smaller than `ili `aina were mo`o `aina and pauku `aina, and smaller than a pauku `aina was a kihapai, at this section the smaller divisions would be multiple Ko`ele, Hakuone, and kuakua.”

⁴⁴ H. Stolpe, “On Evolution in the Ornamental Art Of Savage Peoples,” *Swedish Society of Anthropology and Geography* (1890): 1-75.

⁴⁵ Harris, *supra* note 1, 179.

Hawaiian Kingdom surveys attempted to represent traditional *palena* in a form new to `Oiwī maps, which previously were in a large part based on an oral tradition of memorization and recitation. This contrasts greatly with some of the early surveys in the United States, such as those proposed by Thomas Jefferson, which were “aimed at securing the kind of yeoman society outlined by Crèvecoeur,”⁴⁶ in a manner that took no regard to how the original inhabitants saw or possibly bounded the land. The checkerboard grid type of land survey that was prescribed by Jefferson was truly creating space over a place. The five member committee, appointed by the Continental Congress and chaired by Jefferson, initially proposed that public lands be divided into “hundreds of ten geographical miles square, and those again to be subdivided into lots of one mile square each, and to be numbered from 1 to 100, commencing in the northwestern corner, and continuing from west to east and from east to west consecutively.”⁴⁷ The act passed on May 20th, 1785 “provided for townships 6 miles square, containing 36 sections of 1 mile square.”⁴⁸ Carved from an empty slate, the land was often sold prior to its survey or it even being seen.⁴⁹

An excellent example of colonial mapping is given by David Turnbull in the book *Maps are Territories*. Commenting on an 1827 map of Australia by European colonists, he writes,

This map of Australia relatively accurate in its costal profile is filled with imaginary mountain ranges, rivers, and deltas. Its place names, grid and topographical assumptions derive from European cultural conventions unrelated to the landscape depicted, a landscape which the Aborigines had already mapped in minute and reliable detail.⁵⁰

The map offered by Turnbull vividly illustrates an example of colonial mapping, where Colonists drew and gave names to a land they consider empty or “Terra Nullius.” Lands deemed “Terra Nullius” were seen as being empty of inhabitants who possessed any legal right to the land. Colonists in America took a similar perspective where they “drew their property lines on what they considered a blank slate, with little regard to those who had occupied the land before.”⁵¹

⁴⁶ Denis Cosgrove, *Symbolic Formation and Symbolic Landscape*, (Madison: University of Wisconsin Press, 1984), 177.

⁴⁷ *Manual of Surveying Instructions For the Survey Of The Public Lands Of the United States and Private Land Claims* (Washington: Government Printing Office, 1908), 5.

⁴⁸ *Id.*

⁴⁹ Price, *supra* note 2, 340.

⁵⁰ David Turnbull, *Maps Are Territories; Science as an Atlas* (Chicago: University of Chicago Press, 1993), preface.

⁵¹ Price, *supra* note 2, 11.

Surveyors in the Hawaiian Kingdom that were conducting Boundary Commission surveys were required to visit a site with a *kupa`aina* (long time native resident) who understood the traditional boundaries of the *ahupua`a*, or at least had learned them from someone who did, so that the survey might reflect the traditional boundaries and markers. In *Boundary Law in Hawai`i*, when discussing a boundary dispute, Graham writes that surveyor testimony was of little importance in comparison to that of native testimony when cases were heard in the Hawaiian Supreme Court. Graham evaluates a Supreme Court case of the Hawaiian Kingdom dealing with the boundary of Pulehunui, Graham writes:

The Supreme Court's decision quotes extensively from evidence received and illustrates the nature and singular importance of kamaaina testimony. The testimony of expert surveyors, including M.D. Monsarrat, was received only insofar as it translated the kamaainas' description into a survey. In other words, Monsarrat and other professionals merely could depict what they were told concerning the ancient boundaries by those who actually knew them.⁵²

Native testimony is given the authority since the *kama`aina* (long time native resident) and not the surveyor understood the traditional *palena*, which were detailed and often times quite precise. Land division and boundaries were established scores of generations prior to the arrival of Europeans in Hawai`i. Lands were bounded and defined in ways that made sense to the *`Oiwī* of old. What is commonly referred to as the "*ahupua`a* system" is a result of the firm establishment of *palena*. *Ali`i* who accomplished the task of clearly bounding the land and defining the *palena* were often famed for their works, as was Ma`ilikukahi on O`ahu island. Fornander writes that,

He caused the island to be thoroughly surveyed, and boundaries between differing divisions and lands be definitely and permanently marked out, thus obviating future disputes between neighboring chiefs and landholders.⁵³

Kamakau tells a similar story.

When the kingdom passed to Ma`ilikukahi, the land divisions were in a state of confusion; the *ahupua`a*, the *ku*, the *`ili`aina*, the *mo`o`aina*, the *pauku`aina*, and the *kihapai* were not clearly defined. Therefore Ma`ilikūkahi ordered the chiefs, *ali`i*, the lesser chiefs, *kaukau ali`i*, the warrior chiefs, *pu`ali*

⁵² R.B. Graham, "Unresolved Boundaries," in Bernard Bays, C. Ozaki, & K. Saiki's, (eds.) *Boundary Law in Hawai`i* (Eau Claire: National Business Institute, 1991), 53.

⁵³ Abraham Fornander, *Ancient History of the Hawaiian People to the Times of Kamehameha I* (Honolulu: Mutual Publishing, 1996), 89.

ali'i, and the overseers, *luna* to divide all of O`ahu into *moku*, *ahupua`a*, `ili *kupono*, `ili `aina, and *mo`o `aina*.⁵⁴

The establishment of *palena* on these divisions brought greater productivity to the lands, and was a means of settling disputes of future *ali'i* who would be in control of the bounded lands. This indigenous system of land divisions and boundaries enabled a *konohiki* (land/resource manager) to know the limits of the resources to be managed. In the Boundary Commission awards there are numerous testimonies stating that the reason a person knew the *palena* of his/her, *ahupua`a* was so they would not extend their resource gathering across their area and into an adjoining *ahupua`a*.⁵⁵ Other testimonies indicate that *palena* were established because “in old times the people used to fight over cultivating grounds, and so we used to keep the run of the boundaries of our lands.”⁵⁶ This shows that certain resources contained within one’s *ahupua`a* would be bound by *palena*, and knowledge of these boundaries needed to be known for the system to function properly.

Existing Hawaiian knowledge of place names and place description is clear in Boundary Commission testimony. One such testimony was given in the Boundary Commission report for the *ahupua`a* of *Kapapala*,

The boundary at the shore between Kaalaala and Kapapapala is at a hill or puulepo called Napuonaalemakule, thence mauka to Kukalaula a cave in the pahoehoe where people used to live. The boundary follows an old trail all the way from the sea shore. Thence the boundary runs to Keanaonaluahine and a cave in the pahoehoe, thence to Puuahi two hills and two ahus running between the hills. Thence to Kapai an awaawa and cave. Thence to Puulehuopaniu, on pahoehoe, thence to a hill of rocks called Punahaha, along a road to where the Kukuilaui`ili`i used to stand; thence along Pu`ukoa to Kapalioke`e along Makakupa to Mo`omani a heiau and ahi pu. Thence along Pu`ukoa to Kapalioke`e `ili `aina and awaawa. Thence along Pohakulua to Pu`uokamali`i as the government road on the edge of the pahoehoe towards Hilo, thence to Naunu the mauka corner of Pohakulua the lae ohi`a on the pali, thence along Ahuali`ili`i to Kaholoina kauhale mamake and kahawai.⁵⁷

⁵⁴ S. M. Kamakau, *Tales and Traditions of the People of Old: Na Mo`olelo A Ka Po`e Kahiko* (Honolulu: Bishop Museum Press, 1991), 53.

⁵⁵ Boundary Commission #8 Ahupua`a of Malanahae (19 April 1871); Boundary Commission Report Keauhou 2nd Kona, Island of Hawai`i, Volume A No. 1: 256-272; Boundary Commission Ahupua`a of Waika District of North Kohala, Island of Hawai`i, Hawaii Volume A, No. 1: 170-174.

⁵⁶ Boundary Commission Ahupua`a of Waika District of North Kohala, Island of Hawai`i, Hawaii Volume A, No. 1:170-174.

⁵⁷ Boundary Commission Ahupua`a of Kapapala, Island of Hawai`i Volume A No.1.

Some maps of the Hawaiian Kingdom actually mark boundary markers that are located on the ground. One such map was done by surveyor Emerson and later traced by Wilste in North Kohala. Registered map number 1212 in the state survey office, a map of Lahikiola district of North Kohala, lists the actual *ahu* (stone cairns) that are on the ground and are marked on the map. The map clearly shows the complex boundaries that existed at the time of the creation of the map. The blue squares represent either *ahu* or stone boundaries and the red squares represent tree boundaries. *Ahupua`a* such as `A`amakao and Halawa have *ahu* that mark their upland *palena*.

VII. CONCLUSION

Focused on mapping and surveying, this paper asks the question, “Can `Oiwī adapt and use a tool that is not of native origin?” This question rings throughout the events leading up to the establishment of the Hawaiian State and through to the reality of Hawai`i and its native people today. The writing and publishing of laws in the native language, the appearance of these laws in native language newspapers, the translation of *palena* from specific points on the ground to lines on a map: are these attempts of a subjugated people to speak back at the ones controlling and bounding them or are they acts of agency?

The unfortunate history of mapping on the lands of other native peoples and the implications of those mapping activities are tremendous. The racial and inhumane overtones of the concepts such as “Terra Nullius” and its history of being used to bound native peoples are illustrations of the application of tool used without wisdom or ethics. What would the maps of the world look like today if native peoples of the world were able to utilize mapping tools under their own terms prior to its imposition by a colonizer? They may have rejected it, or they may have used it. Regardless, scholars should be cautious in interpreting mapping events with unique sociopolitical and cultural contexts, and Hawai`i is a different context.

Many maps of Hawai`i today still reflect traditional boundaries and the names associated with these places, and this is largely due to the events that took place during the early years of mapping in the Hawaiian Kingdom. *Ali`i* chose to map out their lands in accordance to their traditional system of bounding the land, rather than a theoretical grid system such as the one created by the committee chaired by Jefferson in America. Admittedly, the act of transferring traditional boundaries to paper may have had unanticipated effects. Can the “Western” system of mapping reflect an indigenous worldview? That question has not been adequately addressed here (and is a paper in itself), but it is reasonable to suggest that the mapping done in the Hawaiian Kingdom may better be viewed under the concept of “hybridity,” rather than clear colonial imposition. Hybridization enables viewing of `Oiwī history as traditional but not static.

The foresight and industry of S.P. Kalama and Lot Kapuaiwa in their roles in the production of maps for the Kingdom of Hawai'i might remind one of Kamehameha's fleet of "Western" type warships and Kalakaua's electric palace. Are their actions a form of Hawaiian Epistemology? If so, this provides healthy counterpoint to broad assertions that `Oiwī were always passively bound by the forces of "Western technology and tools." Tools and technology are not the problem; it is the people who wield them and their intentions that map history. Indeed, the actions of men like S.P. Kalama preserved a part of the *mo`olelo* (history) of the Hawaiian people.