

"HWST 691 Syllabus"

Seminar on the History of Hawaiian Kingdom Law
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Seminar will meet on Thursdays -- 4:30 p.m.-7 p.m.
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A. Introduction

The primary focus of the seminar is domestic and international law as it relates to the history of the Hawaiian Kingdom. The routine method applied is systematic evaluation of primary sources through writing and discussion using advanced critical thinking skills. Also, discussions germane to the claim of Hawaiian State continuity asserted by the Acting Council of Regency on behalf of the Hawaiian Kingdom, 1999-2001 (*Larsen Case*) will be examined in detail. The Permanent Court of Arbitration's various rulings will be used as a contemporary context from which to cover important law and society issues. Some of these include the meaning of supreme authority, jurisdiction, occupation, and public education rooted in tenets of American hegemony and subsequent assimilation policies here, 1898-2006.

B. Requirements and Grading

Research Paper	40% of semester grade
Internet Research Compilation	15% of semester grade
Archival Research Compilation	15% of semester grade
Class Discussion	30% of semester grade

Semester grades will be assigned based on the standard percentile scale.

C. Scope and Nature of Course

This research seminar will use primary and secondary sources on the subjects of public international law and the domestic law, governance, and politics of the Hawaiian Kingdom from the status of non-sovereign State in 1795 to the advent of US military occupation in 1898 using a tri-disciplinary approach from the fields of legal history, ethnography, and anthropological linguistics.

The seminar can best be appreciated as a reflection of the history of a developing national and international Hawaiian jurisprudence as they pertain respectively to domestic governance and politics in the Kingdom and inter-State affairs outside of it. This dialectical connection includes both the domestic and international spheres of Hawaiian geopolitical consciousness. Based largely on personal writing, government documents, and commentary from foreign observers in the history of how and why these Hawaiian patriots and others successfully reversed the Kingdom's geographical size for its perceived value to other States from 1843 to 1886.

Just as important are the historical antecedents to that time in institutions and individual actions. The Bishop Museum and the Hawai'i Archives keep a wealth of catalogued data waiting to be properly organized, analyzed and interpreted. The specific focus of such research by students will be on topics like nation-building in public and private sectors, the transitional political economy of the 19th-century, and the effect of the non-judicial foreclosure law on the 1887-1897 dispossession experienced by Hawaiian Kingdom subject landowners of aboriginal blood.

Representations of Hawaiian nationality as an outgrowth of domestic Kingdom and international State discourses is an academic focus that has enjoyed consistent growth in recent years. It has offered an evidence-based alternative in identity politics both historical and contemporary to the more recognizable association of aboriginal Hawaiian descendents in association with the World's indigenous peoples *circa* 1970-present. As the faculty advisor of The Hawaiian Society of Law and Politics and a regular contributor to its online journal, it has been an unprecedented pleasure to facilitate the receipt and conveyance of this knowledge. Equally inspiring are a myriad of research discoveries that only underscores deeply the genius of those first Hawaiian nationals to adapt as well as they did living the daily challenges of multiple worldviews, knowledge systems, and identity representations.

Nation-State continuity as it applies historically to the Hawaiian Islands also yields significant contemporary relevance. Use of international relations and public international law for graduate study in this program is not just fodder for another course, but instead signals the development of an entirely different paradigm for understanding the historical roots of Hawaiian national consciousness in constitutional monarchy and inter-State relations. In these contexts, Hawaiian is the nationality and particular references to ethnicity are made more specifically (e.g. aboriginal Hawaiian or *kanaka maoli* for those nationals of pure or part native blood.) Such variations must be taught and learned. HWST 691 is an intellectual parallel of HWST 690 as the latter course is currently being taught. The former only enriches the graduate level area of concentration known as *Kūkulu Aupuni* (Envisioning the Nation).

D. Research Topics/Related Assignments

- 1) Completion of reading assignments in the historical and political literature for both primary and secondary sources to gain in-depth comprehension of issues related to how 19th century political empowerment, domestic legal affairs, and daily governance functioned.
- 2) Students will submit a written *précis* on the student's assigned weekly reading offering analysis of the main topic to include authorial point of view and in so doing also demonstrates a high level of critical thinking skills.
- 3) Active participation in seminar discussions whereby students learn primarily by the dynamic process of peer education together with occasional input as needed for clarification purposes from the instructor who serves as seminar facilitator.
- 4) An annotated research paper, biography, or data compilation on Kingdom law, governance, or politics as the major semester project. Students will do their own related research project in the context of either domestic law or international relations and Hawaiian State continuity.

E. Weekly Topics

Part One: Domestic Law, Treaty Law, External Interventions, 1842/1893

- 1-1/25 "Land and Vested Rights of the Classes" *vis-à-vis*, Undivided Interest in the Domestic Realm of the Kingdom: The Declaration of Rights, 1839. Primary Read: textual analysis of 1839 Declaration of Rights document in the vernacular especially "*koe na'e nā kuleana o nā kanaka*" as a critical reserve clause for the worker Kingdom subject of pure or part aboriginal blood. Background Read: S. M. Kamakau, *Kumu Aupuni*.

2-2/01 "The Constitutions of 1840 and 1852" Primary Read: Osorio, *Dismembering Lāhui*, Background Read: Kuykendall, *Constitutions of the Hawaiian Kingdom*.

3-2/08 "The Constitution of 1864" Primary Read: textual analysis of the 1864 document in comparison with the previous constitutions. Background Read: a sampling of Privy Council and Legislature Records that best highlight the public life, reign, and times of Kamehameha V, 1864- 1873.

4-2/15 Seminar Discussion and Data Analysis, Weeks 1-3

5-2/22 "Circumstances Surrounding the External Coup D'état in the Kingdom, 1893" Primary Read: Lili'uokalani, *Hawai'i's Story by Hawai'i's Queen*. Background Reads: Blount Report excerpts; Thurston, *Memoirs of the Hawaiian Revolution*.

6-3/01 Seminar Discussion and Data Analysis, Week 5

Part Two: Domestic Government and Governance -- Practical Hybridity

7-2/22 "The Hawaiian Judiciary: Form and Content, circa 1840-1894" Primary Read: select a court case from the time period to report on orally in seminar (Hawai'i Archives, Circuit Court Library). Background Read: Attorney General Records or Alphons Korn, *Victorian Visitors*.

8-3/1 "Ministry of Finance, 1840-1886" All Read: revenue and expenditures data as collected and proposed to be allocated by the Executive with Legislative approval (each student will select a specific example from a different Legislature-convening year on which to research and report).

9-3/8 Seminar Discussion and Data Analysis, Weeks 7-8

10-3/15 "Ministry of Interior, 1840-1894" Primary Read: primary source documents for the Board of Commissioners to Quiet Land Titles. Background Read: refer to bibliography, select the Kingdom subject, denizen, or alien on the list and consider that person's life and times as a context for understanding changes in land tenure; ethnographic history analysis option: Kame'eleihiwa, *Native Land and Foreign Desires*.

11-3/22 Seminar Discussion and Data Analysis, Week 10

Part Three: Historical and Contemporary Analyses of Hawaiian State Continuity

12-4/5 "Foreign Affairs, 1843-1897" Primary Read: each student will select a book from any section of the bibliography that relates to public international law, the law of occupation, or State succession/continuity and apply its basic principles to Hawaiian State functions for the above time period as documented in instructor handout "Primary Source Reference Sheet."

13-4/12 Seminar Discussion and Data Analysis, Week 12

14-4/19 "Larsen Case, 2001: International Jurisprudence and the Arbitral Award Proceedings, The Hague, Netherlands" Primary Read: applicable articles from the *Hawaiian Journal of Law and Politics*, volume 1, Fall 2004/volume 2, Fall 2006. (Refer to bibliography for web site address). Background reads: any pertinent books (or three journal articles) on

the subject as listed in course bibliography. Discussion and Data Analysis on this topic document also scheduled for today.

15-4/26 "Acting Council of Regency, 1995-present" All Read: any articles from the hawaiiakingdom.org web site that discuss some aspect of Hawaiian State continuity or domestic law, governance, or politics of the Kingdom. Implications Discussion and Data Analysis on this topic also scheduled for today

16-5/3 Oral Summary Reports on Student Research Projects, Week 16

F. Learner Outcomes

Students will, upon completion of the seminar, have demonstrated the ability to:

- Understand in detail and apply the precepts of Hawaiian Kingdom law to historical and contemporary legal and political problems and issues.
- Discuss individual topics of interest related to the legal and political history of the Hawaiian Kingdom to include both domestic and public international law.
- Analyze, interpret, and defend original research hypotheses in written and verbal form.
- Identify and describe specific research data from various archive collections in Honolulu according to weekly seminar topics covered.