

A Unique Challenge for US Indigenous Rights: How the Fact That Sovereign Hawai'i Was a Complex State Society Affects Its Indigenous Movement

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Of all indigenous rights movements in the fifty states, that in Hawai'i poses a unique situation in many ways in terms of rights to territory (Sai 2008). For one matter, it is the only state in which the extent of the native lands is contiguous with state borders.¹ In California, there are traditionally hundreds of tribes (most now forcibly assimilated or eradicated) within state borders (Feit 1999). In contrast, a nation such as that of the Choctaw extended across state borders (Galloway 1995). Other contrasts of situation between the indigenous-rights movements in Hawai'i compared with the others include the historical processes by which the native lands were seized by the dominant government or its citizens and, most important, the fact that Hawai'i was a single complex state society at the time of that seizure. While the indigenous Hawaiian rights movement (IHRM)² faces a near-redoubtable fortress of historical claims and economic encroachment upon the lands, its unique historical, cultural, and geographical status offers an opportunity whose full exposition may work to the movement's advantage against this redoubt.

In this paper, I survey the character of Hawai'i's original complex-state society status in terms of indigenous people's rights campaigns, with the aim of analyzing how it may affect the IHRM, albeit a divided movement, in its aims for some degree of autonomy for the Hawaiian people.

An Indigenous State Society

The Hawaiian indigenous rights movement may manifest divisions among its various organizations pertaining to goals and methods, but as a whole these organizations share something solid: the history and nature of the indigenous people in relation to the dominating state. For the effectiveness of all groups in the movement and the movement overall, it would be useful to analyze what is indeed unique

¹ In some U.S. Territories, there is also some contiguity between native and administrative territory, as that of Guam and the Chamorro and American Samoa and the Samoans; however, even in these cases, the native territories extend beyond that administered by the U.S. and into other regions, whereas in the case of Hawaii, the native territory is contained by, and extends no further than, the state-administrated area.

² The usage "indigenous Hawaiian rights movement" is not to be understood as referring to any specific group but solely for the purposes of this paper as an umbrella term for a range of organizations, both nongovernmental and governmental, that seek to improve the rights status of native Hawaiians, whether that be through attaining complete independence from the United States and reinstating the Hawaiian monarchy or improving the human rights status within the current regime.

about the nature of this indigenous group in relation to the dominating state. Such a clarification would help mobilize activist energies; prioritize and select goals; and within the broadening intersection among the divisions, potentially help unify the movement.

This history and nature of this people's relation to the dominating state are not only unique among US indigenous peoples but also differ significantly from those of indigenous groups around the world who have established some sovereignty. Insufficiently emphasized among the literature but key to understanding the movement is the fact that Hawai'i was not only sovereign when Queen Lili'uokalani was overthrown in 1893 and the current dominating state deprived it of its sovereignty (Sai 2008), but it was a *state society* (viz. a kingdom).³ The classification of a society as a state entails certain unique

³ There may be some question as to whether this classification of Hawai'i's society in the 19th Century as a complex state society (kingdom) is fair and accurate in terms of other indigenous U.S. groups before they were eradicated or assimilated into the European-American culture. The Haudenosaunee or the Cherokee confederacy may seem to offer counterexamples to this characterization of Hawai'i among U.S. indigenous groups. A further objection holds that other complex state societies existed in Meso-America and South America. First, I note that this classification of Hawai'i is not a value judgment but merely a heuristic device, based upon general cultural-classifications in anthropology, for comparing culture types. Thus, there is no assumption about any inherent value to a complex state society: It may well be that societies classified as non-complex-state-societies could be much more fit for the type of being humans are. Second, for this paper I elected to focus on indigenous groups inhabiting the United States, while acknowledging that state societies such as those of the Aztecs in other parts of the hemisphere have their own difficult histories and current policy problems. This division is indeed arbitrary but pertains to the paper's particular needs to single out policy, such as that of native Hawaiians, that must deal to a significant degree with current state (specifically Hawai'i) boundaries.

Now I explain in fuller detail why this paper has employed this classification for the cultures concerned, without declaring that that classification for any of these cultures is an irrefutable fact. The issue concerning Haudenosaunee in terms of what counts as a state society is important, especially the even deeper problem of whether the anthropology and archaeology that attempts to categorize human cultures and societies according to economic criteria is in fact hampered by eurocentric outlooks obscuring more accurate ways to categorize societies. Indeed it may even be a hopeless task to categorize human societies in any such neat-and-tidy manner, so as to say "Culture X" is "hunter-gatherer," "Culture Y a chiefdom" and "Culture Z an empire thus a state society." If organisms resist easy classification into species, genus, family, one can only be skeptical about how much more challenging it would be to break down human cultures cleanly into types in a taxonomy.

Because this paper touches on this highly controversial area, I acknowledge that the classification treads on dangerous and disputed conceptual grounds. And yet I cannot go too far here into trying to settle the disputes. I can only point out that there is some essential difference in structure between the Hawaiian Kingdom of the 19th Century and the North American confederacies such as *Haudenosaunee*. The point is not whether the anthropological classification—which may be flawed for its eurocentricity—is the final word on cultural classifications; rather, it is at least one classification system that offers criteria by which to view the differences of these societies in question. Hawai'i in the late 18th/early 19th Centuries was pieced together by bona fide conquerors, who seized the different chiefdoms in the archipelago and forced them to be united in what was called a kingdom (Davis 1968) but could as well be deemed an empire analogous to the Aztecan. It was a hierarchical or stratified, autocratic state society. Haudenosaunee was no such society. It was a confederacy of independent nations who decided to form a system by which they could cease warring among one another and live in peace. The confederate bureaucracy did not appear to penetrate and formulate the member tribes in the way that bureaucracies of state societies do. This observation is not eurocentric: It does not place any higher *value* on a state society such as Hawai'i: It is not declaring that such a state society is somehow more evolved or more progressed—if anything, the Haudenosaunee system

anthropological characteristics among types of society. Anthropologists commonly distinguish state from non-state societies (Kroch 1977), the latter including foraging and horticultural bands, tribes, and chiefdoms; the former including kingdoms, empires, and contemporary communist and democratic regimes. As a type of state society, Hawai‘i is contrasted with the foraging and horticultural tribes and chiefdoms of North America when the dominating states of Canada and the US were forming. Although there were large Native American confederacies at that time (Lutz 1998), such as the Haudenosaunee, some small cities such as Etowah in northern Georgia and dominant chiefdoms such as the Tlingit of the Pacific Northwest (Flannery and Marcus 2012), these are not often considered state societies. Certainly, when early Spanish explorers encountered Aztec, Mayan, and Inca cities in the 15th and 16th Centuries, these societies were states. However, through disease and warfare (Diamond 1997, Wells 2010), these societies were altered from state status before the dominating colonial state was properly formed. Indigenous groups that later were subjugated by Mexico, Canada, the US, Brazil, and other nations in the 18th and 19th Centuries were no longer (in some cases) or never (in most cases) formal states. Thus, insofar as Hawai‘i is currently a part of the US, the Kingdom of Hawai‘i was the only indigenous group among current New World nations that was a state at the time that the current dominating society subjugated the people and undermined their culture.⁴

This fact of former state-society status, over and above its former sovereignty, is relevant to policy negotiations by the indigenous Hawaiians rights movement. Before investigating the relevance of that anthropological classification, it is useful to add a quick note describing the various parts of that

may well be of much greater value as a model for human society than any society that may be deemed “state” by the usual anthropological criteria. Human beings may well be more likely to flourish and fulfill their potential as human beings if they did all live in small groups as horticulturalists, hunters, and gatherers, united by a confederacy of peace, rather than in sprawling and impersonal “state societies” that encourage industrialization, waste, and despoliation of resources. Human beings would likely be much better off in such non-globalized groups that emphasize equality, shun hierarchy, recognize parity between the genders, and even grant children a voice in policy-making. However, again the paper aims not to draw up infeasible criteria for classifying all human societies but to point out some kind difference in types that may help political actors understand the types of policy needed to further ensure indigenous peoples’ rights to their lives, customs, and lands. What matters here then is not so much whether Hawai‘i is unique among US indigenous societies by being a state society (as if no other North American groups ever were) but by being a type of society that, in a policy-wise important way, was distinct from those of other US indigenous groups. The purported “anthropological” model used may be flawed, but it can at least serve as a ready and widely used tool for making such a distinction.

In sum, it is not a necessary to the paper’s argument that Hawai‘i’s cultural-economic structure must be the only “complex state society” among indigenous US nations, nor is it a theme of the paper that other US indigenous societies are specifically not “state societies.” That is, the “complex state society” terminology is arbitrary: What is important is that Hawai‘i was a kingdom built upon an empire, the Haudenosaunee and Cherokee confederacies were not these kinds of societies—and Hawai‘i was not such a confederacy—whether or not one wants to label such confederacies as “states.” The kind of society that Hawai‘i was still has the kind of anthropological ramifications that do inform the themes of the paper.

⁴ I am therefore distinguishing such a case from that of, for example, Spain’s vanquishing the Aztecs, since Spain is not currently the government with which the descendants of the Aztecs must contend (besides international bodies) to gain due recognition of the rights.

movement, as it is not undivided and univocal, and ideally the central ideas presented herein can be of service to these groups in putting their social and policy challenges into greater scientific relief.

A Note on the Indigenous Hawaiians Rights Movement

Rather than trying to outline the very complex history of Hawai'i, which is better covered in a number of excellent texts (Lili'uokalani 1898, Davis 1968), I will bring in parts of that history only as they bear on the discussion. The IHRM may be said to have begun as early as 1893 when Queen Lili'uokalani first resisted the US-supported overthrow of her government and the February 1 declaration of the archipelago as a US protectorate (Lili'uokalani 1898). She then carried on a government in exile before she formally abdicated the throne.⁵ Other movements continued through the era of the Republic and Territory, such as the Hawai'i Democratic Party's, as well as Pince Kuhio's, efforts to return large parcels of land to Hawaiian control, as well as the Bishop family's ongoing programs for Hawaiians (King and Roth 2006, Tsai 2006). The more overt, self-conscious indigenous movements, along with many civil rights initiatives across America, began in the 1960s.

These organizations can loosely be classified into those that seek to restore the kingdom or monarchy and those that seek to build a sovereign-Hawaiian democratic republic. Another division concerns those groups that welcome non-Hawaiians in the independent nation and those that are more exclusive. Another part of the movement more moderately looks to recognition of an indigenous-Hawaiian ethnic and autonomous status comparable to (though not necessarily identical to) that of North American natives in their increasingly autonomous lands. Yet another distinction running through many of these divisions is a focus on environmental harmony with the land, which is a predominant focus of several groups and a policy concern to which I return later.

Organizations seeking monarchy restoration include the Hawaiian Kingdom, led by David Keanu Sai; which seeks to oust the US military-based occupation of the archipelago and reinstate former land-title claims (Sai 2004); the Kingdom of Hawai'i (Nelson n/d); and the Hawaiian Kingdom Government, under Mahelani Kahau (Nakaso 2008). The Nation of Hawai'i, under Dennis Kanahale, seeks sovereign, independent self-determination. This group could use clarification as to exactly which form of government is intended, although monarchy does not appear to be the favored form. Richard Blaisdell's 1993 People's International Tribunal of the Native Hawaiians (*Ka Ho'okolokalonui Kanaka Maoli*), on the 100th anniversary of the annexation served as a prominent spearhead for the movement. It demonstrated the need for international law intervention in the situation and in this manner tends toward a democratic approach to governing (Merry 1997). In 1987, Mililani and Haunani-Kay Trask formulated an alternative Hawaiian nation, *Ka Lahui Hawai'i*, to which both native and non-natives may register. It is largely democratic in that all officials are elected, although it retains some native

⁵ It is plausible to look back even earlier than the 1893 overthrow of the throne for the beginning of the IHRM, to Robert Wilcox's formation of the Liberal Patriotic Association against the 1887 Bayonet Constitution, which led to Lili'uokalani's troubles in the first place.

Hawaiian governing principles, such as elders and local chiefs (Merry 1997, Trask 1999). The Polynesian State of Atooi under Dayne Aipoalani spreads its arms to all groups already living in Kaua'i and Ni'ihau, the group's islands of concern (Keita 2010). Poka Laenui also overtly includes non-Hawaiians in the independent state succeeding the ouster of the US government (Laenui 2004).

Other organizations and actions tend less toward independence or sovereignty and more toward correcting social injustices within the system in place. Thus, Aboriginal Lands of Hawaiian Ancestry (ALOHA) under Charles Maxwell has focused primarily on reparations for federal seizure of crown lands and was an early exponent of regaining Hawaiian autonomy for Kaho'olawe (Sai 2008, Broadbent 2010). The State of Hawaii's Office of Hawaiian Affairs, somewhat parallel to the federal Office of Indian Affairs, encourages and realizes health, education, and development measures for indigenous Hawaiians. At the federal level, the Akaka Bill, a longstanding effort spearheaded by Hawaii's federal Senator Daniel Akaka, has sought federal recognition of indigenous Hawaiians as an ethnic group. This federal recognition would parallel that given to Indian tribes, which has set these groups well on the way toward autonomy (Loomis 2009). This bill, as is hoped by many, would lead to a significant degree of autonomy for native Hawaiians. However, it is also criticized by some in the IHRM because it seems, in essence, a wan substitute for complete independence and sovereignty. (Sai 2008 offers a criticism within a broad examination of Hawaiian sovereignty.)

Finally, cutting across many of these organizations is a call for reinvigoration of traditional Hawaiian *malama 'aina*, or respect for the Earth—that is, environmental activism—and *aloha 'aina*, or love of the land. The use of Hawaiian agricultural lands by five large chemical companies as testing grounds for genetically modified organisms (GMOs) has strongly mobilized the various IHRM groups in protest (Altemus-Williams 2013). These five large multinational companies (Monsanto, Dow, BASF, DuPont, Syngenta) are reminiscent of the Big Five multinational sugar companies in the late 19th Century which helped instigate the US annexation of the archipelago. The invasion and annexation appears to be recurring, and the insult resounds with IHRM groups, insofar as certain longstanding indigenous Hawaiian values are violated. Some organizations' agendas have long incorporated the call for reinvigorating traditional values for human relations to the lands, including Nation of Hawai'i and ALOHA.

Reexamining the Archipelago's Status as State Society for Current IHRMs

Most IHRMs build upon the fact that Hawai'i was a sovereign state when it was annexed by the US in 1893, and this fact invites a careful analysis of how this fact's use in political acts and communication affects potential outcomes.

As described above, characterizing Hawai'i as a state puts the history of its conquest by US forces—and puts the IHRM, among indigenous rights movements—into a unique light. I now expand upon this characteristic. Preliminarily, the fact that a group is “only” a forager or horticultural culture does not mean that, in international law, it has any less integrity or rights to autonomy and sovereignty and to having treaties between them and states fully respected (United Nations 2007). It only means that

ensuring their rights to due respect, sovereignty, and integrity as a treaty-signer is complicated by the lack of governmental infrastructure and record-keeping which may help indicate their intentions behind such actions as territorial claims and treaties. By contrast, a state society such as the former Kingdom of Hawai‘i is a complex, state society with a formal legal system, bureaucracy, record-keeping (including the *hula* system), well-defined territorial range, and formal concepts of property. All of these characteristics allow potentially hard-and-fast evidence (subject to legal interpretation) of what and where an aggressing state is transgressing. That is, an aggressor cannot claim, as was often done in the case of North American Native groups and is still done among some indigenous groups worldwide (Davis 2011), “There was nothing here, just wild land with no borders or cities, only a few uncivilized persons crossing it now and then.” (Sheehan 1973 describes such an attitude from the 18th Century). With the existence of records and formal systems, the aggressor faces significantly greater challenges in rewriting history and culture as needed for its purposes than in cases where no such written records exist.⁶

The question, though, is whether this difference can translate into practical advantage for an indigenous people’s movement. After all, non-state traditional foragers (even if not all members continue the traditional culture) such as the Inuit have had tremendous success with Nunavut and Greenland (Makarenko 2002), the foraging Sami have gained significant autonomy (Svensson 1992), and Native North Americans such as the Navajo have gained some sovereignty on their lands in the Southwest, with their own constitutions and legal codes (Witkins 1999, Lee 2006). Granted, the IHRM has had some success gaining autonomous control of Kaho‘olawe. However, the goal of much of the movement to regain title to former kingdom’s properties is far from realized. In all, it appears that the fact that Hawai‘i was a sovereign state has not yielded the IHRM significant gains.

However, this lack of effect may only be due to insufficient strategic deployment of the fact of Hawai‘i’s having been a state, vs. a non-state, society. Indeed, there are advantages and drawbacks to its full deployment, particularly in legal terms. One potential advantage is that, if it can be shown that in the 1890s the US did effectively aggress upon and vanquish a sovereign state when that state had not aggressed upon the US, there may be some potential recourse in international law for taking legal measures. This recourse still depends upon many legal contingencies and hurdles, some of which the IHRM has encountered in its pursuits: Is there a reasonable statute of limitations upon such aggression? (If not, Germany may be indebted to Italy for the Vandal and Goth invasions of Rome.) Which laws are to be considered binding and in effect for such actions—those existing at the time of the aggression, or

⁶ Written records may indeed be overridden by attempted displacements of them with revised histories. However, the point here that needs clarifying is that written records, especially if copies of them have been spread to any degree, are hard to chase down and wholly eradicate. They keep reemerging to lead later generations to defy the “official” (revised) histories. The fact that challenges to the euroamerican historical and anthropological interpretations of cultures do exist exemplifies how enough records exist to challenge the status quo. Fortunately, there are anthropologists such as Wade Davis (2011) and Robert Dentan (1979) who continue to challenge the status quo concepts of indigenous peoples.

those current? Who are the true representatives of the aggressor and aggressed-upon, and are they properly and legally present at any proceedings? This question has already haunted and hampered progress for the movement on some fronts. As for the true representatives, there has been notable contention as to exactly who are the Hawaiians today and who is properly titled to lands. There has been significant marriage with non-Hawaiians over the intervening century, hampering group and individual identification (Baronne 2010). Land titles have also experienced significant shuffling since 1893 so as to make it difficult to pinpoint exactly who are the ultimate owners of many a parcel⁷ (Hanafin 1982). As for the representatives on the other side of the table, at least one case has already proven insubstantial because no representative from the US was present (Merry 1997). Furthermore, there must be a decision as to who, at this late date, is the potentially guilty US party: the military, Congress, Executive, Judiciary, all branches? Again, statutes of limitations are relevant, as in terms of whether this constitutional regime, after successive constitutional amendments—not to speak of changes of parties and personnel—constitutes the same regime as that of a century ago.

However, these various concerns are not insurmountable; and concerns about procedural practices in international law and courts, such as the extent to which a present regime is the same as that in the distant past, can with due diligence be met. There remains the advantage to using the historical state-society status (over and above the sovereignty status) of Hawai‘i in gaining a large degree of leverage in international law. The US Apology Resolution Bill of 1993 should offer a foot-in-the-door to indicate that the US did aggress upon a state that had not aggressed upon it, and the US government and people recognize this interstate aggression. A reasonable conclusion is that some kind of recompense from the aggressor to the people harmed is due.

There are also disadvantages to relying on this fact of Hawai‘i’s state-society status to gain full rights recognition in such a case. One disadvantage is that claims against the aggressor can be imputed to issues of state vs. state, rather than (aggressor) state vs. (vulnerable indigenous) individuals. Instruments such as the 1948 United Nations Universal Declaration of Human Rights guards against the latter cases (United Nations 1948). That is, the issue can be relegated to issues of war instead of human rights violations per se. At most something like war reparations may be won, and this much could help attain some IHRC goals. But it may not mean restoration of lands and property titles. Another problematic outcome could be that, as the Hawaiian state was a monarchy with vast crown estates swallowing a large portion of the lands, the government arguably was not a just representative of the people. Thus, it could be argued, a democracy was put in its place, much as democracies recently were installed in the place of other kinds of non-representative governments in Iraq and Afghanistan. A further problem of focusing on Hawai‘i’s former state-society status grows out of these other two problems: Such focus may neutralize some of the movement’s recourses to international indigenous-

⁷ The traditional Hawaiian division of lands into private, government, and royal (Hanafin 1982) still does not ease this identification of the proper land owners. Although records from the 1890s may be clear enough as to who was titled to what parcel, it may be legally challenging to pinpoint just which change of title since the 1893 subjugation was legitimate or not.

rights institutions, such as the 2007 United Nations Declaration of the Rights of Indigenous Peoples. That is, if the case is seen as one of a state at odds with another state, the definition of “indigene” could become muddled. The case may appear to be less that of a colonial state against relatively defenseless bands or tribes and more like a state whose buildup of legal oversights led to its own collapse.⁸ After all, the sovereign state allowed foreigners in to buy land and develop it for agriculture and industry, which could all be argued as salutary for the leadership’s interests. It could thus be contended that state policies undermined the state, rather than a colonizing state’s eradicating non-state peoples who had no legal recourse or “Leviathan” to which to turn for protection, leaving them entirely vulnerable to such exploitation.

Kaho’olawe: Land Regained, One Step out of the Land-Title Tangle

As it was almost a century after the takeover when the Hawaiian indigenous peoples’ movement began in force, a major obstacle is that of scrambled property rights and highly contestable claims to land titles. In other words, billions of dollars are tied up in individual, industrial, commercial, military, and other-governmental real estate. The laws that currently serve to protect these owners’ rights to title, as well as the history of how these titles came to be legitimated by the ruling regime’s laws over the years, create an enormous challenge to disentangle all these thousands of titles and separate those which may be indisputable and which disputable would pose. Such a prospect appears so onerous that few in the IHRM suggest returning all land title in the archipelago to the hands of indigenes. (David Keanu Sai’s group numbers among those who emphasize restitution of the former land titles. See Sai 2004.) While Kaho’olawe’s return to the Hawaiians has been a fortuitous development, the island’s scarce fresh-water supply means that it can sustain only a limited population, even were such habitation decided upon. However, there are few prospects on the horizon comparable to Kaho’olawe. (Ni’ihau offers at least a comparably simple land-title issue, but it is not apparent how, given current laws, a credible claim could be made upon it.) Furthermore, the donation of Kaho’olawe to the Hawaiians appears to have been more of an act of charity than recognition of indigenous Hawaiians as rightful claimants to the archipelago. The relegation of the island to purely spiritual, and not active residential, purposes, is a moving tribute for the world community’s eyes of native Hawaiian culture’s reverence of nature. It also makes the island more of monument to the cause than the sort of active manifestation of the cause that a thriving community there could exhibit.⁹

⁸ See Sai 2008, p. 112, for a chart displaying the strategic differences in presenting native Hawaiians as members of a sovereign state vs. as unqualified “indigenes.”

⁹ I should not at all be misunderstood here as saying that Hawaiians therefore ought to build permanent communities on the island, the better to exhibit this triumph for the movement. I applaud the decision to keep it wild and hope to see this status maintain indefinitely. The park-like, spiritual nature of the island’s current status sends a signal to the world the seriousness of indigenous Hawaiians to adhere to their reverence for nature and their deities, and this signal may be as important to provide the world as a manifestation of an active, thriving, autonomous, self-sustaining, all-indigenous Hawaiian community; I return to this vital issue of natural lands policy later in this paper. Here I am only saying that—though Kaho’olawe may not be the

Given this tremendous obstacle of land-title legal entanglement, it again seems hard to say how Hawai‘i’s former state-society status can serve in the movement’s strategies. I am proposing not that bringing this fact to the table can make an immediate improvement in policy; but it can be added as an important conceptual and perspectival step in an incremental progress. That is, given such developments as Kaho’olawe and the Apology Bill, evincing the fact of Hawai‘i’s former state status may help develop a new case, or at least a new angle on the ongoing case. The Apology helps show that the US recognizes an international (war) crime in the annexation, and Kaho’olawe exemplifies a tacit understanding by the US that indigenous Hawaiians have some kind of general claim to the archipelago’s lands. Adducing the fact of Hawai‘i’s former state society makes Kaho’olawe a reparation and partial restitution instead of a donation. Such steps in an incremental progress should be further clarified *as* steps in a progress, and any line of progress should be clarified as pointing in a definite direction—from *X*, to *Y*—to be conceded as evident progress. For all parties involved in the IHRM, this progress could be configured to establish the movement as one involving the historical passage from *X*—an independent state society that was annexed to a dominating state—to *Y*, say a future position in which the vanquished peoples enjoy some kind of reconstitution of their former state status. What exactly that *Y*, that restitution, consists in, is paramount and must still be settled among the movement’s members. What is important from the state-society perspective described here is that it could make a significant difference in how all parties involved construe *X* and exactly what *Y* can optimally be, given that former state-society status and the current real-world conditions that the movement faces.¹⁰

The Israel Example

The modern state of Israel may offer one example of a state society that was vanquished and of how the descendants, after long exile and political muteness, restored their former sovereign territory and became an independent state again (Gilbert 1998). The histories of the two cases—Israel and Hawai‘i—differ in many ways, particularly in the manner by which sovereignty was restored to Israel in the late 1940s and the historically compelling circumstances that encouraged the parties concerned to expedite the restoration. However, the comparison can be enlightening for greater understanding of the Hawaiian case.

place for it—that if such thriving, self-sustaining community could be established somewhere, as the Inuit have done in Greenland, this manifestation of the culture could form a much more visible signal that the relatively quiet and unseen, if beautiful, wilderness on Kaho’olawe.

¹⁰ By ‘the current real-world’ conditions I refer to the myriad legal, political and financial realities in the archipelago that the movement’s members face, including 1) legally, the statutes of limitations on claims, 2) politically, the political desires of the current residents as to how they wish to be governed, and 3) financially, the hundreds of billions invested in properties that may come under title disputes.

For Israel, after two millennia any statute of limitations had long been exceeded. This fact was compensated by at least two other contingencies: 1) Many descendants of the Israelites had just been the major victims of the Shoah, whose horrors were unveiled to the world in the post-World War II years, evoking tremendous sympathy from the world community. 2) Under the British mandate of Palestine, recognized by the League of Nations after Britain's conquest of Ottoman Palestine in World War I, Great Britain had title claim—however contestable in many people's eyes—to the Palestinian lands, and in Britain's donating it to the nascent State of Israel, that new state had at least some legal title to the lands; as well as the thirty-year history, since the 1917 Balfour Declaration, of British/Zionist efforts to establish a homeland.

While full comparison between these two cases merits a book, in this paper a few points can be useful for further consideration. While nascent Israel in the late 1940s had the favor of at least the land-title controller-by-mandate—Great Britain—indigenous Hawaiians lack a comparable land-title holder over and above the US. That is, the entity from whom Hawaiians would wrest control, the US, is the same as the one which, comparable to what Britain did in Palestine, must voluntarily donate control.¹¹ That entity currently does not appear poised to make such a donation as Britain did for Israel in 1947. Furthermore, the Hawaiians have not recently emerged from a large-scale Shoah to garner the world's support for a homeland and haven. Their plight has been substantial, certainly comparable to the plights suffered by other indigenous societies, particularly from either deliberate “modernization” programs or sheer negligence; but nothing like the large-scale genocide of the Shoah.

Only some, but not all, within the IHRM appear to seek a reinstated Hawaiian sovereign state (see above), at least as a goal on the horizon. However, the comparison with Israel offers an outstanding standard against which to assess an indigenous movement for some degree of autonomy and restoration or restitution. If Israel's case in the 1940s could be considered an indigenous peoples' movement, it would be a singular such movement, considering the long exile of the indigenes. Insofar as the Palestinians, after the Israelites' long absence, could as well be deemed the indigenes in this case, it is best not to classify it hastily as an indigenous peoples' movement. However, in this light, the case of Israel can also send a signal to all peoples of the world: If modern Israel, not even a true indigenous people's rights movement, could accomplish what it did, then we should ask, what, *in theory*, prevents bona fide indigenous peoples' movements from comparable success? The case of Israel can then provide an opportunity for Hawaiian indigenous movement leaders to compare their own goals and ask whether a comparable degree of sovereignty is realistic for them. If not, what is different, and why? What then can be done—and which international instruments can be turned to in the long run, likely in coalition with other organizations, to make their sovereignty realistic? Thus, the IHRM may consider, since Hawai'i was once a (sovereign) state society like Israel had been and Israel regained its state

¹¹ I am not implying that the US has ownership over the lands in question, but its laws do establish the legal nature of the real properties, as Britain's laws did in Palestine through 1948.

sovereignty after two millennia, to what degree of autonomy or sovereignty can Hawai‘i realistically aspire.

Crux for the Emphasis on State Society: Internal Contradiction—or Unique State Culture?

However, emphasizing a former sovereign-state status for Hawai‘i brings in a further challenge for the IHRM. Much of the current IHRM has promoted the traditional Hawaiian connection to nature, especially as manifest in the worship of deities connected with distinct localities in the Earth and in the proper respect for the Earth; the concept of *malana ‘aina*, or “care for the land that sustains us,” is critical in this domain. This part of the tradition is especially pertinent in the IHRM’s role opposing the incursions of Monsanto (Nakaso 2008) in the archipelago. In fact, by some assessments, the environmental reach of the movement and its respect of the land may constitute one of its greater potentials for substantial success.

Yet, emphasizing the former sovereign status of Hawai‘i too extensively could begin to work against this ecological goal in the long-run, in the following, possibly tortuous, way. First, I describe this possibility, then I cite potential objections to this view by some anthropologists (Pieterse 2004, Cepek 2011, Dunstan 2012).

Archaeologically and anthropologically, it is apparent that humans, or at least the genus *Homo*, lived in small forager bands for 99.5% of its approximately 2 million-year existence, particularly with the rise of *Homo erectus* about 1.5 million years ago (Boehm, 1999, Smith 1999, Wells 2010, Flannery and Marcus 2012). If our records of foragers, contemporary and past, are any indication, these bands of humans were largely “animist” in their beliefs and practices, generally paying respect to “nature” (which they appeared widely to designate, in various ways in their different languages, as an entity) especially in their takings from the land for sustenance and subsistence (Fowler and Turner 1999). There is some controversy (Diamond 1997) as to the degree to which at least a few foragers lived in such respectful and sustainable coexistence with the Earth. By and large, though, many an anthropologist avouch there is a strong case for these nomadic foragers’ functioning with their habitat so as to maintain high efficiency (low energy usage and wastage); minimal resource use; and stable, sustainable flow of resources with minimal damage to the ecosystem.

The slow introduction and spread of agriculture and settlement beginning roughly ten thousand years ago altered this coexistence (Wells 2010, Flannery and Marcus 2012). In the words of geneticist and anthropologist Spencer Wells, “we settled down and made a decision to change our relationship with nature.” (2010, p. 16) Humans then began controlling nature, even—through plant- and animal-breeding—refashioning nature. Early settled, agricultural societies had many distinctions from nomadic, foraging ones, including shorter lifespans and sexual and social inequality (Diamond 1987, Flannery and Marcus 2012). Wealth and power concentrated in a few hands became characteristic. Women and lower-ranked men were treated as tools by the higher-ranked and wealthier. Chiefdoms arose, and eventually the organization of chiefdoms into large-scale, bureaucratic societies called

“states,” kingdoms being the first kind. The larger, wealthier, and more power-concentrated the societies grew, the more the leaders were worshipped and eventually deified. (This trend, of course, is not one of regular “progress” across time and across the globe but a general direction that societies have taken; and it can be and has been reversed [Flannery and Marcus 2012].) The more complex societies grew, the more energy they consumed per capita. Today, for example, per capita the United States consumes one or two orders of magnitude the amount of energy of non-industrialized countries such as Nepal, leaving a strong environmental imprint (Wisor 2009; but also see Diamond 2008 for a different energy-use proportion for the US). Also, the more complex the society became, from foraging bands to simple horticultural villages to states, the more the society tended toward labor specialization, meaning less integration of the individual with the whole of daily life processes; the more wealth concentration, which meant more resource extraction; and concomitantly the more goods consumed, which required further and further reaching for resources. As people began concentrating into cities, religion’s alteration from animist polytheism in which deities were part of nature, to monotheism in which the deity was separate from nature, reflects complex-society members’ general distancing from the rest of life forms (plants and animals in their usual ecological settings). Secularization was part of a process of individually distancing from and socially dominating nature.

It is hard, if not impossible, to say just what sort of society the Kingdom of Hawai‘i would have become if it had not been infiltrated and vanquished by Western cultures. However, in the early 1800s, Prince Liholiho “separated rank from religious protocol and made Hawai‘i a more secular kingdom.” (Flannery and Marcus, 2012, p. 348). Cultural changes were happening rapidly in 19th Century Hawaii, certainly some of these due to invasive Western influences from traders and missionaries. King Kamehameha II was the kingdom’s first Christian king, a sign that this sovereign state was already veering from its animist nature-worshipping tradition, as complex societies and states generally do (Diamond 1997, Shermer 2004, Norenzayan and Shariff 2008). A growing tendency in the kingdom toward democracy was evident in Lunalilo’s being elected as “the People’s King.” (Kuykendall 1953) The signing of the 1887 Constitution established Hawai‘i as a constitutional monarchy, but this entity was so unstable (with marked irregularities in who got to vote) that in 1891 Queen Lil’uokalani proposed a new constitution. This process led to further discontent, particularly among the European and American foreigners in Hawai‘i, who then brought on the revolt deposing the monarchy and establishing a republic.

The important point here is that, throughout this historical development, the more that Hawai‘i developed as a state society, the more secular it became and the more distanced from its animist traditions, at least among its state leaders. After Kamehameha II became the nation’s first Christian king, it became a Christian Constitutional Monarchy under Kamehameha III. “The forces of old gods, ancient customs and aged relationships between Hawaiians and their islands was changing” (Borrea 1999). As King Kalakaua observed, “In the smoke of burning heianas, images and other sacred property, beginning on Hawaii and ending at Niihau, suddenly passed away a religious system which for fifteen hundred years or more had shaped the faith, commanded the respect and received the profoundest reverence of the Hawaiian people” (quoted in Borrea 1999). While many commoners still

clung to Hawaiian religious traditions during this period, Hawai‘i as a sovereign state represented a non-animist culture.

This fact leads to somewhat of a quandary for (1) the environmental arms of the IHRM, insofar as it looks to traditional Hawaiian religion for its human integration with the natural world (*malama ‘aina*), and (2) justification of current cultural autonomy based on Hawaiian historical sovereignty. Assume that former Hawaiian complex-state-society status is made part of the overall movement’s baselines for justice, as I have discussed. Then is the culture to be reinstated and granted some degree of autonomy respecting that of the former sovereign state, which would mean a sociopolitical entity whose ideology is much like what the complex state society was attaining toward its final decades—in many ways the height of that state and culture? In this case, the culture was veering from its animism and toward the nature-dominating ideology of complex, monotheistic, capitalistic industrial societies, not an ideology appropriate for the movement’s environmental arm. Or, instead, would the movement overall, for the sake of buttressing its environmental program, prefer not to look to that last half-century or so of the kingdom or the concomitant state culture? It could then look to either the more traditional culture (*kanaka maoli*) still existing among commoners of that time or to the pre-state (pre-kingdom) Hawaiian society. In this case, the ideological basis in the former complex-state society is greatly weakened. One may plea for a special type of cultural-anthropological case, whereby the commoner or pre-state traditional animism of the sovereign-state-era is mixed into an idealized characterization of the past. However, this approach would come off to many among the involved parties, both in and outside the movement, as ad hoc and as expedient as it sounds. It appears to select whatever from the past culture one may use now in order to attain goals that sound good for current trends (ecology, autonomy). It also hints of anthropological implausibility (pleading a “unique case” of a state culture that so happens to put nature first¹²). To this extent, it would be more plausible to maintain a single, consistent basis; for example, the movement is trying to revive the traditional, pre-state animistic reverence for nature. Or alternately, it is striving to retain the state-era sovereignty, whatever the environmental direction that increasingly complex society was beginning to take at its zenith.

The anthropological objection to this argument is that cultures are not static but evolve and influence one another, while certain elements of a culture may persist and maintain it as identifiably that culture (Pieterse 2004). Thus, although Hawai‘i, when formerly a sovereign state, was tending toward the stage

¹² Such a “unique case” could well be contended to be a contradiction in fact. A complex state society grows out of an agricultural basis, and agriculture in itself represents a turn from living integrated within nature to stepping outside it and controlling it (Wells 2010, Flannery and Marcus 2012). The more complex it grows, reflecting values such as wealth acquisition which require extracting materials from the Earth and thereby desecrating the Earth, when the group could live just as fully as foragers and not extract so from the Earth, the more distant from and antagonistic to the natural world the society becomes. To maintain that a particular state society does not follow this pattern of attitude shift toward nature—great palaces made without extracting stones, gold and metals wrought without mining—would require a very singular justification to be plausible.

of state society that sheds traditional (animist) religious beliefs, there is no strict requirement that it must follow such a social tendency for states just because states normally do so. After all, Shintoism, widely practiced in contemporary industrial Japan, retains a great amount of animism, as does Hinduism. A contemporary indigenous culture that has experienced a former tendency toward nature-dominating state-society status may still retain some of its traditional practices continued by non-royal citizens. Furthermore, it can be affected by cultural influences from the rest of the globe, in which environmental concerns have increasingly come to fore. Thus, turning to Hawai'i's onetime state-society status in formulating policy does not have to rule out to any extent its animist *malama 'aina*.

In response, I note that there may plausibly be a point beyond which construction of cultural beliefs and practices with an aim at least partly on political expedience may lead to lack of credibility. That is, the political expedience may appear to be the goal and the cultural beliefs and practices are fashioned for the goal's sake. I am not asserting that such expedience is happening among the IHRM. It can simply be a danger when a culture has been disrupted historically and after a time-lapse a cultural revival arises closely tied with a political movement. Pertinent questions include which of the former practices are revived, from what period, from which social groups and classes, and why those in particular. There is also a need for consistency within the cultural revival. For example, among the IHRM it has been noted that Hawai'i imports all but ten percent of its energy.¹³ Certainly, much of that high amount is due to non-indigenes' intensive energy use, as for automobiles and air conditioning. However, state societies as a whole are much more energy-intensive than foraging or other non-state societies (Hunter 1977) and thereby harm nature and any attempt to appear nature-friendly. If the IHRM as a (partly) environmental movement is to retain credibility while appealing to its former state status for worldwide sympathy, it must overtly draw up policy for how it could markedly diminish its resource depletion. Granted, the rest of the world continues with the tacit (and fairly untenable) assumption that it can sustain its vast energy usage while remaining weightily industrial. Yet, if the IHRM is to be an environmental paragon upholding *malama 'aina*, an overt policy of moving away from the high energy inefficiency of state and industrial society and closer to a type of economy of the foraging or horticultural Polynesian ancestors is needed. Thus, if a culture is newly evolving as Pieterse describes and its members intend to be exemplary so as to garner international favor, fashioning it to be as internally consistent as possible in this light can only increase its credibility and power.

Another objection to my analysis about the state-society status is that most segments of the IHRM are too realistic to dream they can bring back any past, so the dilemma described is beside the point. At this juncture in history, one has no choice but to look to the parts of the traditional culture that are currently viable and work to reinforce those. Thus have the Irish done with their Gaelic language and culture, the Bretons with theirs, and the Israelis with theirs. Israel hardly reinstated a nation composed primarily of

¹³ For a declaration of this concern in terms of the Hawaiian indigenous movement and aspiration to retain *malama 'aina*, see the Hawaii Nation website's page "Malama 'Aina: Hawaiian Independence and a Sustainable Future" at <http://www.hawaiin-ation.org/malamaaina.html> (accessed July 18, 2013).

shepherds. However, its founders revived their language, much of the traditional culture developed during exile was retained as individuals chose, they certainly regained their sovereignty, and the country is reasonably environmentally conscious. The dilemma presented here is unrealistically oversimplified for the contemporary cultural situation.

The objection, though, turns to inapt analogies. One point of this paper is that the fact of the former complex state-society status may be brought out, over and above the fact of former state sovereignty, as a basis for regaining, via legal and political means, some degree of autonomy or sovereignty within a territory that is wholly claimed by a political entity that shows little indication of willingness to concede that claim. The complex-society argument can be used as a legal lever in the international community to go “above” said political entity (if ‘going above’ it were possible). Israel needed no such appeal to its sovereignty of two millennia before because (1) that sovereignty claim per se had so little basis in international law as to make a statute of limitations out of the question; (2) there was a political entity—Great Britain—that had the power of mandated land claims; and (3) the goal was a safe homeland for the Jewish people, rather than, in Hawai‘i’s case, justly restituting a previous state society. The analogies to Ireland/Gaelic and Breton/Brittany are also inapt. Ireland is not reestablishing its former culture in the process of recovering autonomy or sovereignty. There may be a small Brittany-independence movement, but it appears that for the most part (with small exceptions) the revival of the language culture there extends no further than the revival, whatever the region’s previous condition of sovereignty.

I am not saying the state-society vs. *malama ‘aina* dilemma cannot be resolved. Rather, I am saying that pointing out the dilemma recognizes a general human psychological reality, about the mind’s need to sense some kind of consistency in political signals. If the parties involved in restoring any degree of Hawaiian autonomy or homeland claims—international law organizations, US government officials, landowners, activists—are sending or receiving mixed messages, the project can only be hampered. A state—kingdom, empire, or even democracy—is often associated with a valuing of power. Due respect and reverence for the Earth is in many ways the opposite: the conceding of overwhelming power to the Earth, to nature. Certainly, the ongoing tension between complex societies on the one hand and the need to give nature its due respect before we end up making our habitat unlivable on the other hand is one of the major challenges for environmental movements worldwide and for the human species’ continuance. The member groups of IHRM may then use this fact of the former state-society status to the movement’s advantage as this paper discusses, while that status serves as a benchmark to help determine what is the real interest and goal, what is most deeply at stake in this movement: to gain political power, or to guide an archipelago’s populace—and the world’s populace by example—to a surer long-lasting harmony with our habitat. At the least, a balance between this dilemma’s two poles—state-society status vs. *malama ‘aina*—needs to be reached to realize a strong indigenous Hawaiian rights policy. A first step toward that balance requires acknowledging the conceptual dilemma.

Conclusion

This paper has brought out how Hawai‘i’s former status, in anthropological terms, as a state society, not merely as a sovereign society, is due overt inclusion and examination within IHRM strategy and policymaking. Such inclusion should help clarify that in annexing Hawai‘i the US was not actually colonizing a region. Rather, Hawai‘i and the US were social equals, and the US contrived, using its overpowering influences, to wrest control from another state. This fact brings out the state-to-state conflict involved and, in terms of international law and how it may bear upon the US and current policy, lifts it out of colonialism and into the legal region where international law can adjudicate and even ask whether US broke its own laws toward states (as it would have had at the time different laws for dealing with non-state societies). Such perspective is not tacitly to imply that colonialist and similar attitudes toward non-state or confederated-society indigenes are any less reprehensible, but only to point up the foundational legal difference in this case and how it affects ongoing and future policy. Indeed, Sai (2008) has pointed out the difference in how an aggrieved sovereign society may induce different legal handling than a non-sovereign indigenous one. But framing the case in this broader, anthropological perspective, backed by solid empirical findings, could only strengthen the movement’s position in the international community.

This approach does leave the movement newly vulnerable such as to the dilemma in energy-intensiveness and the nature-dominating trait of state societies, as opposed to the nature-respecting environmental thrust of the movement which has given it a strong international presence. However, acknowledging and accepting the former state-society status can add new foundational strength to the movement’s strategy and policymaking, and recognizing this potential dilemma is an important step to finding a way to resolve it via a golden mean.

References

- Altemas-Williams, Imani. (2013) Exposed: Monsanto’s Chemical War Against Indigenous Hawaiians. Alternet, April 12. Available at: <http://www.sott.net/article/260836-Exposed-Monsantos-chemical-war-against-indigenous-Hawaiians>. Accessed: July 10, 2013.
- Baronne, Michael. (2010) Will Senate Say Aloha to Racial Discrimination? Washington Examiner, March 23. Available at: <http://www.aei.org/article/society-and-culture/race-and-gender/will-senate-say-aloha-to-racial-discrimination>. Accessed: July 13, 2013.
- Boehm, Christopher. (1999) *Hierarchy in the Forest: Evolution of Egalitarian Behavior*. Cambridge, MA: Harvard University Press.
- Borreca, Richard. (1999) Kamehameha Dynasty Confronts World of Change: The Arrivals of Missionaries and Traders Bring New Diseases and Religion That Overturn Old Taboos. Star Bulletin, June 16. Available at: <http://archives.starbulletin.com/1999/06/16/millennium/story1.html>. Accessed July 15, 2013.
- Broadbent, Scott. (2010) Kaho’olawe Uncovered III: Native Hawaiian Activists: Part II in a Series About Maui’s Most Mysterious Isle. Maui Weekly, November 25. Available at: <http://www.mauiweekly.com/page/content.detail/id502409.html>. Accessed July 13, 2013.

- Cepek, Michael L. (2011) Foucault in the Forest: Questioning Environmentality in Amazonia. *American Ethnologist* 28(3):501-515.
- Davis, Gavan. (1968) *Shoal of Time: A History of the Hawaiian Islands*. Honolulu: University of Hawaii Press.
- Davis, Wade. (2011) *Pour ne pas disparaître: Pourquoi nous avons besoin de la sagesse ancestrale*. Tr. Girod, Marie-France. Paris: Albin Michel.
- Dentan, Robert. (1979) *The Semai: A Nonviolent People of Malaya*. New York: Holt Rinehart and Winston.
- Diamond, Jared. (1987) The Worst Mistake in the History of the Human Race. *Discover*, May:64-66.
- (1997) *Guns, Germs, and Steel: The Fates of Human Societies*. New York: W.W. Norton.
- (2008) What Is Your Consumption Factor? *New York Times*, January 2. Available at: <http://www.nytimes.com/2008/01/02/opinion/02Diamond.html>. Accessed July 15, 2013.
- Dunstan, Adam. (2012) What Was Damaged? Taking Sacred Ecology into Account in Environmental Impact Assessment. *Indigenous Policy Journal* XXII(4).
- Feit, Harvey A. (1999) Introduction: North America. In: Lee, Richard B. and Richard Daly (eds.) *The Cambridge Encyclopedia of Hunters and Gatherers*, pp. 23-30. Cambridge: Cambridge University Press.
- Flannery, Kent and Joyce Marcus. (2012) *The Creation of Inequality: How Our Prehistoric Ancestors Set the Stage for Monarchy, Slavery, and Empire*. Cambridge, MA: Harvard University Press,
- Fowler, Catherine S. and Turner, Nancy J. (1999) Ecological/Cosmological Knowledge and Land Management Among Hunter-Gatherers. In: Lee, Richard B. and Richard Daly (eds.) *The Cambridge Encyclopedia of Hunters and Gatherers*. Cambridge: Cambridge University Press.
- Galloway, Patricia. (1995) *Choctaw Genesis: 1500-1700*. Lincoln: University of Nebraska Press.
- Gilbert, Martin. (1998) *Israel: A History*. New York: William Morrow.
- Hanafin, Patrick. (1982) Hawaiian Land Claims: Nothing Lost, Nothing Owed. *Hawaii Bar Journal* 17:2.
- Hunter, David E. (1977) Subsistence and Trade: Economic Anthropology. In: Hunter, David and Phillip Whitten (eds.), *The Study of Cultural Anthropology*. New York: Harper & Row.
- Keita, Keya. (2007) Group on Quest to Return Kingdom of Atooi. *The Garden Island*, April 12. Available at <http://thegardenisland.com/news/article-cfdal7d2-5c26-5b1b-886b-c95726a6a8bd.html>. Accessed July 10, 2013.
- King, Samuel P. and Randall W. Roth (2006) *Broken Trust: Greed, Mismanagement, and Political Manipulation at America's Largest Charitable Trust*. Honolulu: University of Hawaii Press.
- Kroch, Anthony S. (1977) Power in Society: Political Anthropology. In: Hunter, David and Phillip Whitten (editors), *The Study of Cultural Anthropology*. New York: Harper & Row.
- Kuykendall, Ralph Simpson. (1953) Lunalilo, the People's King. Chapter in *The Hawaiian Kingdom*, vol. 2: 1864-1874, *Twenty Critical Years*, pp. 239-262. Honolulu: University of Hawaii Press.

- Laenui, Poka. (2004) Processes of Decolonialization. Available at: http://web.archive.org/web/20060323086702/http://www.multiworld.org/m_iversity/articles/poka.htm. Accessed July 10, 2013.
- Lee, Tanya. (2006) Navajo Group Begins Process of Creating a Constitution. *Indian Country Today* 19 (June). Available at: <http://indiancountrytodaymedianetwork.com/archive/28209789>. Accessed July 18, 2013.
- Lili'uokalani. (1898) *Hawaii's Story by Hawaii's Queen*. Boston: Lothrop, Lee, and Shepard.
- Lutz, Donald S. (1998) The Iroquois Confederation Constitution: An Analysis. *Publius: The Journal of Federalism* 22:2:99-127.
- Loomis, Ilima. (2009) The Akaka Bill. *Maui No Ka 'O'i Magazine*, July/August. Available at: <http://www.mauimagazine.net/Maui-Magazine/July-August-2009/The-Akaka-Bill>. Accessed: July 13, 2013.
- Makarenko. J. (2002) Nunavut: the story of Canada's Inuit people. *Maple Leaf Web*, January <http://www.mapleleafweb.com/old/features/nunavut/intro.html>. Accessed 10 July, 2012.
- Merry, Sally Engle. (1997). *Legal Pluralism and Transnational Culture: The Ka Ho'akolokalonui Kanaka Maoli Tribunal*. In: Wilson, Richard A. (ed.) *Human Rights, Culture and Context: Anthropological Perspectives*. London: Pluto Press.
- Nakaso, Dan. (2008) Native Hawaiian Group: We're Staying. *USA Today*, May 15. Available at: http://www.usatoday30.usatoday.com/news/nation/2008-05-15-hawaii_N.htm. Accessed July 13, 2013.
- Nelson, John B. (n/d) Constitution for the Kingdom of Hawai'i , Article 41.Re: Recognition and Reinstatement. Kingdom of Hawaii Interim Provisional Government Council. Available at <http://www.pixi.com/~kingdom/cover/html>. Accessed July 10, 2013.
- Norenzayan, A. and A.F. Shariff, (2008) The Origin and Evolution of Religious Prosociality. *Science* 322:58-62.
- Pieterse, Jan Nederveen. (2004) *Globalization and Culture: Global Mélange*. Lanham: Rowman and Littlefield.
- Sai, David Keanu. (2004) American Occupation of the Hawaiian State: A Century Unchecked. *Hawaiian Journal of Law and Politics* 1:46-81.
- (2008) A Slippery Slope Towards Hawaiian Sovereignty: An Analysis and Comparison Between Hawaiian State Sovereignty and Hawaiian Indigeneity and Its Use and Practice in Hawai'i Today. *Journal of Law and Social Challenges* 10:68-133.
- Sheehan, Bernard W. (1973) *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian*. New York: W.W. Norton.
- Shermer, Michael. (2004) *The Science of Good and Evil: Why People Cheat, Gossip, Care, Share, and Follow the Golden Rule*. New York: Henry Holt.
- Smith, Andrew B. (1999) Archaeology and Evolution of Hunters and Gatherers. In: Lee, Richard B. and Richard Daly (eds.) *The Cambridge Encyclopedia of Hunters and Gatherers*. Cambridge: Cambridge University Press.
- Svensson TG. (1992) Right to self-determination: a basic right concerning cultural survival: the case of the Sami and the Scandinavian state. In: An-Na'im A.A. (ed). *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. University of Pennsylvania Press, Philadelphia.

- Trask, Hauani-Kay (1999) *From a Native Daughter: Colonialism and Sovereignty in Hawai'i*. 2nd ed. Honolulu: University of Hawaii Press.
- Tsai, Michael. (2006) Prince Jonah Kuhio Kalaniana'ole. *The Honolulu Advertiser*, July 2. Available at: <http://the.honoluluadvertiser.com/150/sesq2kalaniaole>. Accessed: July 11, 2013.
- United Nations. (1948) *Universal Declaration of Human Rights*.
- (2007) *United Nations Declaration of the Rights of Indigenous Peoples*.
- Wells, Spencer. (2010) *Pandora's Seed: Why the Hunter-Gatherer Holds the Key to Our Survival*. New York: Random House.
- Wisor, Scott. (2009) Is There a Moral Obligation to Limit Family Size? *Philosophy and Public Policy Quarterly* 29(3-4):26-31.
- Wilkins, David E. (2003) *The Navajo Political Experience*. Lanham: Rowman and Littlefield.