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## **Adopted Islands? How can the dramatic changes in the international status of the Kingdom of Hawai'i be explained?**

Bruin, Sander de

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## **Adopted Islands?**



**How can the dramatic changes in the international status of the Kingdom of Hawai'i be explained?**

Name: Sander de Bruin

Student number: s2815176

Course: Global Legal Treaties, 1648-1914

Supervisor: Dr. Claire Vergerio

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## Introduction

On the 20<sup>th</sup> of January 1881, a steamship left the harbour of Honolulu. It carried a group of people on board, who would only arrive back in the harbour close to a year later, on the 29<sup>th</sup> of October, after having completed a circumnavigation of the world. These people were not just any adventurous Hawai'ians. Instead, the party consisted of the then-king of Hawai'i, Kalākaua, and a large part of his court. During their trip, they were received by some of the most influential people of that era, such as Pope Leo XIII, Emperor Meiji of Japan, US President Chester A. Arthur, and Queen Victoria herself. Rather than being treated as some sort of strange curiosity from a foreign land, or as a far inferior head of state, the King of Hawai'i was treated as an equal. This world tour served as the pinnacle of international recognition of the small, Pacific state of Hawai'i, which was only fully united in 1810.

The trajectory from unification to international recognition, and then the eventual annexation by the United States all took place within 88 years. That means that the international status of the state shifted from a little known, distant island polity to a recognized, respected, and sovereign country, whose leaders were treated with utmost respect, and finally to little more than an annexed territory of a superpower. This fascinating process leads to the research question: *How can the dramatic changes in the international status of the Kingdom of Hawai'i be explained?* In this thesis, I will analyse how the Kingdom of Hawai'i grew from a small, isolated island polity to an entity which was recognized and whose leaders were treated as equals by the major European powers, before eventually suffering the same fate as all of its Pacific island neighbours.

The reasons why this research question matters are varied. When it comes to the academic level, the Kingdom of Hawai'i, and the Pacific Islands region more broadly, have gotten very little attention in the field of Historical International Relations and historical international law. Despite the existence of hundreds of historical island states and regional polities, and despite the big presence of Europeans in the region, few academic works are devoted to questions of sovereignty, reciprocity, and recognition in this region. The only truly substantial body of literature on the Kingdom is domestic history, mostly by scholars of the University of Hawai'i. Covering this topic thus would greatly strengthen the Pacific region in the discipline of Historical International Relations and broaden its scope. Furthermore, it would be a welcome touch of diversity to a very homogenous body of works. It could also become a stepping stone for further research into the region, and the complicated interplay at work there, between clashing cultures, and between colonization and cooperation. Finally, in this essay, I will aim to demonstrate that Hawai'i was a fully accepted member of what is

commonly called the “Family of Nations” as early as the late 1850’s, based on their diplomatic endeavours, use of language and selective adoption of European practises. This counteracts the more traditionally prevalent narrative in Historical International Relations, in which the Empire of Japan is commonly seen as “the first non-European country to gain full international status and recognition as a “civilized” State by fulfilling the as yet undefined standard and conditions of “civilization” ” (Anand, 2003, p. 36), based on their rapid modernization during the Meiji restoration (starting in 1868), or on their victory in the Russo-Japanese war (1904-1905).

On a more societal level, researching this topic also has some far-reaching implications. First of all, it improves our insight into the (historical) capabilities of small-state, and, more specifically, small-island entities. Second, it also provides an important discourse against the common view that the annexation of (all) Pacific Island polities was an inevitable outcome of their contact with Europeans. Therefore, it strengthens and legitimizes (historical) iterations of local and native Pacific sovereignty. This strengthening of the discourse might especially have some consequences in the ongoing discussions on reparation payments and the sovereignty of Native Hawai’ians, who went from being the foremost citizens of own, independent nation to being the most socio-economically disadvantaged population group in the Hawai’ian islands, with the lowest life expectancy (McGregor, 2019).

In this thesis, the structure will be the following: in the first section, the early foreign interactions with Hawai’i will be explored, as well as the realisation of the Hawai’ian elite that for both its survival and trade benefits, the adoption of a European form of institutions and discourse, at least nominally, was crucial. In the second section, this development of institutions will be investigated, as well as the positioning that led European and American states to consider the Kingdom as a worthy treaty partner. In the third, and main, section, this shift from unequal treaties and initial contact to an “equal-treaty boom” of sorts will be researched. In the fourth section, I will briefly explore some of the reasons for why this paper shield did not protect the Kingdom from its eventual annexation by the United States. Finally, I will draw a conclusion based on these sections and discuss what this implies.

### **Literature review**

Within the field of Historical International Relations, the past few years have been filled with important developments in the field. Slowly, the discipline is moving away from dogmatic principles like the Myth of Westphalia, which has been masterfully debunked by

Osiander (2001), and towards a more inclusive form of studying the history of modern International Law, and its roots. Examples of this are Benton's (forthcoming) proposed model of "interpolity law", and a bigger focus on non-European entities and regions, including some (mostly Caribbean) islands, such as Keene (2007), who discusses British treaty-making against the slave trade, and Philips (2014), who discusses hierarchy developments in early modern Asia, especially linked to "civilization missions". Furthermore, there have also been recent advancements in the literature on the importance of geography (Benton, 2010) and peripheral regions on developing statehood sovereignty (Branch, 2011). These developments have led to a better understanding of the processes that led to the development of the modern international system as we know it today. They have also shed more light on developments in regions that are not Western Europe and North America, and how these regions have had an often overlooked, but large impact on concepts that, until recently, have mostly been associated with European legal thought.

However, even with these developments, there is still a big gap in the research. A "forgotten region" (Mawani, 2016), this forgotten region can, quite literally, be described as 'a big blue blob'. Although most geographical regions have either always received a lot of attention in the discipline (such as Europe and North America), or have gotten a new interest in the past years, such as East Asia, the Pacific Islands region (Oceania without New Zealand and Australia) is hardly mentioned. Typically, if the region is mentioned, it is done in defeatist terms, presenting the annexation of polities like the Kingdom of Hawai'i by the Western powers and Japan as inevitable.

Furthermore, the perspective taken on the region is typically a European one, such as in the works on the Samoan civil war (Kennedy, 1970). Contrastingly, the works that do cover the historical developments within the Kingdom of Hawai'i are either originally written by American historians, such as R.S. Kuykendall (1938, 1953, 1967), which frequently leads to a distorted view or the pushing of the defeatist narrative of the developmental trajectory of the Kingdom, or, later on, by native Hawai'ian historians, who unfortunately limit their scope to purely domestic developments and encounters. One exception to this general trend is an important piece of work on the sovereignty and foreign relations of Hawai'i, and its attempts to make a "pan-Oceanian federation" (Gonschor, Matteson & Yang, 2019). However, this singular book does not manage to fill the massive research gap on Hawai'i on the international stage. This omission matters, because the Pacific region, and the Kingdom in particular, had a profound impact on the way Europeans conducted themselves and perceived the world and cultures around them, providing excellent examples of the practice of

Europeans and other ‘Westerners’ in the region, varying from treating islanders as equals to seeing them as uncivilized natives with no culture of their own, and making it possible to trace the effects of this contact on the shaping of legal doctrine. It is said that “the significance of nineteenth-century Hawaiians and their history reached far beyond the Hawaiian Islands and affected the globe.” (Mills, 2002, p. 235) The other way around, the contact with ‘Westerners’ also obviously had a massive impact on the region, shaping culture, institutions, perceptions, and trade and economics, with virtually all the Pacific islands at some point coming under colonial control or domination, most painfully illustrated by the annexation of Hawai’i itself.

### **Conceptual framework**

To analyse this complex, far-reaching topic, I have decided to make use of two existing concepts, namely: reciprocity and “Family of Nations”, and a position on the debate between practice, doctrine and ideas. Besides that, I will also term a concept of my own to make more sense of the complex domestic processes. First of all, when it comes to reciprocity, I will use Keohane’s (1986) conception of reciprocity, and more specifically, *diffuse* reciprocity, in which the principle of the Most Favoured Nation takes centre-stage, as an important tool to demonstrate equality between states. Although this conception is relatively trade-centric, I believe that it neatly fits the mostly trade-driven relations the Kingdom of Hawai’i had with most European and American states.

Second, although a large body of literature exists on the so-called “Family of Nations” principle, I will mainly, but critically, use the definition put forward by Gong (1984), where (mainly European) states were only considered as “civilized” when they matched five criteria: guaranteeing basic rights, the existence of a well-organized bureaucracy, adherence to principles of international law, the use of diplomacy and the adoption and adherence of accepted norms and practices of civilized states. However, as Wallenius (2019) cautions, Gong’s work was basically reading back into history, as the five criteria were only this explicitly codified in the 20<sup>th</sup> century. A more fitting, contemporaneous, but less clear, conception of admission to the “Family of Nations” could be the three conditions of Oppenheim, which state that “A State, to be admitted must, first, be a civilized State which is in constant intercourse with members of the Family of Nations; such a State must expressly or tacitly consent to be bound for its future international conduct by the rules of international law; and those States which have hitherto formed the Family of Nations must expressly or tacitly consent to the reception of the new member.” (Oppenheim, 1905, p. 32). This view

emphasises the importance of communication between the potential new entrant and the existing family, and as such also implicitly underlines the importance of treaties and communication between the states. Therefore, merging these views, we can state that the “Family of Nations” is an exclusive group of entities, which decides on new entrants through communication with them, and by measuring them against norms and institutions they themselves consider important and “civilized”.

However, contrary to the more prevalent narrative, in which the “Family of Nations” *expanded* around the world, I have chosen to adopt the viewpoint that this a stratification instead of an expansion, thus “[changing] the central question from ‘who was a member of international society?’ to ‘who was where within international society?’ ” (Keene, 2014, p.652). Keene argues that there were three rough, different and co-existing forms of social strata: (1) the grading of powers, (2) a civilisational; dynastic form and (3) a range between sovereign and semi-sovereign. This makes for a more diverse, and thus inclusive, explanation of the existence of the Family of Nations, arguing that different forms of international societies also existed at the same time.

In the field of Historical International Relations, there is an ongoing discussion on the existence of the concepts of practice, doctrine and ideas, and their effects on shaping (early) versions of International Law. Some scholars take the position that the doctrine of law precedes its practice, whereas others say that the opposite is more likely and preferable. Furthermore, the role of ideas is often left out of these discussions or seen as irrelevant to it. When it comes to the debate between practice, doctrine, and ideas, I will personally take the position that there are two forms of practice, initial and secondary. I will argue that doctrine and ideas are fed by initial practice, and these newly formed ideas and doctrine in turn lead to secondary practice, which is practice that derives its justification from both the doctrine and ideas, and, to a lesser extent, the initial practice. This means that I will use the ‘practice turn’ argument from social theory, in which legal change “first takes place through practice and is introduced to doctrine only afterwards” (Wallenius, 2019, p. 125), but will then extend this argument to say that this doctrine is subsequently adopted in renewed practice.

Besides that, I will also coin one new basic concept, “European institutional mimicry”, or EIM. This is *a process in which a non-European polity adopts European-inspired norms, values and institutions, such as a written constitution, bicameral parliament or governmental system, whilst still retaining distinct local characteristics, such as exclusively reserving senate seats for traditional chiefs*. The reason I have coined this concept is because while there are a lot of similar terms, such as *similitude* (Prestholdt, 2007), being “a conscious self-

presentation in interpersonal and political relationships that stresses likeness” (p.120) and *hybridity* (Beamer, 2008), where Hawai’ian rulers were “modifying existing structures and negotiating European legal forms which created something new, neither completely Anglo American nor traditionally Hawaiian” (p. 177), all these terms differ slightly, and do not fully cover the definition needed for this thesis. The existence of such a mimicry was not exclusive to the Hawai’ian islands. A similar process, for example, happened in Japan, during the Meiji restoration, in which Meiji leaders promoted radical hybridity, where “western practices worthy of emulation were described as “enlightened” (*kaika*), “civilized” (*bunmei*), “universal” (*udai*) or “international” (*bankoku*) rather than uniquely Western [and] local practices needing reform [as] “conventional and routine” (*injun*) or “corrupt” (*r sh*) rather than distinctly Japanese.” (Ravina, 2017, p. 8). However, the focus of this radical hybridity is mostly inward-looking, attempting to sell “Western” ideals to a domestic audience, whereas EIM is mostly outward-looking, trying to sell “Western” nations the idea that the state is an equal, organised, and recognisable entity. The existence of EIM can also be seen through the existence of a sociological and organizational phenomenon known as “mimetic isomorphism”, which, while primarily used in a business context, explains a phenomenon in which one organization attempts to imitate another’s structure, as it is perceived to be more beneficial in operating in the field (DiMaggio and Powell, 1983). This phenomenon can, without large leaps, be seen as existing in the international diplomatic stage too, and applied to partially explain the rationale behind institutional mimicry, as the European system of norms generally became the most prevalent and dominant from the 19<sup>th</sup> century onwards, developing from the pre-existing “co-existence of regional civilization” (Onuma, 2000). In this thesis, I will argue that EIM was a consciously chosen strategy by the Kingdom of Hawai’i, in an attempt to obtain acceptance into the “Family of Nations” and be treated on reciprocal terms with the main European and American powers present in the region, and to thus avoid the fate of colonization or annexation.

### **Research design**

As stated before, the trends that are analysed are the large fluctuations in international status of the Kingdom of Hawai’i. For this, I will mostly use the period between 1810, when all the Hawai’ian islands were united under a single monarch, and 1887, when the sovereign of Hawai’i was forced to sign a new constitution that gave away much of his power to European and American inhabitants and was seen as a prelude to the 1893 overthrow of the monarchy, and the eventual 1898 annexation of Hawai’i by the United States. Within this



time period, the main focus will be on the latter half of the 19<sup>th</sup> century, in which the most intensive contact between the Kingdom and other states took place. Furthermore, this was the period which saw some of the most intense colonization efforts by European states, the United States, and Japan, and thus the period which put the most stress on the existence of the Kingdom. Additionally, this time period has significantly more available contemporary sources, both in Hawai’ian and in English, which are accessible to the general audience, as well as have been used by contemporary Hawai’ian scholars to provide a clearer insight in the domestic politics in this tumultuous time.

When it comes to the sources, I will primarily analyse the body of treaties that the Kingdom signed during its existence, ten of these (bilateral) treaties are available through the Oxford Historical Treaties database, with about the same number of treaties, some bilateral, some multilateral, also mentioned as existing by various sources, but with significant difficulties when it comes to accessing the original, official source. The goal is also to use as many of these treaties as possible. Together, they can provide a good overview of the development of the language used in these treaties, and its degree of reciprocity, specific clauses and exceptions. This body of international treaties will serve as the main basis of the thesis. Furthermore, it will help shed light on the degree of inclusion of Hawai’i in the “Family of Nations”, as the treaties can give important indirect indicators about whether the treaty parties considered the Kingdom to be “civilized”. One example of how this view of the treaty parties could be analysed, is to see whether clauses of extraterritoriality were included in the treaties, as typically, the absence of such clauses signals that the signatory states considered the other state capable enough of handling a court case against their citizens fairly, and thus, by extension, the state itself as “civilized”. A second example is to see whether the Most Favoured Nation principle was extended to the Kingdom by the other parties. This status signals the willingness of the other signing parties to place the Kingdom on equal footing with other treaty powers, thus considering them to be relatively equal to these powers, and therefore “civilized”. To help provide a better insight in the developments and conditions that led to these treaties, this main body will be supplemented by the works of modern scholars on the history of Hawai’i, as well as contemporaneous sources such as newspapers. This will help place the international treaties in the domestic context of the Kingdom and serve as a method to see whether the discourse the Kingdom projected outwards, was also shared domestically. This combination of international treaties and domestic discourse will then be used to analyse and trace how the sovereignty and international recognition of the Kingdom of Hawai’i developed, and thus to answer the research question.

### **“The language of the Europeans”**

In 1810, the Hawai’ian chief Kamehameha managed to unite all the Hawai’ian islands under his rule, through conquest and diplomacy, becoming the Ali’i Nui (often translated as ‘King’) of the Hawai’ian islands. In this process, he was, among others, aided by two non-native inhabitants: Isaac Davis and John Young. These men, who got abandoned on the island, but over time became deeply integrated within Hawai’ian society, proved crucial in providing information on handling Western weapons, and helped the Hawai’ians understand the (mainly British) customs and English language they came into contact with. These two men proved to be the first examples of a large group of people of European and American descent and birth who would integrate into the local culture and become some of the strongest pillars of the Hawai’ian foreign policy, along with local-born elites. Although these foreigners initially numbered very little, roughly 400 in 1832 and 600 in 1844 (Van Dyke, 2005, p. 84), they soon became quite prominent in helping the Hawai’ian elites gain a better grasp of European discourse and interests in the region.

Early disputes between Hawai’ians and non-Hawai’ians had still been settled by an *‘aha ‘ōlelo*, or chiefly council, whose (spoken) judgement was law, with an 1827 example showing non-Hawai’ians accepting this jurisdiction, but using European law concepts like “laws”, “acquit” and “condemn” in their defence (Arista, 2018, pp. 1-4). However, soon after, the first rules and regulations were written down. This was done mostly just for interactions with foreigners, and any crimes they might commit on the islands (Beamer, 2008), as this was a form of law that was seen by the foreigners as acceptable. Gradually, these foreigner-exclusive criminal laws grew into an ever-expanding body of codified civil and criminal law. Then, in 1840, the next big step was taken in the form of a written constitution. One very crucial shaper in this process of law codification was William Richard, a missionary who quit his job at the mission and became an advisor of the Hawai’ian government. Being able to speak both English and Hawai’ian, he provided a translation of books on political economy, and gave lectures to the Hawai’ian *ali’i*, or nobles. He is also mentioned as one of the leading advisors and writers of the first constitution (Beamer, 2008, pp. 185, 188-194) and as such, served an essential role in the codification, and with that, the first step towards a governmental structure that was recognized and accepted by Westerners.

Another part of this early, codified contact with Westerners was the first “treaty” signed by the king of Hawai’i, when French captain Dupetit-Thouars of the frigate *La Vénus* managed to obtain a declaration which allowed all Frenchmen on the island to move about freely, and stressed the existence of peace and amity between the two states. What was

noticeable was that Hawai'ian citizens were granted similar freedom of travel within France, and as such, this treaty was a short declaration of mutual respect and recognition (Birkett, 1998, p. 71 & *Traité conclu entre le Roi des Iles Sandwich et le capitaine Dupetit-Thouars*, 1837). This relatively early declaration was updated with significantly less equal language in 1839, during the visit of captain Laplace of the frigate *L'Artémise*, who had explicit instructions from the French government to establish diplomatic relations with the kingdom (Birkett, 1998). This treaty very firmly established the freedom of religion for (mostly French) Catholics, and required the Hawai'ian king to deposit a sum of 20,000 piastres to safeguard the Hawai'ians keeping their obligations set out in both the 1837 and 1839 treaties (*Traité conclu entre le Roi des Iles Sandwich et le capitaine Laplace*, 1839). This treaty was accepted by the king of Hawai'i under the threat of invasion and was a stark reminder of the power differential between the new state and the French warship. This differential was perhaps best exemplified in the fact that the signing of the treaty, as stipulated within the treaty, was accompanied by a 21-gun salute from the Hawai'ians in the port of Honolulu *before* receiving a salute back from the frigate. However, besides this declaration, another convention was also signed on the same date. It gave the French extraterritoriality rights, waived import tariffs, and established property protection. Interestingly however, after seven articles outlining the French rights on the islands, a short 8<sup>th</sup> article mentions that the citizens of Hawai'i will receive similar rights in France as well, and shall be treated as citizens of the most favoured nation. Furthermore, this convention added to the treaty also stressed the existence of peace and amity between the nations. Therefore, this convention formed an interesting mix of French demands and French-centric language combined with a recognition of the Hawai'ian state and the granting of the most favoured nation status to Hawai'ian citizens in France.

Where the French, with their gunboat diplomacy, stopped short of an outright invasion, an ambitious British consul did not. Complaining to the British Navy about how British citizens were mistreated and Hawai'ians disputed his land claims, he eventually convinced Lord George Paulet to invade and occupy the island in 1843 (Kuykendall, 1938). Although American warships eventually arrived to defend the kingdom, and although the British government did not permit this occupation and gave it no official status, it served as a stark reminder for the Kingdom of Hawai'i that it needed to safeguard its independence. Due to these events, the protests made by the Hawai'ian king to Great Britain and France, and the presence of a Hawai'ian mission in Europe, the kingdom eventually managed to obtain valuable recognition. In 1843, Great Britain and France issued a joint written declaration

recognizing the existence and independence of a united Kingdom of Hawai'i. However, this was only a declaration, *not* a treaty, so although it was an important reassurance, it did not regulate relations between the states. For the regulation, and contact with more states, a more substantial Hawai'ian effort was required, something that would evolve rapidly in the years to follow. In conclusion, the first decades of the unified Kingdom of Hawai'i were marked by a fast-growing grasp of what Europeans and Americans considered as acceptable behaviour of an "equal" state, as well as of the importance of obtaining safeguards for the independence of the Kingdom, to be able to settle issues with these states and their citizens using "the language of the Europeans". This grasp was fuelled by the group of non-native Hawai'ians that ended up on the islands, as well as by Hawai'ians that were educated by non-natives, both in Hawai'i and abroad. Furthermore, the early treaties reflect this, showing a practical approach to regulating relations between states, concerning mostly matters such as the rights of Catholics on the islands (*Traité conclu entre le Roi des Iles Sandwich et le capitaine Laplace*, 1839), and matters on navigation and commerce (*Convention of Commerce and Navigation between Great Britain and the Sandwich Islands*, 1844), but with few technical clauses, and also not providing very strong or explicit recognitions on the sovereignty and independence of the Kingdom.

### **Mimicry and adoption**

When British captain Paulet annexed the island group, the Hawai'ian protests to the international world, and more specifically, the British government, were made significantly more effective by the coincidental presence of a travelling Hawai'ian diplomatic mission in Europe. This mission successfully brought Paulet's actions under the attention of the British government, and helped to get him recalled, and later, have the Hawai'ian independence and sovereignty acknowledged by the British and the French. However, this travelling mission was not a standalone action. Throughout the years both before and after this action, many other high-ranking Hawai'ians had visited Europe and the United States, both to learn from their counterparts, and to bring under their attention the existence of the Hawai'ian state (POSSIBLE SOURCE). Examples include the 1824 visit of the second king of Hawai'i, Kamehameha II, to the United Kingdom, where he would eventually die (Kuykendall, 1938), the 1855 participation in the Paris Universal Exhibition to "combat [...] damaging representations" of Hawai'i as "backward" (Fulton, 2013, p. 62), and the aforementioned royal world tour of king Kalākaua (Kuykendall, 1967). Aided by a network of both native Hawai'ian and Hawai'ian-sympathetic representatives in principal ports and cities, these

travelling diplomats formed one of the first recognizable signs for the outside world of the implementation of what I term “European Institutional Mimicry”, or the implementation of European inspired institutions and actions, whilst retaining distinct local characteristics in these institutions. The presence of travelling missions and the active Hawi’ian participation in a large number of international exhibitions were a conscious effort both by the government and by private citizens (Fulton, 2013) to foster a positive European perception of Hawai’i as an exotic place with a distinct culture, but with a governmental, educational and judicial system rivalling that of any other “civilized” state.

These governmental, educational, and judicial systems that were presented during missions and at exhibitions were created domestically, through a series of laws and constitutions, as is typical for EIM. The 1840 constitution provides a clear example of this. Although the constitution creates what can be seen as a constitutional monarchy, a parliament, and a division of powers of sorts, thereby clearly showing influences of what was considered a ‘civilised state’ in Europe, it did still include distinctive local features, such as mentioning, by name, the first fourteen Ali’i that would take a seat in the House of Nobles, which would be the representative chamber, and making it necessary that the admittance of any other member would be made known by law (Beamer, 2008, p. 182). In this constitution, and the ones that followed, voting rights for citizens of European and American decent, either naturalized as Hawai’ian citizens (or “subjects”, as they were more commonly called in laws), or having taken an oath of loyalty, were also granted (Van Dyke, 2005, pp. 89-93). This means that not only the process of voting, but also the concept of citizenship, with its ways of obtaining it, through birth, naturalization, or swearing an oath, was adopted. However, this more Western conception of voting and citizenship existed alongside a rigid three-class traditional society. This society consisted of the maka’āinana, or ordinary people, the ali’i, or elites, and the mo’i, or monarch, which had clear implications of who had which privileges, rights, and duties in society. This conscious process to adopt some European norms and institutions in order to obtain a status perceived as “equal” to other Western powers, and therefore remain independent, seemed to have worked. As a Hawai’ian architect of the new policies, Kamakau, remarked, the rulers of France and Britain “believe that the Hawaiian group has a government prepared to administer laws like other governments and hence it is that they allow Hawaii to remain independent” (Osario, 2002, p. 7). Peaking in the 1840’s and 1850’s, the Kingdom worked had to shape itself to be seen as a partner recognizable to other states as an “equal”. The Kingdom would then fully make use of this newfound status in the following decades.

### **From unequal treaties to paper equality**

After the Hawai’ian elites had worked decades to actively shape perceptions of themselves in other, mostly Western states, heavily reforming their domestic institutions and culture in the process, it was only natural to go on what can only be described as a “treaty-making spree”. Between 1850 and 1880, the Kingdom signed close to 20 bilateral treaties with states, with virtually all treaty partners, except Japan and the United States, being European states. These treaties were the pinnacle of recognized equality. In early treaties, such as the 1851 treaty with Bremen (ratified in 1855), the focus was mostly on language concerning the treatment of goods and people from Bremen in Hawai’i. However, it did stress the “peace and amity” between the states, and the 10<sup>th</sup> and final article states that the subjects of the King of Hawai’i were “in their commercial relations, or relations of any other nature [...] be treated on the footing of the most favored nation” (Royal Ratification of the Treaty between the Hawaiian Kingdom and the Free Hanseatic City of Bremen, 1855). In later years, the treaty language and conditions became more and more equal.

Perhaps one of the best examples of a fully equal treaty that was signed with the Kingdom of Hawai’i, was the 1864 treaty between Hawai’i and the Kingdom of the Netherlands. In each of the five articles that were (re)ratified by the Dutch government, the countries are mentioned almost exactly the same time, the conditions are nearly exclusively reciprocal and the term “most favoured nation” used three times. Regardless of whether the articles concern import duties, settlement of foreign citizens, or the waiver of port-related fees to vessels of the other party, the language clearly points to the mutual recognition of equality. In conclusion, it is clearly visible that in this “treaty-making spree”, the conscious, dedicated efforts of the Hawai’ian government and private citizens to convince the surrounding world that their state was as “civilized” as any other state, paid off. A large number of influential European states, as well as the United States and the renewed state of Japan signed treaties in which they, either implicitly or explicitly, recognized Hawai’i as a sovereign, independent, and equal state. Although the treaty language was not always as equal and reciprocal, the outcome was. This treaty was negotiated by Sir John Bowring, a native Englishman who served as Envoy Extraordinary and Minister Plenipotary for Hawai’i in Europe. John Bowring was also the signatory for a wave of other equal treaties signed with European states in the same timespan, such as the 1863 treaties with Spain and Italy, the 1869 treaty with Russia, and the 1875 treaty with Austria-Hungary. It is clear that for the Kingdom of Hawai’i, these treaties were seen as vital to avoid other states from violating their sovereignty. This

becomes especially evident in the treaty with Spain, which states that the Queen of Spain, respecting the neutrality of the islands, will “employ her good offices with the other Powers which have treaties with them to induce those Powers to adopt the same conduct in respect to the said islands” (Treaty of Friendship, Commerce, and Navigation between the Hawaiian Islands and Spain, 1863). This phrase shows that the Hawai’ians were trying to obtain recognition and arrange for a status of neutrality not only directly with their treaty partners, but also by extension, by asking treaty partners to essentially lobby on their behalf. This search for recognition and reciprocity eventually also reached their big, powerful neighbour: the United States. In the aptly-named “treaty of reciprocity”, the Kingdom of Hawai’i and the United States agreed to accept a wide-ranging list of goods from each other “duty-free”. Although diplomatic relations had already been established and regulated in an 1849 treaty (Treaty with the United States, 1849), this treaty provided not only a renewed recognition of Hawai’i’s status as an equal nation, but also provided a massive economic opportunity for the country. Because products such as bananas, nuts, and all kinds of sugar products grown on the Hawai’ian islands could be brought “into all ports of the United States, free of duty” (Treaty of Reciprocity between the United States of America and the Hawaiian Kingdom, 1975), the plantation industry on the islands expanded massively, providing a strong boost to the economy.

Looking at this large quantity of treaties signed, as well as to their specific language, frequently featuring the granting of “most favoured nation status” and reciprocal rights, the waiving of import duties and shipping fees, and the recognition of the neutral status of Hawai’i, both explicitly, and implicitly through “peace and amity” phrases, it is only logical to conclude that the Kingdom of Hawai’i was genuinely seen as an equal nation to the European and American treaty partners. As of such, it can be concluded that Hawai’i was, at least on paper, accepted in the “Family of Civilized Nations”. This, in turn, provided a strong, initial protection against annexation or colonization, as so frequently happened with neighbouring island polities, such as Samoa (Kennedy, 1972).

### **From paper equality to subjugation**

However, although this relationship between Hawai’i and other states seemed strong and equal on paper, in reality, there was a strong dichotomy between the version of the relationship on paper, and the (mostly economic) reality. In reality, although the Kingdom did benefit from most favoured nation status, recognition, and reciprocity, it was mostly the other treaty partners that benefitted from the access to the Hawai’ian market. Because these partners

had a larger trade fleet and more advanced shipping technologies, they profited more from the opened Hawai'ian market and production facilities than vice versa. This discrepancy was, at least partially, by design. In the 1864 treaty with the Netherlands, for example, "exception is allowed from this rule [of most favoured nation status of tariffs], in the Netherland colonies of the East Indies" (Treaty between the Netherlands and the Hawaiian Islands, 1864). These exceptions meant that although the Netherlands could freely trade on the Hawai'ian islands, the Hawai'ians had additional barriers to trading in the Dutch colonial possessions, which were far more favourably located for Hawai'ian shipping than the European mainland. In the 1875 treaty of reciprocity with the United States, similarly, the economic dynamics were very one-sided, with Americans benefitting significantly more from the treaty conditions and duty-free imports of Hawai'ian products than vice versa (La Croix & Grandy, 1997).

There are many factors that led to this economic imbalance. The Kingdom of Hawai'i suffered from multiple complicating factors, as explained in Briguglio (1995), such as a small domestic market and dependence on export markets, dependence on a narrow range of products, and high per-unit transport costs. This, combined with the added barriers to accessing the markets in the colonial possessions of European powers meant that the Kingdom seemed to benefit more from the "peace and amity" clauses than the actual economic conditions.

Unfortunately, although all these treaties may have protected Hawai'i from invasions or the removal of their sovereignty from outside powers, eventually, through an internal coup, organised by (mostly) Caucasian settlers and notables, the native monarchy was overthrown, a "republic" founded, and a request to annex the Hawai'ian islands to the United States was sent out. However, even in this defeat and request lay a final recognition of the once-sovereign status of the former Kingdom. The then-incumbent president of the United States, Grover Cleveland, stated in the 1894 State of the Union Address that "to me, the only honorable course for our Government to pursue was to undo the wrong that had been done by those representing us and to restore as far as practicable the status existing at the time of our forcible intervention." (Cleveland, 1894). However, his successor was less principal and eventually moved forward to annex the Kingdom of Hawai'i, thus bringing an end to its independent status.

However, just because it was eventually annexed by a larger state, does not mean the Kingdom was never a true member of the "Family of Civilized Nations". A parallel with a European state exists here, namely Bavaria. Although no one questioned Bavaria's status as 'civilized' and fully sovereign, eventually, its international personality all but vanished, until



it was eventually absorbed into the new, unified state of Germany (Keene, 2014, p. 665). Therefore, it can be said that, despite the economic inequalities between Hawai'i and the other treaty partners, despite its eventual annexation, and despite the large power differences, the Kingdom of Hawai'i truly was a full, functioning 'civilized' state, recognized as such by its European and American counterparts.

### **Discussion**

In this thesis, I have analysed the processes that led to the dramatic changes in Hawai'i's international status. However, this analysis has two major limitations, and a limited scope, that can both be addressed to improve any future research. When it comes to the limitations, first, although some treaties signed by the Hawai'ian Kingdom are readily available in public databases, several treaties that have been listed as signed, have either been very hard, or impossible to find. This, combined with a lack of physical access to the Hawai'ian archives means that the primary sources used might be incomplete, which in turn might influence the findings of this analysis. The second limitation is that, although many laws and treaties were also, or exclusively, written in English, a very large part of the primary sources are written in Hawai'ian, which is a language I do not master. This means that my access to some other original sources is also limited, and I am dependent on the academic work of Hawai'ian-speaking scholars to interpret original laws and discourse.

Furthermore, although Hawai'i is a notable outlier in the region in the extent that they were recognized as an independent state, they were not alone in their process of institutional mimicry and contact with westerners. Other island groups and entities, such as Tonga, Tahiti, Samoa and Fiji went through some similar stages. As I have been limited in the scope and scale of this thesis, I did not have the ability to address these regions too. However, it would greatly strengthen the quality of this research if the methodology were to be repeated in different regions, and the results compared.

### **Conclusion**

In the early nineteenth century, the newly-found Kingdom of Hawai'i underwent massive structural, normative and institutional changes. These changes happened in a framework that I have coined European Institutional Mimicry, which was done in order to be seen as an equal state in the eyes of Western powers, and as such, be protected against their colonialist endeavours. This process eventually led to a "treaty-making spree" roughly

between 1850 and 1880, in which the Kingdom of Hawai'i signed a series of fully-equal treaties, which acknowledged the equality and contained clauses of reciprocity.

This process of European Institutional Mimicry and treaty-making was a conscious effort by the Hawai'ian elites, aided by Westerners in their service, who managed to preserve the native characteristics, identity, and elements they perceived as important in the process. It was through this development that the Kingdom of Hawai'i can be seen as the first non-Western, native state that was a full member of the "Family of Civilized Nations", several decades before Japan obtained a similar status. However, there existed a pronounced dichotomy between the equality on paper, and the massive economic disbalance between the Kingdom and their treaty partners, who also frequently erected subtle trading barriers between their colonial possessions and the Kingdom.

Therefore, the research question, *how can the dramatic changes in the international status of the Kingdom of Hawai'i be explained?* can be answered by stating that through the agency of native Hawai'ian elites, a conscious process of European Institutional Mimicry was initiated, which led to the Kingdom being the first native, non-Western state that was fully accepted in the "Family of Civilized Nations".

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