

LANGUAGE POLICY IN THE KINGDOM OF HAWAI‘I: A WORLDLY ENGLISH APPROACH¹

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ABSTRACT

This study attempts to develop Linguistic Imperialism theory (Phillipson, 1992) and overcome the limitations of its historical framework through the concept of ‘worldliness of English’ (Pennycook, 1994) and by testing it against a unique historical case. From 1840 to 1887, the Hawaiian Islands enjoyed a constitutional monarchy with a liberal franchise controlled by a Native majority. This analysis of the unfolding of language policies, practices and beliefs under the Kingdom of Hawai‘i, more specifically in judiciary and legislative institutions, endeavors to understand the discursive and sociopolitical process that led to the gradual subordination of the Hawaiian language to English before the loss of political sovereignty and American annexation. Special attention is given to guiding hypotheses like cultural hegemony and linguicism, and in order to ascertain their validity in this context, connections are drawn with the historical and current spread of English in post-colonial and non-colonial countries alike. The textual analysis of some key judicial decisions of the period illustrates why LI’s positivistic assumptions on the primacy of economic factors and its definition of cultural hegemony don’t stand to analysis in this case, while suggesting the preliminary alternative of professional imperialism.

INTRODUCTION

When at Salamanca I presented the draft of this work to Your Royal Majesty, and your Majesty asked what use it had, the Most Reverend Bishop of Avila spoke ahead of me and in my stead answered: that after your Majesty put a yoke on many barbarian peoples and

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nations of strange languages, as with their defeat these ought to receive the laws that the conqueror imposes on the defeated, and with them our language, then through this Craft of mine they could get to know it. (Nebrija, 1492)

The text above, excerpted from the preface to the first grammar of the Spanish language ever written and printed, clearly reveals what vision sprang in the minds of Queen Isabella's advisors as they first heard Antonio de Nebrija's oft-quoted dictum that "language always was partner to empire". Their imperial project, which would immediately be put into practice in the New World claimed by Columbus in that same year of 1492, apparently implies the identity of political and linguistic power. If taken literally, their understanding would lead to the conclusion that the political dissolution of European colonial empires after World War II will cause the end of their languages' influence, which, especially in the case of English, has revealed to be untrue. This study attempts to develop Linguistic Imperialism theory (Phillipson, 1992) and overcome the limitations of its historical framework through the concept of 'worldliness of English' (Pennycook, 1994) and by testing it against a unique historical case. This analysis of the unfolding of language policies, practices and beliefs under the Kingdom of Hawai'i, more specifically in judiciary and legislative institutions, endeavors to understand the sociopolitical process that led to the gradual subordination of the Hawaiian language to English before the loss of political sovereignty and American annexation. Special attention is given to guiding hypothesis like cultural hegemony and linguicism, in order to ascertain their validity in this context, and connections are drawn with the historical and current spread of English in post-colonial and non-colonial countries alike. After expounding the elements of Linguistic Imperialism (LI), I present some of the criticism directed to it and the reasons why the examination of an atypical historical case may be helpful. The historical overview starts by laying out language policy and use, before delving into the topic of language status in the courts, and then the language of government and legislation. Then I offer a textual analysis of some key judicial decisions of the period to illustrate why LI's positivistic assumptions on the primacy of economic factors and its definition of cultural hegemony don't stand to analysis in this case, while suggesting the preliminary hypothesis of professional imperialism as a potential alternative. Furthermore, my account stresses the autonomy and the productive role of linguicism, which should be understood as a discourse on language in its own right more than a mere reproduction of the economic order.

LINGUISTIC IMPERIALISM AND ITS CRITICS

The foremost question in the debate on international English can be summarized thusly: why do so many sovereign governments across the world, instead of promoting their own languages, seem to deliberately embrace English? The first significant book-length work at querying English as a ‘Language of Wider Communication’ (The Spread of English, 1977) concluded that such governments freely choose English over their own languages on account of its superiority in furthering their commercial and political goals. In one commentator’s words, “the world has opted for English, and the world knows what it wants, what will satisfy its needs” (Hindmarsh, 1978, p. 42). This apolitical view of English language spread is objected to by Phillipson’s theory of *linguistic imperialism*, so called by analogy with other forms of cultural, political and economic imperialism, which all entail asymmetrical interaction and the exploitation of one society or collectivity by another. To explain why English thrives more than ever after the collapse of the British Empire, Phillipson (1992) draws from Dependency Theory (Frank, 1966; Prebisch & United Nations, 1950), World Systems Analysis (The World System, 1993; Wallerstein, 1989, 2004), and Galtung’s (1971, 1980, 1988) Center-Periphery framework; following these geoeconomic theories, he posits that the English language is serving English-speaking powers to remain in the center of an interlocked global system of capitalism and perpetuate the subservient role of underdeveloped countries. Thus, he defines linguistic imperialism as a “dominance of English” that “is asserted and maintained by the establishment and continuous reconstitution of structural and cultural inequalities between English and other languages” (ibid., p. 47). Phillipson’s use of the term ‘imperialism’ is further justified because, in order to account for the origin of these asymmetrical interactions, he asserts an organic historical link with the colonial period of direct political control over the *Periphery* or Third World by the English-speaking *Center* or *Core*: “The progression from one type of imperialist control to another parallels the way power can be exerted by means of sticks (impositional force), carrots (bargaining), and ideas (persuasion)” (ibid., p. 53).

To explain the persistence of imperialism and economic dependence in the Third World after the end of colonial rule, he resorts to the concept of *cultural hegemony* (Gramsci, 1971), i.e., dominant beliefs and values that we take for granted but actually reflect the interests of a ruling class or society. Thanks to their control of key sites of cultural production—especially the

schools and the mass media—these ruling groups would succeed at naturalizing their particular world view so that it wouldn't be taken any more as 'ideology' specific to them but as universal 'common-sense'. Phillipson extends Gramscian theory beyond the borders of the nation-state to apply it to contacts between different linguistic communities, which are in most cases asymmetrical. Since "language is the primary means for communicating ideas", it is also the necessary carrier of hegemonic beliefs; "therefore an increased linguistic penetration of the Periphery is essential for completing the move away from crude means, the sticks of colonial times, and even the more discreet means of the neo-colonialist phase of asymmetrical bargaining, to neo-neo-colonialist control by means of ideas" (1992, p. 53). In his view, language spread by itself can effectuate the perpetuation of colonialism, because "what is at stake when English spreads is not merely the substitution or displacement of one language by another but the imposition of new 'mental structures' through English" (ibid, p. 166).

This point of LI smacks of cultural and linguistic determinism and has attracted considerable criticism, as it suggests a mapping of monolithic cultures to languages in a one-to-one fashion. This stance is particularly unacceptable for poststructuralist scholars, who embrace the linguistic hybridity engendered in postcolonial² situations and the appropriation of English. Disagreement with LI hasn't come only from the field of postcolonial cultural studies and poststructuralism either. At the other extreme of the academic range too, a similarly mentalist interpretation of LI leads scholars with a positivistic orientation to conclude that it is too powerful an account and therefore unscientific, as it defies empirical evidence—if cultural hegemony appears so similar to free choice in its form and results, how can we tell them apart? Davies (1996) summarizes that problematic circularity in eloquent terms:

What if the dominated (in this case the ex-colonial anglophone countries) wanted to adopt English and continue to want to keep it? [Phillipson]'s unfalsifiable answer must be that they don't, they can't, they've been persuaded against their better interests. So what are their better interests? But hasn't [Phillipson] already indicated this: "the arguments in favour of English are intuitively commonsensical." (p. 488)

² I use the term *postcolonial* (without hyphen) whenever I am pointing to particular interpretations of the colonial inheritance and their association with postmodernism and poststructuralism, while reserving *post-colonial* (with hyphen) to the more general and chronological sense of whatever comes after the end of direct political control over the colonies, including the possibility of neo-colonialism.

LANGUAGE AND ECONOMY: THE CHICKEN-OR-EGG DILEMMA

To move the debate forward, it is necessary to remember the Marxist roots of the theory of cultural hegemony as defined by Gramsci, and what LI can or cannot do. LI doesn't preclude the coexistence and interaction of different cultures among communities using different languages or varieties of a same language, for it is more interested in how the pecking order pinned onto language varieties correlates with social and economic factors. This concern is most patent in LI's own terminology. In order to map the analogies between social and linguistic orders, LI borrows from Linguistic Human Rights theory the key concept of *linguicism*, which was coined in analogy with racism, sexism, and classism, and defined thusly: "ideologies, structures, and practices which are used to legitimate, effectuate, and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language" (Skutnabb-Kangas, 1988, p. 13). When coupled with such notion of linguicism, the term 'cultural hegemony' turns out to be then a bit of a misnomer, because it may evoke the idea of a dominance confined to the sphere of cultural pursuits and potentially dissociated from other forms of hegemony. In Phillipson's opinion, however, promotion of English for English's sake doesn't happen, as it always has ulterior material goals, the best proof being the amounts of money devoted to it: "If language had not been perceived as a vital North-South link, the governments of the USA, Great Britain and France would never have invested so heavily into it over the past 40 years" (1997, p. 241).

Given such strong contentions, it might then be thought that macroeconomic indicators could provide empirical evidence in support or against LI but, unfortunately, quantitative research is of little avail in ascertaining the benefits and drawbacks of embracing English. Globalization means that the capitalist World System that arose in Renaissance Europe now encompasses the entire planet and, English being an integral component to it, no alternative full-blown models of language policy exist for comparison. Moreover, the analysis of geoeconomic and macrosocial trends alone tends to disprove LI more than support it, because LI can't easily account for one of them—the increasing penetration of English among nations belonging to the indisputable economic Center like Japan, Germany or France, which can't possibly be an inheritance of colonial coercion, nor reflect a pattern of neocolonial exploitation, therefore negating an essential claim of LI. Indeed, that spread is patent not just in non-English speaking nations in the Center,

but throughout what Kachru (1985) calls the Expanding Circle of English, including former French and Spanish colonies. Phillipson (1997) has conceded this trend, but imputed it to the insidious effect of cultural hegemony:

English is currently expanding in Europe in hegemonic ways, as a result of internal and external pressures, but in each Western European country, whether this amounts to linguistic imperialism is an empirical question that probably would be answered in the negative. (p. 242)

The foregoing remark suggests an independence between linguistic imperialism and cultural hegemony, which runs against LI's historical model and Phillipson's previous characterization of cultural hegemony as an aftereffect of colonial coercion. Actually, a possible independence of cultural hegemony vis-à-vis economic relations is a liability of LI if we remember that both of its theoretical foundations, Dependency Theory and Gramsci's work, are grounded in Marxist materialism, which considers language and other cultural phenomena essentially a byproduct of the socioeconomic or 'material' base. Even in Gramscian theory, the ruling élite bases its power on controlling the forces of economic production; therefore, cultural hegemony would merely mean the conversion of economic pull into political dominance, rather than turning cultural dominance into other forms of power. Thus, from a (neo)Marxist perspective, cultural hegemony can't alternatively be cause and consequence, spreading English and being spread by it. On the other hand, Phillipson (1992) tends to represent the means to assert power (persuasion, bargaining, and force) as not fully differentiated: "For persuasion to work presupposes some kind of submissiveness, bargaining some kind of dependency, and force an element of fear" (p.272). In his rejoinder to Phillipson, Davies (1996) concisely reasserts the classically Marxist—or, better said, positivistic—view on the precedence of the economic base: "Language is indicative, it is not causal of social divisiveness" (p. 495). Another critic of LI also remarks that "language rights treat symptoms and not causes" (Brutt-Griffler, 2002a, p. 223). Even scholars in the field of economics conclude that "to attack English in any way is to attack the wrong target, to indulge in linguistic Luddism, as it were" (P. Lysandrou & Y. Lysandrou, 2003, p. 230). Incidentally, there is an irony here in the fact that both the staunchly anti-imperialist LI and the liberal laissez-faire approach that criticizes it are based on the same positivistic paradigm, and both make similar but reversed claims on the nexus between language and economy without ever substantiating them. Thus, anti-LI stances that criticize the determinism of cultural hegemony but deny any impact of language policies on economic and social discrimination are implicitly just as

deterministic as LI itself, if not more.

MACRO VS. MICRO

An underlying cause of the determinism inherent to LI is certainly Phillipson's own location as researcher, which makes it impossible to look for agency on the part of English adopters. Working from the Center and on documents produced by colonial agencies and Center institutions, his perspective becomes "rather too impersonal and global. What is sorely missed is the individual, the particular" (Canagarajah, 1999a, p. 41). Pennycook (2001) remarked that Phillipson's LI lacks "a view of how English is taken up, how people use English, why people choose to use English [...]; what he does not show is the effects of that spread in terms of what people do with English" (p. 62). In turn, his observer bias may be read as a methodological shortcoming, if compared with Pennycook's metaphor of the *worldliness of English*, a notion that he drew from current problems in poststructuralist literary criticism and Said's (1983) troubled plea: "Is there no way to deal with a text and its worldly circumstances fairly?" (p. 35). Like Said, Pennycook questions the constant and exclusive primacy of economic factors in the production of cultural phenomena, without ruling them out altogether either, so that the dilemma of balancing the relative autonomy of texts, discourses, ideas, and in general the immaterial cultural life of a society with their historical and material contingencies, closely parallels the ambiguous role of English hegemony in shaping and being shaped by the world. His notion of worldliness of English intends to stress that, while English is in the world, the world is embedded in English too, i.e., local conditions greatly contribute to global English spread. Thus, very localized case studies would seem the best approach to test LI, and in fact the debate around it has generated a flurry of empirical studies that try to use that focus. Nevertheless, most of them (for instance *Post-Imperial English*, 1996) have done little else than taking contemporary nation-states as units of analysis in order to apply the macrosocial methods typical of mainstream sociolinguistics. When microsocial methods like ethnography have been resorted to (like Canagarajah, 1999b), they have documented many forms of resistance to Western cultural hegemony in English learning and use, but resistance alone doesn't suffice to settle the controversy over LI. According to Phillipson's definition, linguisticism essentially operates through the characterization of languages rather than their individual speakers, and their use as social

markers of entire groups: “Linguicism involves representation of the dominant language, to which desirable characteristics are attributed, for purposes of inclusion, and the opposite for dominated languages, for purposes of exclusion “ (Phillipson, 1992, p. 55). In consequence, despite Pennycook’s and Canagarajah’s call to look for the local and the individual, it should always be born in mind that LI doesn’t refer to individual language use but to its wider impact on social groups or ethnic communities, which defies the straightforward application of microsocial perspectives.

In sum, it is not enough to prove that somebody has successfully ‘made it’ through English, or has escaped cultural determinacy, because LI always requires to keep an eye on ‘the big picture’. On the other hand, a less individualistic approach doesn’t necessarily mean overestimating the modern international network of economic disparities either. Whereas the *network effect* (Grin, 2003) caused by the role of English as sole international lingua franca seems to accord it the greatest pull, especially in countries without a colonial past, Pennycook’s notion of worldliness of English should not be taken to tautologically mean just that ‘English is the world language’, as most people do when quoting it. Instead, as I mentioned, it encompasses the flip side of English being mundane, material and ‘worldly’ in the sense of being deeply determined by local conditions, the sum of every such situation defining its global role. I want this sense of worldliness to problematize the seeming ‘otherworldliness’ of English, i.e., the common perception that its dominance is decided by unknown forces or vested interests always lurking ‘out there’, somewhere beyond the borders of nation-states and completely out of control. Indeed, lack of political accountability is the main problem with both pro-English policies and apologies for globalization.

What a fair test of LI would look like then, and what should it focus on? As I previously explained, the ill-defined construct of cultural hegemony contradicts the assumed primacy of the economic structure without sufficient empirical or theoretical justification. Thus, cultural hegemony, or rather its rigid one-way historical model of organic evolution out of colonial rule, are clearly the weakest elements of LI, and should be reassessed. However, this weakness alone doesn’t invalidate LI, for it is much more than a theory of neo-colonialism. In actuality, Phillipson (1992) defined linguistic imperialism as a particular form of a wider phenomenon: “For linguicism also to constitute linguistic imperialism presupposes that the actors in question are supported by an imperialist structure of exploitation of one society or collectivity by another”

(p. 55). Therefore, the main claim of LI goes beyond the reproduction of preexisting economic disparities—it hypothesizes that English may run against the collective interests of groups adopting it under no apparent coercion. This central contention can be empirically tested only by identifying what those interests were and how English and linguicism damaged them in the long run. Therefore, whereas ethnography and other microsocial methods are ahistorical by definition, a diachronic perspective suits LI research much better than a synchronic one. On the other hand, if taking this path, a historical approach to LI faces its own challenge—the lack of relevant historical cases. Instead of positing that colonial coercion can mysteriously endure after the end of direct political rule, it may make more sense to charge the persistence of English in post-colonial states to the social structures inherited from the colonial period. However, if we try to factor out those structural legacies, and instead look for historical cases where English was originally adopted without political coercion, we rule out the entire Outer Circle and are left without possible precursors of the contemporary English language spread in the Expanding Circle, where adoption of English started only after World War II at the earliest, therefore lacking the necessary historical depth to judge its long-term impact. And it is precisely in breaking this vicious circle that a unique case like Hawai'i may be extremely helpful.

WHY HAWAI'I?

Located in the strategic heart of the North Pacific, the Hawaiian islands are since 1959 an integral part of the United States of America, and the indigenous language has been driven away from common use by English. Although current efforts at revitalization have arrested the complete shift to English monolingualism (Kahumoku, 2000; Lucas, 2000; Maka'ai, Shintani Jr., Cabral, & K. K. Wilson, 1998; Warner, 1999; W. H. Wilson, 1998a, 1998b), at the nadir of its decline in 1983 the Hawaiian language was everyday language to only a single community of less than 200 people on the tiny island of Ni'ihau. The other islands harbored less than 2000 fluent speakers, all above the age of 60, with a number of other members of the community merely having a passive command (Kimura, 1985). In comparison, the estimated population of the islands at the time of the first visit by Western sailors in 1778 ranges from 300,000 to 800,000 inhabitants (Stannard, 1989) all of which spoke Hawaiian. Against overly deterministic historians that only see in Hawai'i a sad but inevitable example of survival-of-the-fittest, some

kanaka maoli³ scholars (Kame'eleihewa, 1992; Osorio, 2002; Silva, 2004; Trask, 1993) have started a revisionist reading of the historical record in order to query the myth of Native⁴ nonresistance to foreign encroachment. One of the most interesting aspects of this reinterpretation is the new emphasis on the many ways in which Hawai'i, rather than being yet one more episode of colonial dispossession of indigenous nations, compounds an unusual case that doesn't neatly fit in the general picture of Western expansion by sheer military violence. Mainstream historians (Daws, 1968; A. G. Day, 1955; Fuchs, 1961; Kuykendall, 1938a) have systematically understated the fact that from 1840 to 1893 Hawai'i was a sovereign nation whose independence was recognized by the United States, France, Great Britain, Japan, and other great powers of the time. Furthermore, it commanded such respect because it was a stable constitutional monarchy based on ethnic and religious pluralism, state-funded universal education, popular representation and a very liberal franchise, in a time when these virtues were uncommon even in the West. A bill of rights was proclaimed in 1839, and the following year the first written constitution ensued. Starting in 1845, a series of organic acts established a full-fledged constitutional monarchy, with a bicameral Legislature and separation of executive, legislative, and judiciary powers. In 1851, membership in the House of Representatives was enlarged and made elective, and the first national election was held with universal male suffrage. In 1887, a group of haole⁵ conspirators backed by the sugar planters forced a new constitution at gunpoint that granted them almost exclusive political power. This coup d'état paved the way for the final overthrow of the Native monarchy in 1893, when an oligarchic Republic was established while waiting for annexation to the U.S., which finally occurred in 1900.

³ Kanaka maoli (kānaka maoli in plural): in Hawaiian language, literally, 'original/genuine person'. I have preferred to use this endonym without italics because it was the common term in 19th century Hawaiian and has been relaunched by contemporary indigenous scholarship, whereas other categories like Native Hawaiian have been traditionally imposed and defined from without. 'Kanaka maoli' deemphasizes the racial requirements of U.S. mandated blood quanta, instead stressing linguistic and genealogical connectedness with the land. On the other side, I use the term 'Hawaiian' in its widest sense when it may be applied to any citizen or denizen of the Kingdom of Hawai'i regardless of ancestry.

⁴ Native: I capitalize this term to make it stand in opposition to Western, whenever it can be applied to other indigenous nations beyond Hawai'i, or alternating it with 'kanaka maoli' as an attribute.

⁵ Haole: "White person, American, Englishman, Caucasian; American, English; formerly, any foreigner; foreign, introduced, of foreign origin" (Pukui, 1986, p. 58). I use this term not with its current racial overtones, nor as an equivalent to the U.S. notion of 'White Anglo-Saxon Protestant'. Instead, I take it to mean English-speaking Caucasian, given that traditionally it always excluded non-English speaking groups like the Portuguese, Spaniards, and Puerto-Ricans. Note, however, that national ancestry or native-speaker status are not necessary features, for many French, Belgians, Germans and Scandinavians assimilated to the Anglo-Saxon community and were therefore categorized as haole.

Although since 1851 any foreign-born denizen was allowed to vote and stand for office after one year of residence, it can't be easily argued that the kānaka maoli never had the slightest control over their political institutions. Despite the property qualifications introduced by the 1864 constitution—\$500 and \$150 in real estate for candidates and voters respectively—kānaka maoli still made up the majority of the electorate for most ballots in the monarchic period and even later, by virtue of the haole-dictated Bayonet Constitution that from 1887 on disenfranchised all people of Asian descent. In that year's special election, the qualification of \$3000 in real estate required to vote for the House of Nobles restricted kānaka maoli registration for that chamber to 35.5% against a 40.4% of British and American vote combined, but kānaka maoli still made up 64% of voter registration for the House of Representatives (Schmitt, 1971, p. 55). Also, whereas most constitutions were written by foreign advisors and patterned after foreign models, the longest lasting one, from 1864 to 1887, was drafted by a Native king and granted him veto power over the Legislature. Finally, the seven-year delay between the overthrow of the last Queen and the annexation to the U.S. further suggests that external aggression had a lesser role in the loss of sovereignty and language, regardless of how colonialist and racist the conspirators' mindset and goals were. Instead, the loss was enabled by the internal political workings of a modern, democratic, multi-ethnic state, while also being related to processes of international trade and economic globalization that were already on their way (see Wallerstein, 1989, 2004). Subordination through economic ties instead of military might, for instance, became patent after the 1875 Reciprocity Treaty with the U.S., which tied the Kingdom to the American market, but it was already present before, in its reliance on foreign aid donors. Thus, in 1836 the ruling chiefs sent a memorial to their benefactors in Boston as contemporary developing governments would. New England philanthropists were requested to send teachers "like the teachers who dwell in your own country" just like they had sent missionaries, ranging from carpenters, masons, and paper makers to "a teacher of the chiefs in what pertains to the land, according to the practice of enlightened countries" (Bingham, 1849, p. 496).

From a linguistic perspective, pre-colonial Hawai'i makes for a unique case because English language hegemony preceded the loss of Native political control by several decades. That atypical adoption of English is nowhere more patent than in its educational system. The Kingdom pioneered a specific feature of modern secular governments—state-funded compulsory education. Universal school attendance was enforced since 1840, and by the middle of the 19th

century the Kingdom of Hawai'i enjoyed one of the most wide-reaching school systems in the world. In his *Report* to the Legislature for the year 1853, the Minister of Public Instruction could boast that the literacy rate of Hawai'i already outstripped many of the United States. Nevertheless, in 1854 the Legislature, with a majority of kanaka maoli legislators, passed a law to use public funds in subsidizing English language schools specifically created for kanaka maoli children. As time went, the combined weight of subsidized and private English language schools slowly but steadily drove out public schools taught in Hawaiian. One year before the 1893 overthrow, there were just 28 Hawaiian-medium schools left, enrolling 552 students. Compared with the combined enrollment in governmental English schools and private schools, this figure means that a mere 5.2% of school-age children were receiving instruction in Hawaiian. The shift to English preceded the Bayonet Constitution of 1887 and the loss of kanaka maoli control over the government as well, for in 1886 the percentage was down to 22.5% already. Overall, in monarchic Hawai'i we face the unparalleled case of a country that, without being a colony, switched its entire public education system to what had originally been but a foreign language spoken only by a tiny minority. This anomaly understandably baffled even conservative historians like Wist (1940): "In one respect the process of change was most unusual in the history of education; for there was absent one factor, generally required elsewhere when a nation has changed the language of its common schools, namely, the force of political dominance" (p. 73).

Wist's point doesn't seem unwarranted if interpreting "political dominance" merely as explicit coercion. When looking specifically for school-related language legislation, the first instance of mandated language use can't be found until after the overthrow, in Act 57 of June 8th, 1896. With this Act, the oligarchic government of the new Republic of Hawai'i made English "the medium and basis of instruction in all public and private schools" (Civil Laws of the Hawaiian Islands §123, 1897). In practice, the Act completely prevented any school, even self-supporting ones, from operating full-time in any language but English. And yet, by the time Act 57 went into effect, there were only three schools left that taught in Hawaiian, enrolling just 59 students, or 0.5% of the school population (*Report*, 1896).

DEFINITION OF THE PROBLEM AND SCOPE OF THE STUDY

Most attempts at explaining the foregoing paradox are on the line that "as English became

the dominant language of the Islands' commercial and political environments, school policy mirrored the changing domestic tides" (Kahumoku, 2000, p. 127), which despite being intuitively sound still dodges some tough questions: (a) what was the specific nature of that dominance; (b) how it originated and spread throughout Hawaiian society; (c) how it relates with other forms of domination, if it relates at all; and, most significantly, (d) why it prevailed against likely opposition from the *kānaka maoli*. On this last point we step on contested terrain though, because from an early stage in the shift to English we find claims by the top educational authorities that "the popular demand is for English" (*Report*, 1878, p. 4) or "the desire of parents that their children may be instructed in the English language continues unabated" (*Report*, 1876, p. 15). Some opponents to contemporary *kanaka maoli* activism therefore claim that "the parents recognized that the path to social and economic success would be through English" (Conklin, n.d.) but this, again, is a rationalization after the fact—why weren't enough opportunities available through the Hawaiian language? *Kanaka maoli* scholars rejoin that statements made by *haole* that were themselves involved in the switch to English aren't to be taken at face value, for they are blatantly biased whereas the beliefs of the *kānaka maoli* "were probably diverse" (Silva, 2004, p. 145), although establishing what those beliefs were is a hard matter. Day (1985) downplays the differences between the Kingdom of Hawai'i and Guam—which was a colonial dominion through its entire history and oftentimes under direct military rule—and labels both cases as 'linguistic genocide'; nevertheless, he too remarks the aforementioned paradox with perplexity: "Whether the English speaking foreigners could have killed Hawaiian alone, without help from the Hawaiians themselves, is an open question with no conclusive answer" (p. 170). And yet, this is exactly the kind of question that LI was posed to address.

After the foregoing discussion it should be clear why Hawai'i stands out against the backdrop of 19th century Western imperialism, and becomes relevant to our current concerns about globalization, English language spread, language endangerment, cultural sovereignty, educational inequalities, and the future of our increasingly multi-ethnic, interdependent polities. While in other settings the adoption of English is shrouded in colonial coercion, in Hawai'i that process lays open to our inquiry, without the structural impact of either diachronic factors—the colonial inheritance—or synchronic conditions—the network effect caused by the current global status of English. In sum, Hawai'i affords a unique chance to, not just testing the validity of LI, but also looking for the proto-colonial in the pre-colonial. There we may find, in reverse—from

sovereignty to colonization—an early example of trends that would come to the fore only after the onset of decolonization, and, more uniquely, we may be able to analyze their full development down to (hopefully one of) their possible outcomes. This paper endeavors, thus, to understand the roots of the process that led to the complete substitution of English for the Hawaiian language in the Kingdom of Hawai'i.

Whereas the shift of the school system from Hawaiian to English is the most intriguing aspect of English hegemony in Hawai'i as I noted above, for space reasons this paper will confine itself to a related topic of study—the legal status of English and Hawaiian throughout this period, and their respective standing within the judiciary system of the Kingdom. On the other hand, the complexities of educational policies and practices cannot be understood without first charting the 'changing domestic tides' that impacted on them. Also, there are other reasons to focus specifically on the ties between language and law. Firstly, law is the social activity where language carries its greatest authority, so that it makes sense to take it as a benchmark of linguistic penetration. Secondly, legal status is also important in ascertaining to what degree language use was coerced, and how the Kingdom of Hawai'i was at variance with typical colonies in that respect. Thirdly, the legal domain is often the structure that restrains and channels educational policies and practices, not just by explicitly mandating what can or has to be done, but also indirectly, through the absence of explicit policies, or through the language in which policies are spelled out.

HAWAIIAN AND THE COURTS

Legislative evidence suggests that from the very beginning the main policy on language was actually a lack of explicit policy. Whereas that might be unsurprising in a monolingual nation, the fact is that post-Contact Hawai'i wasn't such a country any longer. In 1853, the first reliable census registered, besides 70,036 pure Hawaiians and 983 part Hawaiians, 2,119 resident foreigners. Of these, 291 were born in Hawai'i—mostly to American missionary families—and therefore subjects of the Kingdom. Among foreign born residents, the greater part were 692 United States citizens, followed by 435 British subjects if including those born in Canada and Australasia (*Polynesian*, April 22nd, 1854). These numbers tell of a growing English-speaking community with rights comparable to those of indigenous subjects, either by birth or denization,

and therefore of a de facto multinational state. However, the laissez-faire approach and the ad hoc practices that took root during the establishment of a constitutional monarchy never openly addressed this diversity. Instead, they subordinated language use to the national appropriation of foreign expertise, which ultimately would favor foreigners.

In 1852, a bill to prevent people without at least a passive command of Hawaiian from being appointed circuit and district judges was turned down by the House of Nobles, with the argument that “as persons possessing skill in the law, good character and knowledge of the language, were scarce to be found,—the House preferred a man who had the two former, to him who had the latter qualification alone” (*Weekly Argus*, 1852, June 2nd). The decision wasn’t based on pure efficiency alone, as the discussion of the bill in the House of Representatives had made clear the “great inconvenience” resulting from the judges’ inability to communicate. The Speaker of the House of Representatives, George M. Robertson, although a haole, “thought it natural that the natives should complain of not being understood” and acknowledged them “naturally entitled to demand that the man who judged them, should be able to examine them himself and give his own sentences without the often equivocal assistance of an Interpreter”. He also asserted that being “a thorough-bred lawyer” was “not ... a necessary prerequisite in order to be a good Judge” (*Weekly Argus*, 1852, May 12th). Robertson spoke from his own experience—in 1850 he had been made Circuit Judge for the island of Hawai‘i despite being just a former whaler with no special training, probably on account of his moderate command of Hawaiian (Dyke, 2008, pp. 83-4). Yet, the Upper House seemingly favored the contrary view opposing the “manifest injustice” of discriminating naturalized foreigners in spite of their skills and loyalty to the Kingdom. When in 1859 the Civil Code (§1065) standardized the bar examination as well, being a naturalized subject and the Supreme Court’s license became the only requirements to practice law in the Kingdom, with no mention made of language prerequisites.

In practice, and despite the failure of the 1852 bill, many appointments to judicial offices apparently tried to reconcile the needs and rights of both kānaka maoli and haole. Thus, in 1855 Kamehameha IV appointed Robertson an Associate Justice of the Supreme Court, in substitution of another bilingual judge, the former missionary Rev. Lorrin Andrews. That a covert policy of bilingualism was in force is made clearer by the appointment of Robertson’s colleague in the Supreme Court, John Papa ‘Ī‘ī. His contemporary Kamakau (1992, p. 248) confirms that he was one of the first kanaka maoli to learn English, at the first Mission school established in Honolulu

in 1820; moreover, from 1840 he had an unusual chance to widen his English skills on being appointed *kahu* (babysitter/attendant/tutor) to the royal children boarding at the Chiefs' Children School, an institution created by the Kingdom to have the children learn English from missionary teachers (Menton, 1982). In many aspects, this unofficial bilingualism continued for decades but, of course, as the House of Nobles predicted it was difficult to find competent bilinguals, so that very soon bilingualism was concentrated and professionalized in a few bureaucratic positions, becoming a feature of the institution at large rather than individual. Starting in 1860, each Legislature assigned an appropriation for an interpreter attached to the Supreme Court, whose salary overshadowed that of most district judges. Arrangements like this worked in the first decades because the judiciary system tended to minimize contact between *kānaka maoli* and *haole* in the courts. For instance, since the original institution of juries in Hawai'i by the Law for the Regulation of Courts (1842), all jurors were selected matching the defendant's race, so that only in civil suits with parties of different race they had to be mixed in even parts. In 1859, the Civil Code (§1188, §1197) further specified that naturalized foreigners and people "of foreign parentage" were to be considered *haole* in jury composition. Also, the Act to Organize the Judiciary Department of 1847 created a separate class of 'police courts' to have jurisdiction over cases involving foreigners, leaving the rest for the district courts.

Nevertheless, occasional corrections to this unofficial bilingualism hint that from the very beginning it tended to drift towards increasing English monolingualism. For instance, by 1859, the practice of sending indictments in English was so prevalent that the Civil Code had to entitle defendants to receive a translation to Hawaiian "on demand upon the district attorney" (§1173). Despite this early sign, it seems that the bilingual setup remained relatively stable until at least 1876. By then, Hawaiian language ability in district courts, which were at the forefront of the judiciary's dealings with the public, may have declined so much that requests to translate indictments now had to be elevated to the general attorney in Honolulu instead (Sess. Laws 1876, p. 105, §44). To address the problem, that same year it was finally enacted that foreigners appointed to district judges had to be "proficient in the Hawaiian language" (Sess. Laws 1876, p. 23). This rule came twenty years too late and, at any rate, enforcement was probably difficult, so that by 1890 the Supreme Court interpreter—whose salary was now second only to the Justices themselves—was servicing circuit and police courts alike. At this time, a separate appropriation existed as well for interpreters at "all courts not specially provided for" (Sess. Laws 1890, p. 89-

91), before the Legislature eventually gave up on enforcing language prerequisites and authorized that appropriation by statute (Sess. Laws 1892, p. 3). Similar troubles plagued the publication of the Supreme Court’s decisions in Hawaiian, which was discontinued after 1881 (Lucas, 2000, p. 22). In 1890 the need of translating this growing body of local case law proved so urgent that the Legislature had to issue an act to “expressly” provide for that (Sess. Laws 1890, p. 110). It seems that the key challenge was finding a qualified and willing full-time translator, despite the promise of a generous salary—up to \$10,000, i.e., matching that of any of the associate justices appointed to the Supreme Court. Apparently, nothing of this ever came to fruition.

From the picture just sketched one might conclude that the dominance of English in the courts ensued, like in the case of Hawaiian schools, not from coercion but from the unregulated competition between English- and Hawaiian-speaking practitioners of law. Yet, against any resort to free choice theories or disingenuous claims of survival-of-the-fittest, LI would instead charge the demise of bilingualism to a structural factor—the foreign origin of Hawaiian law. The first two trained lawyers to arrive to Hawai‘i—John Ricord in 1844 and William L. Lee in 1846—created almost singlehandedly the entire juridical framework of the Kingdom and left an indelible mark on it. Both were Americans, which caused the tacit adoption of the American legal system. In 1855 G. M. Chase, U.S. consul at Lāhainā, in a public address to the Royal Hawaiian Agricultural Society pointed out that origin to his haole audience. In his view, the establishment of an American legal framework in itself heralded the impending demise of Hawaiian language and the annexation of the islands to the U.S:

Already its language and principles of Law and Government have sought these Islands, and indeed are planted here. Its language is employed as the medium of legislative mandates and of judicial construction and authority. Its use is becoming familiar, if not necessary to all the organs of power, and in all the transactions of important business affairs. Having got such permanency, will this language die? Rather will it daily increase in its influence and use, and finally control the destinies of this people? *It most certainly must*, and those who ignore it will sink under its extending power. (*Sandwich Islands Monthly*, 1856, March, vol. I, 3, p. 70)

Chase’s divinations have to be considered in the context of failed U.S. negotiations to annex the Kingdom in 1854, and be taken as a continuation of ongoing psychological warfare more than an accurate depiction of the linguistic situation in his time. And yet, as we know, his

prophecy came true. Walter F. Frear (1894), appointed Associate Justice of the Supreme Court by the oligarchic Republic of Hawai'i right after the overthrow of the Kingdom, saw a similar predestination in the history of Hawaiian law, but he was more precise as for the ultimate cause:

The adoption of the common law by our courts ever since they began to adopt any foreign law is significant of the early and continued predominance here of the Anglo-Saxon civilization as distinguished from that of Continental-European nations who have for the most part followed the Roman law. (p. 19)

Both historical and current facts validate the correlation proposed by Frear. The path taken by Hawai'i sharply diverged from the one later followed by Japan and many other non-Western nations, which instead opted for the selective adoption and translation of legal codes derived from Roman civil law as it has evolved in continental Europe. From the beginning, Hawai'i's legal system was the Anglo-American common law in all but the name—it borrowed the institution of the jury, a separate jurisdiction of equity, and most importantly, the judges' prerogative of making law not just through judicial review but also by the force of binding precedents. In civil law jurisdictions, on the other hand, judges are only allowed to apply the statutes enacted by the legislative branch, with judicial precedent having a much more limited authority. The nexus between language and legal system is therefore that, at common law, all the immense body of case law recorded and handed down in English since the English Revolution is potentially binding and just as important as statutory law. A like example is Islamic law, which grants to case law a similar authority so that it is inseparable from the Arabic language. In consequence, wherever common law is adopted, being able to read and quote British law reports—and often reports from the U.S. and other common-law jurisdictions as well—is a necessity to practice law, if not an express requirement to be admitted to the bar. Since nowadays practically all former British colonies including the U.S. retain the common law system, while other non-Western jurisdictions use either civil codes or Islamic law, it is undeniable that common law is one of the strongest reasons for the persistence of English as an official language in post-colonial states. In arguing this, I am not comparing the relative hegemony of English and French in their respective colonies, which would lead to the conclusion that the difference of common and civil law is irrelevant on this score. Instead, we have to look at non-colonial nations as I did above—Turkey, Iran, China, Japan—where Westernization and the free adoption of civil codes has been compatible with the use of the national languages in the courts. On the other

hand, the few nations that adopted British common law without direct colonial coercion later either dropped it altogether—Thailand, Israel—or, like the case of Hawai'i, have evolved to pervasive English language use. Another evidence pointing to the identity of common law and the English language is Lord Thomas Babington Macaulay's infamous Minute of February 2nd, 1835, which is often called 'the Manifesto of English education in India' and lays at the root of English language spread beyond the British Isles. There, the colonial officer remarked that link himself and proposed to exploit it. Interestingly, whereas in 1492 the bishop of Avila advocated the imposition of Spanish to better enforce the laws of Castile, Lord Macaulay reversed the terms and put law reform at the service of language spread:

The fact that the Hindoo law is to be learned chiefly from Sanscrit books, and the Mahometan law from Arabic books, has been much insisted on, but seems not to bear at all on the question. We are commanded by Parliament to ascertain and digest the laws of India. [...] I hope and trust that, before the boys who are now entering at the Mudrassa and the Sanscrit College have completed their studies, this great work will be finished. It would be manifestly absurd to educate the rising generation with a view to a state of things which we mean to alter before they reach manhood.

The Minute makes clear that Macaulay's goal of persuading the British East India Company to substitute English for Sanskrit, Persian and Arabic in the institutions of higher education that it subsidized—which he achieved (see Krishnaswamy, 2006; Viswanathan, 1989)—was only one part in his grand scheme. Two years later, in 1837, English was made the sole language of Indian law courts, spurring the demand for a clerical class of bilingual Natives—so-called 'Macaulay's children'. Lord Macaulay devoted himself to his overarching plan in the following decades and drafted a common-law based Penal Code, which in 1860 would be enacted in India and later on across the entire British Empire, nowadays being still used in most former British colonies, from India to Nigeria and Malaysia. As for the judiciary system itself, still now judges in those countries routinely quote pre- and post-independence British and American law reports alike, without the reverse usually happening. It is then essential to realize that the British colonial heritage in this area is not a mere historical memory but an ongoing form of dependence.

The most intriguing aspect of the establishment of common law in Hawai'i is that, like the dominance of English, it was never expressly enacted. William Lee's Act to Organize the Judiciary Department (1847) put common law and Roman or civil law on equal footing as

auxiliary foreign sources of jurisprudence for the courts (ch. I, §2-3). The incorporation of common law was never official—it was recognized among other supplementary sources of jurisprudence only “so far as the same may be founded in justice, and not in conflict with the laws and customs of this kingdom” (Civil Code §823, 1859). Interestingly, the unofficial nature of common law prevalence actually bestowed on the judiciary branch an even greater freedom of maneuver and more legislative power than that enjoyed in typical common-law jurisdictions. Thus, during the Anglophile reigns of Kamehameha IV and V (1855 to 1872), when foreigners were resorting to common law loopholes to evade prosecution, the Supreme Court asserted its independence from foreign precedent by, for instance, allowing a kanaka maoli widow to sue an American captain for wrongful death, whereas neither common law nor the statutes of the Kingdom provided for that (*Kake v. Horton*, 2 Haw. 212, 1860). Nevertheless, as time went the selective application of common law paradoxically hardened its prestige and furthered the entrenchment of “the laws of those countries, to whose authority and opinions we yield the highest veneration” (*Kake v. Horton*), so that by 1891 it was found that of the 900 cases reported to the Supreme Court in over 40 years, in only 9 (1%) the Court departed from common-law jurisprudence (*Thurston v. Allen*, 8 Haw. 399) and then only when repealed by statute in other common-law jurisdictions. It is therefore understandable that, in 1892, the Supreme Court could squarely endorse the dominance of English by arguing that “of necessity the English language must be largely employed to record transactions of the government in its various branches, because the very ideas and principles adopted by the government come from countries where the English language is in use” (*In re Ross*, 8 Haw. 480, 1892). This was a surprising remark to make after two recent rulings (*King v. Robertson*, 6 Haw. 725, 1889; *Thurston v. Allen*, 8 Haw. 399, 1892) where the same Court had cogently insisted on its independence from common law, to the point of stressing that Hawai‘i was “not an English colony” (*King v. Robertson*). In truth, no reception statute had ever officially incorporated common law into the juridical fabric of the Kingdom, but in November 1892, just two months short of Queen Lili‘uokalani’s overthrow, the Act to Reorganize the Judiciary Department took care of that: from now on, for all civil matters “the common law of England, as ascertained by English and American decisions” was to be “the common law of the Hawaiian Islands” (Sess. Laws 1892, p. 91, §5) dropping all provisions for non-English legal traditions. The reception of common law was made palatable to kanaka maoli legislators perhaps because, besides limiting the judges’ power to legislate, it included an

exception for “Hawaiian national usage” that seemed to accommodate traditional customary law, although in fact a Supreme Court ruling had abolished it decades before as I will show later.

HAWAIIAN AND THE LAW

The foregoing account of the encroachment of English into Hawaiian law courts has been streamlined for convenience and may sound more deterministic than intended. Certainly more factors than just the unofficial adoption of common law contributed to it, and there was nothing intrinsically irresistible in English ascendancy. It should be born in mind that the monolingualism of common law, for instance, is itself an outcome of deliberate British policies like the Proceedings in Courts of Justice Act of 1730, which obliterated the traditional English-French-Latin trilingualism of British courts. As for Hawai'i, the structural workings of the state didn't predetermine the adoption of English language and common law in the courts, as judiciary and legislative powers were barely separated at first. From Ricord's departure in 1847 to the arrival of Charles C. Harris in 1850, William Lee was the only person in the Kingdom with a common-law education, and for over a decade the number of residents with formal training in Western law could be counted with the fingers in one hand. Given that scarcity, any expertise had to be spread throughout the state machine so that legislators doubled as judges, or vice versa. Justices Lee, Robertson and 'Ī'Ī all served terms in the Legislature while holding seats at the Supreme Court, and it was only in 1859 that the Civil Code (§818) disqualified any judge from the Supreme Court down to circuit courts to stand for office in the House of Representatives. Moreover, before the establishment of a bar examination and official licensing procedures in 1859, legislative experience was regarded as sufficient qualification to be appointed judge or practice law. According to Osorio (1996), since the very first legislature “a term as Representative very often prefigured appointment to judicial office” (p. 145). One third of all representatives appointed until 1851 succeeded their terms with a seat on the bench, and of the 24 representatives elected in 1851, by 1855 14 of them, kānaka maoli and haole alike, were acting as judges or attorneys. Given this trend in the courts, where former legislators applied the law that they themselves had previously enacted, one would expect the strengthening of Hawaiian statutory law over English case law. Also, the former had the potential to grow at the expense of the latter through codification. Judge Lee in fact followed this course in 1850 when compiling

the Penal Code. According to his own Preface he based it on “the principles of the English common law, as the foundation of a code best adapted to the present and approaching wants and condition of the nation” rather than “the ancient laws and usages of the kingdom” (p. iv). However detrimental his choice was to the recognition of Hawaiian customary law, his approach opened an avenue to assimilate and translate common law. At least in theory, it was possible for Hawaiian legislators to counter the penetration of English in law courts. Whereas the unacknowledged adoption of common law was a structural constraint favoring English, the agency of particular influential individuals like Justice Lee had the potential to bend it. Thus, the intimate connection between the English language and the juridical system of the Kingdom was not what prevented legislators from systematically codifying English case law into statutory law, which would have turned it into a civil law system in the national language, as it was done much later in countries like Israel or Thailand, or to a lesser extent in Malaysia (Mead, 1988)□. To understand why Hawaiian law didn’t develop in that direction, it is advisable to take a look at coetaneous events in the field of statutory legislation.

The first written laws in Hawai‘i were originally promulgated in Hawaiian and later translated to English. In the preface of the so-called Blue Book (1842), the first English language compilation of Hawaiian law, the anonymous translator took responsibility of all variances from the original and specified that “the original, of course, will be the basis of all judicial proceedings”. Things changed with Ricord’s arrival and the governmental reorganization that he ushered in 1845. The historian Kuykendall (1938b) commented that from this point on it is patent that the English version was the original one, for “the quaint language of the early laws gave place to a more elaborate, precise, and formal phraseology” (p. 228). Nevertheless, a stronger influence of foreign models didn’t immediately entail that the Hawaiian version lost its binding force. Ricord’s second Organic Act (Act to Organize the Executive Departments, 1847) mandated that all laws be published simultaneously in Hawaiian and English in the official governmental newspapers, thus establishing the tacit bilingualism of government and legislation. As time went, unsolvable conflicts were found between the English and Hawaiian versions of laws. The first solution tried was to have the Legislature enact all amendments on either version on a case-by-case basis. This practice changed after the 1856 ruling *Metcalf v. Kahai* (1 Haw. 402, 404), wherein the Supreme Court resolved that the Hawaiian version of the Penal Code be held governing. Just five months later in *Hardy v. Ruggles* (1 Haw. 467, 463) the new preference

was extended to any statute “because it is the language of the legislators of the country” despite all parties in the suit being haole. The turning point came with the 1858 decision *Haalelea v. Montgomery* (2 Haw. 62, 69) whereby the Court dictated that the English version of all deeds of conveyance was to be held original and binding regardless of the grantor’s mother tongue. Thus, although the kanaka maoli plaintiff obtained redress from the haole defendant, *Haalelea v. Montgomery* paradoxically invited to the dispossession of k̄anaka maoli from their lands, because now the courts held them accountable for mistranslations.

Given that all decisions by the Court were published in the governmental newspaper *The Polynesian*, it is undeniable that they influenced public opinion among the haole community. The new mistrust on the accuracy of Hawaiian language caught like wildfire across the legislative corpus. One year after *Haalelea v. Montgomery*, the Civil Code, drafted by the judges of the Supreme Court and enacted by the Legislature, specified that the governing version for any part thereof was to be the English one (§1493); it also dispensed with explicit bilingual enactment of laws, leaving the details of their publication at the discretion of the Minister of Interior (§ 2). Although the governmental newspaper in Hawaiian continued publishing all new laws, an act of 1865 generalized the new preference for the English version to “any of the laws of the Kingdom, which have been, or may hereafter be enacted” (Sess. Laws 1865, p. 68). As time went, relegating Hawaiian to a secondary legal status took a toll on the language. After the discrepancies between versions of the law were noticed in the 1850’s, the Legislatures took steps to prevent them, but in a direction that severely forestalled the development of an autonomous law making practice and of original legal concepts in Hawaiian. Thus, in the Preface to the *Compiled Laws* of 1884, Judge McCully declared to be the main author, having delegated to his kanaka maoli colleague Judge Kapena only the task of “prepar[ing] the Hawaiian version from the proof sheets of the English” because “in no other way could there be secured an exact conformity of the two versions” (p. iv). Thus emerged a vast body of legal texts in Hawaiian with complex phraseology, but holding very little authority, and legal developments never parted away from Anglo-American juridical practice.

By 1880, the shadow that the English-speaking judiciary system cast onto Hawaiian education became explicit as well. The bleak state of Hawaiian in the courts and in other domains became an excuse to coax Representatives into curtailing support for instruction in the language. Limiting language use in practice rather than by statute, it set the stage for further

decline. In the 1879 session of the House of Representatives, after the Educational Committee criticized the Board of Education for trying “the gradual supplanting of the Hawaiian”, Charles Bishop, the president of the Board, conceded that “as long as their mother tongue continues the language chiefly used in the intercourse, business and courts of the Kingdom, they [Hawaiians] should be taught also to read and write this correctly” (*Report*, 1880, p. 5). As Hawaiian retreated in the courts, Bishop’s successor, the self-proclaimed pro-Native Walter Murray Gibson, was now justifying the neglect of common schools with the contention that “the English may be said to be the prevailing language of this kingdom, legally and industrially. The decisions of the highest tribunals of the land are in English” (*Report*, 1886, p. 4).

In the last decade of the Kingdom, political events aggravated the sidelining of the Hawaiian language. In 1887, a militia of haole businessmen and members of the parliamentary opposition party rose in arms and coerced King Kalākaua into signing a new constitution of their own making. Among many other changes, the Bayonet Constitution extended the official use of English specifying that the literacy requirements to qualify for vote and to run for member of either House of the Legislature could be satisfied through Hawaiian, English, “or some other European language” (Arts. 59, 61 & 62). In fact, literacy requirements for voters had started with the 1864 constitution (Art. 62), and it might be said that the new law only made official the already practiced bilingualism. Nevertheless, an unspoken consequence of upgrading English to parity with Hawaiian was that the Hawaiian language, which had been the default language, was tacitly downgraded whenever no incontrovertible mention was made to it, as the courts would soon declare. In 1892 the Supreme Court declined a petition to annul that year’s election for the House of Nobles in O‘ahu, rejecting the claimants’ argument that the Hawaiian version of the ballot couldn’t be an incomplete abridgment of the English one. Chief Justice Albert F. Judd rejoined that no law or statute explicitly required bilingual ballots, so that “the printing of the ballots in English was a compliance with the law, as would also be the printing of them in Hawaiian, or in both said languages” (*In re Ross*, 8 Haw. 478, 1892). This pretense of equality in practice only told the petitioners, mostly members of the anti-annexationist Liberal Party in the opposition (Kuykendall, 1938a, pp. 516-7), that the availability of laws and ballots in Hawaiian language was just a courtesy from the government more than a right, again making kānaka maoli liable for any discrepancy with the English originals. Thus, it eventually became clear to Hawaiian language speakers what had happened in 1859—laws in Hawaiian didn’t protect their

rights any longer, but were a trap instead. As for Justice Judd's sense of fairness, it was served by the mere possibility of initiating legal action in either language: "The records of our courts show pleadings of all kinds in the Hawaiian language received with as much approval as those in the English. Which language would be used would depend upon the comparative familiarity of the writer with one or the other" (ibid., p. 480).

The review of the status of Hawaiian as a language of law suggests that, without a comprehensive study of judicial and legislative records, any sense of a slow quantitative shift in the monarchic period may be quite subjective. Even in the courts, and in spite of Gibson's claims, it is difficult to accept that language use changed so rapidly since Bishop's remarks eight years earlier either. As I pointed above, the use of interpreters and the prevalence of English in Supreme Court rulings were features of the judiciary system since its establishment, rather than signs of decadence. As for the legislative power, Mark Twain (1966) provides an eyewitness account of professional interpretation in the 1866 Legislature, and specifies that even a legislator like Prince Kalākaua, who was "an accomplished English scholar", preferred to speak in Hawaiian (p. 111). In fact, Hawaiian language would continue to be used significantly in both judiciary and legislative functions well after the overthrow of the Kingdom. It was only with the Annexation Act of 1900, instituting the government of the new Territory of Hawai'i, that jurors "who cannot understandingly speak, read, and write the English language" (§83) were disqualified, which made English the exclusive de facto language of the courts. A similar persistence can be found in legislative proceedings; whereas the Annexation Act (§44) mandated that they be conducted in English, *kānaka maoli* members of the first Territorial legislature could so disregard that rule that in the first years both Houses still had to hire interpreters (Kloss, 1998). The publishing of laws in Hawaiian too was discontinued as late as 1943 (Sess. Laws 1943, p. 1). To the political persistence of Hawaiian Reinecke (1988) bears witness about 1935 writing that, still then, "a candidate's chances of being elected are stronger if he can make a good campaign speech in Hawaiian, and twenty years ago it was practically necessary for him to be able to do so" (p. 141).

Such evidence argues that the issue at stake was not actual language use as much as the legal and even ontological status of the Hawaiian language itself, which was settled relatively early in the landmark cases of the 1850's that justified awarding English the role of governing language. The qualitative sea change that these decisions signal make it possible to disagree with Day

(1985), who can't identify any decisive event in the decline of Hawaiian: "There is no one turning point, no one piece of legislation, no royal decree that we can point and say with confidence that it marked the time when Hawaiian lost to English" (p. 168). My own take is that Hawaiian didn't immediately 'lose' to English in 1858, because the impact of *Haalelea v. Montgomery* might have been reversed very quickly just as it had reversed *Metcalf v. Kahai*, but it wasn't, so that its accumulated effects over the years did eventually become irreversible. The farther we look after that watershed the more important structural constraints turn, and the less sense it makes talking about individual language choices.

LANGUAGE POLICY VS. THE LANGUAGE OF POLICY

If language status was what truly mattered, it is time to turn back to the hypothesis of linguisticism. Phillipson (1992) uses Galtung's theory of power to refine it into three categories of arguments for English: (a) "what English is" or English-intrinsic arguments, i.e., its innate qualities and capacities over other languages; (b) "what English has" or English-extrinsic arguments, which refers to the resources it conveys; and (c) "what English does" or English-functional arguments, meaning the structural power of English and its use as an exclusionary gate-keeping requirement. Of course, the qualities of English are relative to other languages, so that whatever is predicated about English casts a negative counterpart on competing languages, and vice versa. If looking at Hawai'i's case, it seems that precisely English-intrinsic arguments were paramount, as an essential superiority of English was established in linguistic terms that legitimated its structural power within the legal framework. While *Hardy v. Ruggles et al.* still declared Hawaiian the governing language of Hawaiian law, Chief Justice William L. Lee conceded to Judge Lorrin Andrews' testimony that the Hawaiian words disputed by the defendants were "broad and indefinite in their meaning, having no corresponding word in the English language, but, on the contrary, as being capable of answering to a hundred different words in the English language" (p. 462). It would have been difficult for Lee to do otherwise; Judge Andrews hadn't just been his colleague in the Supreme Court as an associate judge until the previous year. A secularized missionary, Andrews had been the first principal of Lāhaināluna Seminary, the first institution of higher learning in Hawai'i, where kānaka maoli were trained in Hawaiian for the ministry and other offices in the government. Also, he was one of the

translators of the Bible into Hawaiian, and author of the first Hawaiian-English dictionary ever printed. His testimony as an ‘expert’, which in practice meant that Hawaiian lacked a word for ‘mortgage’, was the first attack on the capacity of Hawaiian to be a language of law, on account of its purported vagueness. It is worth mentioning that, whereas the defendants claimed Hawaiian to be too polysemous, they also exaggerated the preciseness of the English language, so that Justice Lee had to resort to dictionaries of legal terms to contradict that ‘pledge’ couldn’t include the meaning of ‘mortgage’ as well as ‘bailment’.

The same haole attorneys who took part in *Hardy v. Ruggles et al.* continued the linguistic controversy in *Haalelea v. Montgomery*. The defendant’s counsel quoted Rev. Andrews’ testimony in the previous case to contend that the Hawaiian wording of a bilingual deed of conveyance was vaguer than its English version, and “broad” enough to grant the defendant exclusive rights over fishing grounds off his property, against the kanaka maoli plaintiff. Justice George M. Robertson agreed on the question of ambiguity: “there do not exist in the Hawaiian language two words which would exactly represent the two English words ‘tenements and hereditaments’” (p. 69)—presumably because they had been translated with the composite phrase “na mea e pili pono ana” instead of two distinct words in one-to-one equivalence to English. However, instead of caving in to the defendant’s claim the judge arrived to a contrary conclusion: since property law terms as used in English formulas of conveyance “could not be expressed in Hawaiian without great difficulty”, the Hawaiian version was “merely a translation” and the English version was to be original and binding for any deed from then on. It is worth noting that Robertson’s preoccupation on the greater antiquity of English legalistic formulae over the Hawaiian ones wasn’t asked for, but it was his own initiative, for he conceded to the plaintiff’s counsel that the contended Hawaiian phrase was “accepted by the general consent of natives and foreigners using such formula, as meaning precisely the same things, and neither more or less than those two legal terms”, without nevertheless agreeing with him that both versions of the deed formed but one instrument. The judge was therefore going off his way and overruling an established consent in the name of linguistic niceties, although in doing so he followed the lead of the defendant’s attorney, who had brought up the problematic phrase while the contented point was the unrelated definition of appurtenances. In this way, the Court sanctioned into law what I may call a *genealogical axiom*, i.e. the assumption that concepts, and especially legal ones, cannot be truly expressed and understood but in the language where they

were first worded out. This belief has been called the ‘folk-Worfianism’ of American linguistic culture (Mertz, 1982; Nunberg, 1992), surfacing for instance in the 1923 *Meyer v. Nebraska* decision of the U.S. Supreme Court, which opposed “foreign tongues and ideals” to English and “American ideals”; in Hawai‘i too the same assumption appears in the later judicial decision *In re Ross*, which identifies the English language with the “ideas and principles adopted by the government”. This axiom would be put to practice in 1897 by the Constitution of the Republic of Hawai‘i, which required applicants for naturalization to “be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any article or articles of this Constitution” (Art. 18). In this respect, Hawai‘i pioneered the twelve states where nowadays voter literacy requirements conveniently confound literacy, English language ability, knowledge of Legalese, and good citizenship. It is now clear then that, under such genealogical belief, codifying and translating English common law into Hawaiian necessarily made little sense.

Then again, it would have been impossible for Robertson to write off Hawaiian legal terms if their chronological subordination couldn’t be justified by the novelty of the concepts behind them. It wasn’t a matter of words as much as the legal practices that they represented, because it was agreed that inheritable and saleable land ownership didn’t have precedents in Hawaiian tradition. Before contact with the West, the *mō‘ī* or sovereign of each island, as a representative of the gods, held the right to dispose of all lands and grant their lifelong use in trust to *konohiki* (landlords or land stewards), who in turn received rent from the *hoa‘āina* (tenants or, more literally, ‘land partners’) in the form of produce or free labor certain days every month. At the death of each *konohiki* the right to use the land reverted back to the *mō‘ī* rather than to any heir designated by the *konohiki*. When the *mō‘ī* himself passed away, his successor held a *kālai‘āina* or ‘land carving’ and redistributed lands to the new generation of *konohiki* in return for personal loyalty or military services, or in other cases according to genealogical primacy. Grants of land to be held in perpetuity in a particular lineage were extremely uncommon before the reign of Kamehameha I (Kame‘eleihiwa, 1992). However, for Westerners precisely the rights to bequeath, mortgage and sell were the only land use rights that mattered, and their lack was tantamount to the much despised feudalism of old Europe. Thus, in 1848 the King’s foreign advisors persuaded him to institute Western-style alienable land ownership by dividing between him and 251 *konohiki* the Kingdom’s lands that under the 1840 Constitution they had held in common, in the legal revolution known as *Māhele* (‘division’, but also ‘sharing’). Also, in 1850

the legislature entitled the *hoā‘āina* to apply for fee-simple ownership of their *kuleana*, the small homesteading lots that they inhabited and cultivated for themselves. All foreign settlers congratulated themselves, like for instance the Minister of Public Instruction, R. Armstrong: “This gives the final blow to the old odious feudal system, & makes this a nation of free holders” (quoted in Kuykendall, 1938b, p. 292). To better understand his words, it is necessary to remark that traditional Hawaiian society was stratified into a minority of *ali‘i* (aristocrats, chiefs) and a majority of *maka‘āinana* (commoners), with the latter doing the bulk of economic activity, particularly agriculture. Rank was rigorously determined by ancestry, and among the *ali‘i* themselves higher or lower status was recognized according to their genealogies, which were traced back to the gods. All *haole*, but more insistently the Americans, invariably assimilated the *maka‘āinana* to the exploited peasantry of ancient-regime Europe and the *ali‘i* to feudal nobility, qualifying the entire system of “complete despotism” (Jarves, 1847, p. 33). Of course, this representation required to overlook the many differences—the economic setup excluded inheritable land ownership, and the *ali‘i* weren’t a military élite as much as a ritual caste; the *maka‘āinana*, in turn, owned their labor and weren’t bound to the land like European serfs.

Armstrong’s words make it clear that the *haole* didn’t deem Hawaiian culture just different, but backwards, and lagging behind on a lineal path to progress and civilization—an assumption that, on the other hand, a simple look at slavery in the U.S. should have contradicted. The characterization of Hawaiian land tenure as ‘feudal’ neatly exemplifies what scholars of colonialism like McClintock (1995) call the trope of *anachronistic space*—a representation that portrays colonized societies “not as socially or geographically different [...] and thus equally valid, but as *temporally* different and thus as irrevocably superannuated by history” (p. 40). It is then terribly ironic that both terms ‘tenements’ and ‘hereditaments’ arose in Middle Age France and originally encoded concepts of European feudalism. Even ‘fee-simple’ land titles—the buzzword that animated *haole* agitation leading to the *Māhele*—were originally ‘fief-simple’. Paradoxically then, while foreign observers projected onto traditional Hawaiian society that “wicked system of land monopoly” (Jarves, 1847, p. 233), its very same terms were proclaimed to be lacking in the Hawaiian language. In sum, a society with communal land management was forced to adopt a legal framework that bore the indelible imprint of feudalism in its very core, precisely under the charge of being itself too feudal. Both tropes—genealogical primacy and *anachronistic space*—had to be coupled in a cohesive discourse in order to lock Hawaiian culture

into an obsolete, unchanging past. On the other hand, Robertson's contention that the English version of the disputed formula be held original could easily be challenged on mere chronological grounds. In fact, the phrase 'tenements and hereditaments' originated from Norman French in a time when pleading in English wasn't allowed in British courts. The word order in the phrase 'fee simple' betrays a French origin too. Thus, a true prototype of all deeds of conveyance, if such existed, would have to be sought in French or Latin rather than English. Nevertheless, Robertson's decisions inhabit a discourse where the historical view of a lineal development in civilization paralleled an essentialist concept of language. For him, 'tenements and hereditaments' had to encode two different concepts, since they were expressed in distinct words. Little he knew that they were synonyms reflecting the trilingualism of pre-modern British courts, when lawyers avoided ambiguity by pairing foreign legal terms with their Anglosaxon translation (see Crystal, 2004). Thus, the formula here discussed takes on a very trivial meaning if we consider it a short for the English-French-Latin triplet 'lands, tenements and hereditaments'.

At any rate, it is doubtful that etymology alone would have impressed Robertson, because Saussure's ideas on the arbitrariness and variability of linguistic signs laid 50 years in the future. He and his contemporaries lived in the paradigm of perfect languages so well described by Eco (1997), a world view of words and ideas in one-to-one correspondence, inherited not only from the biblical account of Genesis but also from Plato's idealism. In actuality, this view of language, combining folk-Worfianism and universalism, is a general feature of ethnocentrism and still prevails in popular opinion, the alternative of structural linguistics being confined to scholarly circles. This was also the case in the 19th century, for linguistic relativism and the materialist critique of language universals had been around since the works by Herder and the French *Idéologues*. Given the nearly divine unity of word and world in lay minds, the 19th century teleological view of language change as 'natural' evolutionary growth, and the ensuing distrust towards deliberate language planning as well, it makes sense that anachronistic space and genealogical primacy combined to oppose that Hawaiian language and culture be able to borrow foreign words and practices, or adapt them in a Native way—instead, both had to be wholly replaced. A telling example of this belief is another decision by Robertson, only nine months after *Haalelea v. Montgomery*. This time he ruled that the claim of a *hoa'āina* right to pasture horses in dry grass *konohiki* lands was "so unreasonable, so uncertain, and so repugnant to the

spirit of the present laws, that it ought not to be sustained by judicial authority” (*Oni v. Meek*, 2 Haw. 90, 1858). He reasoned that, as horses were a Western introduction, the practice didn’t meet the requisite of being a custom from ‘time immemorial’—another common-law phrase with French word order. The ruling resulted from the new doctrine of English language primacy that translated the Hawaiian word ‘pono’ on the disputed lease as the common-law concept of ‘customary right’, yet it also betrays the tendency of fixing Hawaiian culture into a fossilized past, and crippling its capacity to evolve. With his museumizing approach, Robertson claimed the power to define Hawaiian traditional law, and therefore to abolish it.

Robertson’s misgivings on the ambiguity of Hawaiian legal terms stand in sharp contrast with his readiness to redefine English words by pure judicial fiat. Just as he proclaimed the nonexistence of land tenure terms in Hawaiian and the governing primacy of English, he went on to retroactively colonize the semantic space open by the devaluation of Hawaiian language; after quoting pre-Māhele laws of 1839 and 1846, the judge reclaimed for English a word that undoubtedly translated the Native term ‘hoa‘āina’: “We understand the word tenant, as used in this connection, to have lost its ancient restricted meaning, and to be almost synonymous, at the present time, with the word occupant, or occupier” (*Haalelea v. Montgomery*, 71). This momentous decision granted any local resident the same fishing rights enjoyed by tenants before the Māhele, which at first seemed fair enough, putting haole newcomers and kānaka maoli on equal footing. Nevertheless, it became the precedent invoked in *Oni v. Meek* to deprive both kuleana holders and hoa‘āina alike of all land use rights not expressly mentioned in statutes. *Oni v. Meek* seriously compromised the economic viability of the kuleana, because their small size—averaging 3 acres each (Kame‘eleihiwa, 1992, p. 297)—made their holders still dependent on konohiki lands for irrigation, gathering, pasturage, and subsistence in general, which was now greatly restricted. Far worse was however the ruling’s effect on the hoa‘āina that hadn’t filed any land claim by the May 1854 deadline (Sess. Laws 1853, p. 26). By that date, as many as 70% of all eligible households (Kelly, 1980, p. 66) might have failed to secure title to their land for manifold reasons, including fear of losing access to konohiki lands. *Oni v. Meek* not only confirmed their suspicions—the new definition of hoa‘āina also made them landless squatters overnight. Equating hoa‘āina rights with those of kuleana holders to the lowest common denominator, the Court refused to recognize that the two systems of land tenure, now renamed “old” and “new”, actually existed side by side. The ruling did away not just with Hawaiian

customary rights, but also with communal land use. Now the introduced ‘system of land monopoly’ held sway over the entire Kingdom.

HEGEMONY AND ITS LIMITS

The foregoing analysis, gleaned from textual data, makes a good case for linguicism: given the consequences of making English the governing language, kānaka maoli were actually “persuaded against their better interests”, as Davies would put it. Moreover, we now have not only evidence of the escalating long-term effects of Robertson’s decisions, but also an instance—*Oni v. Meek*—of almost immediate detrimental impact on kanaka maoli interests. This effect on the economic base agrees with Phillipson’s definition that linguicism be able to not just ‘legitimate’ and ‘reproduce’ preexisting inequalities but also ‘effectuate’ them. On the other hand, there is little evidence of other necessary conditions for linguistic imperialism, most notably the promotion and adoption of the English language. In actuality, the entire juridical debate revolved around the terminological primacy of English, whereas actual use of Hawaiian in the courts and the legislature apparently changed little for the next two decades. With language penetration absent, cultural hegemony seems out of the picture as well. Indeed, Hawaiian history doesn’t support that a ‘control by means of ideas’ or a replacement of ‘mental structures’ requires language penetration in the Periphery, at least if this is taken to mean actual language learning. The very enactment of the Māhele manifests that the infiltration of ‘hegemonic beliefs’ preceded both widespread English teaching and the privileging of English in the judiciary, and, moreover, it was inoculated through Hawaiian language instead of English. In 1838, after the government’s efforts to secure New England teachers failed, Rev. William Richards was offered a salary as royal “chaplain, teacher, and translator” (Kuykendall, 1938b, p. 154). He was the first of a string of missionaries that would sever their ties with the Mission to work under the Hawaiian monarchs. As part of his duties, Richards started to translate the book *Elements of Political Economy*, by Francis Wayland, a zealous advocate of free trade and governmental non-intervention in economics. For one year, he used the book to lecture King Kamehameha III and other ali‘i nui (high chiefs) every morning on the principles of government of “enlightened nations”. So says Richard himself:

The Conversation frequently took so wide a range that there was abundant opportunity to

refer to any and every fault of the present system of government... When the faults of the present system were pointed out & the chiefs felt them & then [they] pressed me with the question, “Pehea la e pono ai [How shall we be pono (righteous/fair/balanced)]?” (quoted in Kame‘eleihiwa, 1992, p. 176)

In 1840, the Mission published Richards’ abridged translation with the title *No Ke Kālai‘āina* (On Political Economy); in it, much stress was placed on the idea that in “enlightened nations” the sale and acquisition of land was the main source of wealth. According to Menton (1982), if reading the book, “the exact connections between Wayland’s ideas and political and economic developments in Hawai‘i may become clearer” (p. 47). Here then we have a blatant case of what we could only call cultural hegemony that nevertheless didn’t require English language penetration. The same would go for the Christian religion, if we are to consider it another form of cultural hegemony.

AT THE ROOT OF POWER

The picture laid out thus far greatly complicates the theory of LI, for it gives a detailed example of the problematic circularity that I previously alluded to: if linguisticism may be both a precursor and an aftereffect of colonialism, indistinctly generating and reproducing inequalities, then the origin of power cannot be located in the material base any longer but instead becomes what must be explained, whereas the nexus between language hegemony and economic dominance remains elusive. It is undeniable that the justices of the Supreme Court who decided these cases were also instrumental in bringing about the land revolution. Kame‘eleihiwa (1992) pronounced Justice Lee “an excellent example of the evil duplicity” of self-declared Hawaiian-loving foreigners (p. 298), for he masterminded the 1850 law that granted foreigners the right to own land, with the alleged goal of attracting foreign investment. It is also true that they, like other haole members of the government, greatly benefited from the Māhele that they instigated, quickly becoming a landed capitalist élite. In fact, it would be difficult to find any haole in Hawai‘i who didn’t profit from the Māhele in the short or long run, given that they started from restricted access to the land—by the royal proclamation of June 19th, 1841, foreign-born haole were only entitled to leases of up to 50 years (Kuykendall, 1938b, p. 275). Finally, it is manifest that the process of linguistic subordination of the kānaka maoli began with *Haalelea v.*

Montgomery when their economic subordination through land dispossession was already under way, and that both immediately converged in *Oni v. Meek*. And yet, the time span is too short and the evidence too tenuous to defend that one caused another. It makes more sense to propose that both processes arose independently but stemmed from a common third force.

A question closely related to power and linguistic imperialism is how the Supreme Court was allowed to demote the Hawaiian language, and especially why John Papa 'Ī'ī, the kanaka maoli Associate Judge, assented to *Haalelea v. Montgomery*. That he did is indisputable, since all three judges—Lee, Robertson and 'Ī'ī—heard the suit together. Galtung's model certainly allows to interpret 'Ī'ī's role in the light of his social status and knowledge of English, which would make him a typical case of élite bilingualism. This becomes clearer when reviewing 'Ī'ī's political career. Originally from a kaukau (low ranking) ali'i family barely above the level of kama'āinana, he had been trained to serve the ali'i nui as a kahu for their children. I have already remarked his exceptional access to English, which allowed him to rise to prominence. As his ability to deal with foreigners in their language increased, so did his meteoric ascent. In 1852, at the peak of his career, besides an Associate Justice of the Superior Court he was a member of the King's Privy Council and of the House of Nobles, which he represented in the drafting of that year's constitution. He also was one of the five Commissioners to Quiet Land Titles, who were in charge of ascertaining and validating all land claims by private individuals in preparation for the Māhele. Furthermore, there is evidence that the missionaries in the government favored the promotion of bilingual ali'i, often overriding strict genealogical ranking. A well known case is in 1842 the appointment of Keoni Ana to the governorship of Maui over a rival that had a much more exalted pedigree. According to kanaka maoli historian and eyewitness Kamakau (1992):

William Richards argued for John Young [Keoni Ana] because he understood a little English and since there were many whale ships and other foreign boats calling at Maui he would make a better escort for the King and represent him better before the officers of the battleships and with delegates from foreign lands. (p. 397)

Later on, Keoni Ana would rise to become member and president of the King's Privy Council and also his kuhina nui (premier/viceroy), a dignity only lower to that of the King himself. Given the power thus gained through English, did an élite of bilingual ali'i become a Center in the Periphery as LI would predict? Did they sell out the political, economic and cultural interests of their subjects in exchange for renewed dominance over them? Day's (1985) opinion points in

that direction: “The English-speaking foreigners were aided and abetted in their efforts by the Hawaiian elite” (p. 168). Testing that hypothesis would require a deep look into ali‘i education and political activity, which goes beyond the scope of this paper. Instead, three remarks should suffice. First, the rise of ‘Ī‘Ī and Keoni Ana intimate that English knowledge prevailed over rank precisely because it was an exceptional skill among the ali‘i, and in any case two men don’t make a social class. Secondly, the primacy of English didn’t benefit bilingual kānaka maoli as much as the monolingual haole that vied with them for appointments and clients, especially after *Oni v. Meek* obliterated customary law making Hawaiian language proficiency still less relevant in the courts. Thirdly, whatever ‘Ī‘Ī’s intentions were, the kanaka maoli representatives and nobles that reviewed and enacted the Civil Code in the 1859 Legislature without striking down Section 1493 didn’t understand that the change in language status was ‘defining groups on the basis of language’ in order to establish an unequal division of power.

One important reason that the legislators couldn’t imagine the long-term impact of Section 1493 may have been that the groups so defined on the basis of language didn’t exist as identifiable interest groups but came into being thanks to linguicism itself. Not unlike John ‘Ī‘Ī and Keoni Ana, all ex-missionaries in the government’s payroll owed their clout to their bilingualism, Rev. William Richards being a paradigmatic example. So was the case of Rev. Lorrin Andrews as well, who was appointed judge in 1845 after leaving the Mission in 1842, despite lacking any formal training in law. We have already seen that a layman like judge Robertson too owed his career to his command of Hawaiian. Outside of the judiciary, a similar case was also Rev. Richard Armstrong, who succeeded Rev. Richards in the Ministry of Public Instruction. We should then be wary of immediately making them all representatives of a monolithic haole community, because their monopoly over the government could be maintained just as well, if not better, by preserving the status quo of unofficial bilingualism. In fact, neither ethnicity nor bilingualism sufficed to build common interests over individual ambitions. Thus, Robertson started his career in 1848 when, being a clerk for Minister of Interior Gerrit Judd, he achieved publicity by bringing charges against his superior—a former missionary, Rev. Richards’ successor as royal translator and the King’s most trusted advisor (Daws, 1968, p. 130). As for public perception, there is no better evidence that the kānaka maoli noticed a diversity or even conflict of interests among the haole than the results of the 1851 election, when seven of the 24 newly elected representatives were haole, whereas haole made up about 2% of the population.

Evidently, many kanaka maoli electors must have voted for them, even against kanaka maoli candidates. Osorio (1996) concludes that “perhaps there were some Native voters in 1851 who hoped that a House that included rival haole might keep the more opportunistic ones from becoming more potent political forces within the government” (p. 141). Factional enmity among the haole was also a factor in the defeat of the 1852 judge qualification bill. Representative J. Marshall, objecting to it, set up a fictitious dilemma of choosing between a candidate “qualified by his education and legal knowledge” but requiring an interpreter, vs. a candidate with knowledge of the language but “dubious” character and “middling” ability (*Weekly Argus*, 1852, May 12th). No figure could better summarize the power struggle between upwardly haole laymen and the bilingual missionary advisers that controlled the King’s Cabinet, or the increasing kanaka maoli distrust over the latter. It is also noteworthy how the Upper House, in turning down the bill, took up Marshall’s cue and implied that “good character and knowledge of the language” weren’t to be found together in the same people as often as desirable.

Notwithstanding the above, the configuration of political forces at the time wasn’t the only factor contributing to an inconspicuous sanctioning of linguicism. Just as important was the way of discussing language itself, which we can better analyze by looking at the similarities between *Metcalf v. Kahai* and *Haalelea v. Montgomery*. In both cases, the entire Court sat *en banc*; in both cases the Court favored the kanaka maoli against the haole party; in both cases the decision was penned and delivered by Robertson, who as a Representative in 1852 declared to sympathize with kanaka maoli language rights; in both cases the strict letter of statutes took precedence over customary rights. However, in the first case primacy was given to Hawaiian and in the latter to English. We must realize that at first the discursive undermining of Hawaiian language took the appearance of a technical aside bearing only indirect connection with the issues at hand. Linguicism found its way into policy by treating languages and their qualities in abstract, as disembodied codes, and disconnecting them from their speakers. In all suits it wasn’t k̄anaka maoli who demanded preferential treatment for their language—instead, the haole parties stuck to the Hawaiian reading whenever it happened to benefit them in one way or another, either against k̄anaka maoli or, like in *Hardy v. Ruggles et al*, against other haole. In this particular case, the question on language presented itself completely dissociated from kanaka maoli interests; in fact, Rev. Andrews’ testimony could be construed so narrowly as to just backing two missionary children among the defendants, one of them his own son-in-law Asa G. Thurston,

under charges of bad faith against a haole mortgagee. In *Metcalf v. Kahai* the favored language was Hawaiian, but when *Haalelea v. Montgomery* evidenced that this tactic wouldn't shield kānaka maoli from haole rapaciousness either, the hierarchy of languages might have seemed trivial enough to be settled by alleged linguistic criteria and expert testimony. At least 'Ī'Ī, and perhaps Lee and Robertson as well, may have been unconcerned or unsuspecting about the true scope of what they may have thought to be just technical choices and practical shortcuts. In fact, Robertson's ruling sounds harmlessly technocratic, because he held English "original" and governing only "so far then as purely legal phraseology, or words of technical import, are concerned" and "where such legal or technical language is used" (*Haalelea v. Montgomery*, p. 69). It is no wonder then that seemingly nobody spotted ethnic partisanship. Also, in *Hardy v. Ruggles et al*, Judge Lee had qualified the primacy of Hawaiian with a reminder that "the English and Hawaiian may often be used to help and explain each other where the meaning is obscure, or the contradiction slight" (p. 463). Later on, the Civil Code included an entire chapter 'Of the Construction of Laws' (§9-19) to deal with grammatical and semantic ambiguity, but ambiguity between languages wasn't considered there—perhaps because Judge Robertson and Rev. Richard Armstrong, completing the draft after Lee's death, preferred Robertson's more expedient method of privileging one language. Their approach was endorsed by the legislators too, who probably welcomed any way of reducing the complexity of law interpretation.

PROFESSIONAL IMPERIALISM

Considering the technocratic authority held in language, economy, politics or law by Justice Robertson, Justice Lee, Rev. Andrews, Rev. Richards, and John Ricord, and if looking for a commonality in it, it is not far-fetched to equate it with the *professional imperialism* that Phillipson denounces in the contemporary industries of English Language Teaching, and more generally in international development aid—in both fields, First World 'experts' or 'advisors' exert a monopoly over the production and distribution of knowledge, wielding a disproportionate clout in regard to the real-life relevance of their foreign models in local contexts. In Phillipson's (2000) slightly truculent but eloquent words:

Professional imperialism triumphs even where political and economic domination has been broken. [...] The knowledge-capitalism of professional imperialism subjugates people more

imperceptibly than and as effectively as international finance and weaponry. (p. 91)

The comparison is even more plausible if remembering the 1836 ali'i memorial asking for teachers and the Kingdom's early dependence on foreign aid donors. Professional imperialism is an integral component of economic globalization, but as we see here it also foreshadowed globalization. Professional imperialism is also an international extension of phenomena occurring within First World societies too, whenever particular professional groups resort to claims based on esoteric specialist knowledge to influence policies in the wider public arena. Thus, in 19th century Hawai'i, American lawyers imported foreign technologies of nation-building and diplomacy that would eventually benefit them more than the Kingdom. A good portrayal of their power was made by the kanaka maoli historian and former representative Samuel Kamakau (1992), who recollected Ricord's arrival in the following terms with the perspective of 25 years passed:

A learned man had arrived with knowledge of the law, and the foreigners who were holding office in the government hastened to put him forward by saying how clever and learned he was and what good laws he would make for the Hawaiian people. The truth was, they were laws to change the old laws of the natives of the land and cause them to lick ti leaves like the dogs and gnaw bones thrown at the feet of strangers, while the strangers became their lords, and the hands and voices of strangers were raised over those of the native race. (p. 399)

In sum, it might be concluded that professional imperialism is the main form of cultural hegemony and precedes the constitution of both economic and linguistic disparities but, since it doesn't require language penetration, it is not cultural hegemony as LI defined it. On the other hand, professional imperialism is not the ultimate source of power either. Kamakau makes it very clear whose idea was to give Ricord the reins of the Kingdom. The Anglo-style legal system set up by Ricord and Lee was a necessary evil to fend off the military threats of the West, by investing the Kingdom with authority to settle its disputes with foreigners (Silverman, 1982). Indeed, the alleged pretext for British captain Paulet to temporarily seize the Kingdom in 1843 was a legal suit over a land lot in Honolulu by British consul Richard Charlton, who recused local courts. This example might give the impression that any power is ultimately rooted in violence, but other evidence intimates that the opposite may happen as well: for instance, when in 1849 French admiral de Tromelin attempted to scare the Kingdom into submission just like Paulet did, the unarmed Hawaiian government successfully stood firm instead of giving in. The

same strength against psychological warfare was demonstrated in 1854, while U.S. high commissioner David Gregg tried to negotiate an annexation treaty amid rumors of impending filibustering from California. Then, even coercion by the threat of force may have the nature of a mind game too, and be considered a form of cultural hegemony. Kawamoto (1993) similarly pointed at hegemony when quoting U.S. President Grover Cleveland's words that the overthrow of Queen Lili'uokalani was accomplished "without the drawing of a sword or the firing of a shot" (p. 200). From this perspective, sometimes imperialism may be indeed, as Mao Zedong put it, a paper tiger, and it would be possible to find other similar cases of military occupation by virtue of persuasion. Thus, by quoting a Marxist statesman, we may realize how far we have actually moved from a theory of power founded solely on a material base. The elusive nature of power is then not a particular flaw of LI, but something that every social theory has to come to grips with. Moreover, if we adopt a Foucauldian viewpoint and conclude that power/knowledge endlessly circulates throughout society rather than being monopolized by the few, then identifying a historical origin for it doesn't provide a key to neutralize it—what really matters is finding the way to short-circuit its flow by turning it against itself, so that historical research becomes most relevant to the extent that it may contribute to that purpose.

PROFESSIONAL IMPERIALISM AND LANGUAGE

After identifying the main power structure rifting Hawaiian society before the Māhele, we may finally look at how English language primacy turned it into a social and ethnic divide. Osorio speculated that expertise in the law was the main consideration taken by voters in 1851 to elect their representatives, either *kanaka maoli* or *haole*. He also suggested that many legislators may have acquired that expertise as tax officers, a Native type of officers that the 1840 Constitution made "judges in all cases arising from the tax law" (Blue Book, p. 18). Tax officers combined the executive task of gathering taxes and the judicial task of trying cases between *konohiki* and *hoa'āina*, until in 1851 the latter function was transferred to ordinary courts (Sess. Laws 1851, p. 93). What he doesn't mention is that *haole* representatives cannot be assumed to have any such experience because, as mentioned before, in 1851 there were only two people in the Kingdom with a foreign law degree, and no local accrediting institution existed. If any *haole* acted as counsel in court, that must have been on account of their personal repute among other

haole; Representative Dr. Thomas C. B. Rooke, for instance, is mentioned as practicing law by 1844 (Osorio, 1996, p. 481), although he actually was a physician by training. Did the representatives themselves acknowledge that lack of qualifications? A look back to the 1852 judge qualification debate reveals that in the Lower House most haole and kanaka maoli representatives agreed in giving more weight to language skills because law training wasn't really the issue. Their approach framed the problem as a question on individual rights. In turn, the Upper House's reply, although apparently using the same terms, actually encoded a *raison d'État* of appropriating foreign knowledge and dislodging missionaries from their monopoly over it.

Unwillingness to set language prerequisites would have immediate structural consequences, the first being an implicit endorsement of linguicism. This linguicism wasn't based on ideologies and arguments for English, which as we saw would come to the fore later in *Hardy v. Ruggles et al.* and *Haalelea v. Montgomery*, but on practices that privileged English-speaking judges over Hawaiian-speaking plaintiffs and defendants, sending an unambiguous message to the masses. Kauai constituents had requested their Representative Francis Funk to introduce the bill after having troubles with a monolingual haole judge. When the House of Nobles rejected it, in the popular mind English monolingualism probably turned from a handicap into sufficient qualification in itself—after all, if the exalted ali'i allowed people without any command of Hawaiian to try cases, it must be because they had more valuable merits. In spite of privileging national interest, however, with this deal the government wasn't getting the goods that the maka'āinana would pay for so dearly, because in actuality very few haole had the formal knowledge that they were selling. Instead, the ability to read and write English and teach oneself common law would substitute licenses and law degrees. Haole were assumed to know law without being requested to prove so by actually codifying and translating it in Hawaiian as Justice Lee did. In a sense, they weren't too different from current 'native-speaker' globetrotters that, with a spotty language learning record and no educational qualifications, earn a living by teaching English with better salaries than local teachers. The comparison is pertinent because a similar market-value distortion was at play: given the scarcity of reliable interpreters, the presence of judges with little or no command of Hawaiian severely impaired kanaka maoli practitioners of law, either licensed or not, in competing with haole for clients; even in the relatively bilingual Supreme Court, it is revealing that the kanaka maoli plaintiffs in *Haalelea v.*

Montgomery and *Oni v. Meek* resorted to haole attorneys for an issue where the experience of a former tax officer would have been most relevant. When later on licensing practices were standardized, the entrenchment of common law and the necessity of being able to read British and American law reports made it unlikely for k̄naka maoli to be licensed by the Supreme Court and admitted to the bar without a fairly advanced command of English. It can be said then that, rather than causing it, the definitive adoption of common law resulted from the hegemony of English, which substituted formal legal training and became the key for haole amateurs like Robertson to monopolize Hawai'i's judiciary system, before the second generation of haole settlers graduated from American law colleges. Thus, in Hawai'i linguistic imperialism consisted of the intersection between professional imperialism and linguicism, with the latter standing in for the former during a key decade in the history of the Kingdom. Writing about the constitutions, Osorio (1996) argues that for the haole, and especially Americans, American law provided "an 'āina (land) of their own [...], a place where all haole, whether they saw themselves as missionary or opportunist, could gather and claim the moral grounds of their presence in Hawai'i" (p. 146). If that was the case with statutory law, which was enacted bilingually, his remark is even truer for the judiciary power, where kanaka maoli were on their own in a foreign language and could be easily overwhelmed with a bewildering array of arcane precedents extracted from endless law reports.

CONCLUSION: CULTURAL HEGEMONY REVISITED

Although it is necessary to finish the study here, evidence in support for LI still looks quite ambiguous. It is incontrovertible that the linguicist privileging of English damaged kanaka maoli interests, but language hegemony still seems a byproduct or surrogate of other forms of dominance. Assuming a widespread use of English in the judiciary since 1850 would charge it to a bad strategic decision of accommodating to English monolinguals, which was caused in turn by local political alliances and a preexisting professional imperialism. On the other hand, giving more weight to *Haalelea v. Montgomery* and the Civil Code implies that linguicism was just a prejudiced ruse that haole exploited to sanction and seal an already emerging disparity of forces between them and k̄naka maoli. The question about willful intent on the haole side that the previous words suggest is not completely foreign to LI; in fact, some reviewers have commented

that Phillipson subscribes to a conspiracy theory (Davies, 1996; Spolsky, 1995), because he seems engrossed in the search for responsibilities, something that he explicitly denied: “The conspiracy explanation [...] ignores the structure within which the authors operate” (Phillipson, 1992, p. 63). Suspicions of conspiracy may sound eccentric, yet shouldn’t be dismissed out of hand. They accurately reflect the public perception and the political problems inherent to professional imperialism—the exclusive nature of the knowledge wielded by professional cliques, and their lack of public accountability. Additionally, the use of a foreign language, like English in 19th century Hawaiian courts or in current ELT institutions, aggravates that exclusivity and turns it into secrecy—Supreme Court decisions were translated to Hawaiian with remarkable delay. Kamakau (1992), when reporting Keoni Ana’s election to the governorship of Maui, singled out this conflict between the explicit rules of the democratic game and the pull of professional imperialism: “I was astonished, for I had believed that the ballot was really to determine an election according to the will of the greater number, but here the chiefs had given up their will to that of a single person” (p. 397).

Then again, in either case, the central question of cultural hegemony as LI posits it remains unanswered—why adopting and learning English would harden the imbalance of power instead of shaking it? Solving this enigma requires a deep study of the educational policies and practices that spearheaded kanaka maoli reaction to the encroachment of haole and their language, which cannot be covered here. Nevertheless, this review of linguisticism and the law hints at what to look for in the data. Rather than a general cultural influence, which as we saw long antedated English language spread, the court rulings analyzed above stress the importance of certain beliefs about language itself. In turn, the spread of those beliefs might be dependent on language spread or might not. Thus, without further data, the dubious case of Justice ‘Ī‘Ī still may leave the door open to cultural hegemony.

REFERENCES

- Bingham, H. (1849). *A residence of twenty-one years in the Sandwich Islands, or, the civil, religious, and political history of those islands*. Rutland, VT: Tuttle.
- Brutt-Griffler, J. (2002). Class, ethnicity, and language rights: An analysis of British Colonial policy in Lesotho and Sri Lanka and some implications for language policy. *Journal of Language, Identity and Education*, 1(3), 207-234.
- Canagarajah, A. S. (1999a). Of EFL Teachers, awareness, and agency. *ELT Journal*, 53(3), 207-214.
- Canagarajah, A. S. (1999b). *Resisting linguistic imperialism in English teaching*. Oxford: Oxford University.
- Conklin, K. R. (n.d.). Was Hawaiian language illegal? Did the evil Haoles suppress Hawaiian language as a way of oppressing Kanaka Maoli and destroying their culture? Retrieved December 12, 2007, from <http://www.angelfire.com/hi2/hawaiiansovereignty/hawlangillegal.html>.
- Crystal, D. (2004). *The stories of English*. Woodstock: Overlook.
- Davies, A. (1996). Ironising the myth of linguisticism: Review article. *Journal of Multilingual and Multicultural Development*, 17, 485-496.
- Daws, G. (1968). *Shoal of time: A history of the Hawaiian Islands*. Honolulu: University Press of Hawaii.
- Day, A. G. (1955). *Hawaii and its people*. New York: Duell, Sloan, & Pearce.
- Day, R. (1985). The ultimate inequality: Linguistic genocide. In N. Wolfson & J. Manes (Eds.), *Language of inequality* (pp. 163-181). Berlin; New York: Mouton Publishers.
- Dyke, J. M. V. (2008). *Who owns the crown lands of Hawaii?* Honolulu: University of Hawaii.
- Eco, U. (1997). *The search for the perfect language*. Oxford, UK: Blackwell.
- Frank, A. G. (1966). The development of underdevelopment. *Monthly Review*, 18, 17-31.
- Frear, W. F. (1894). *Evolution of the Hawaiian judiciary*. Papers of the Hawaiian Historical Society (The Bulletin Publishing Company.). Honolulu, Hawaii. Retrieved November 28, 2009, from <http://evols.library.manoa.hawaii.edu/handle/10524/966>.
- Fuchs, L. H. (1961). *Hawaii Pono, a social history*. New York: Harcourt, Brace & World.
- Galtung, J. (1971). *A structural theory of imperialism*. Oslo: Universitetsforlaget.
- Galtung, J. (1980). *The true worlds : A transnational perspective*. New York: Free Press.

- Galtung, J. (1988). *Methodology and development : Johan Galtung*. Copenhagen: Ejlers.
- Gramsci, A. (1971). *Selections from the prison notebooks of Antonio Gramsci*. (Q. Hoare & G. Nowell-Smith, Trans.). London: Lawrence & Wishart.
- Grin, F. (2003). Language planning and economics. *Current Issues in Language Planning*, 4(1), 1-66.
- Jarves, J. J. (1847). *History of the Hawaiian islands*. Honolulu: Hitchcock.
- Kachru, B. B. (1985). Standards, codification and sociolinguistic realism: The English language in the outer circle. In R. Quirk & H. Widdowson (Eds.), *English in the world: Teaching and learning the language and literatures* (pp. 11-30). Cambridge, U.K: Cambridge University.
- Kahumoku, W. (2000). *The dynamics of cultural politics and language policy in public education: The case of native Hawaiians*. PhD dissertation in Education, University of Hawai'i at Manoa. Retrieved November 2, 2007, from <http://micro189.lib3.hawaii.edu:5888/pqdweb?did=731930651&Fmt=7&clientId=23440&RQT=309&VName=PQD>.
- Kamakau, S. M. (1992). *Ruling chiefs of Hawaii*. (M. W. Beckwith, D. Barrere, & M. K. Kupui, Eds., M. K. Kupui, T. G. Thurum, L. Webb, & J. Wise, Trans.) (Rev. ed.). Honolulu: Kamehameha Schools. Retrieved from <http://ulukau.org/elib/cgi-bin/library?c=chiefs&l=en>.
- Kame'elehiwa, L. (1992). *Native land and foreign desires: How shall we live in harmony? = Ko Hawai'i 'āina a Me Nā Koi Pu'umake a Ka Po'e Haole: Pehea Lā E Pono Ai?* Honolulu, HI: Bishop Museum.
- Kawamoto, K. (1993). Hegemony and language politics in Hawaii. *World Englishes*, 12(2), 193-207.
- Kelly, M. (1980). Land tenure in Hawaii. *Amerasian Journal*, 7(2), 57-73.
- Kimura, L. (1985). Language section of Native Hawaiians Study Commission Report. In United States (Ed.), *Report on the Culture, Needs and Concerns of Native Hawaiians Pursuant to Public Law 96-565, Title III* (pp. 173-224). Washington, DC: Government Printing Office.
- Kloss, H. (1998). *The American bilingual tradition*. Washington, DC: Center for Applied Linguistics.
- Krishnaswamy, N. (2006). *The story of English in India*. Delhi: Foundation. Retrieved from http://books.google.com/books?id=mBpFLdcEG7IC&pg=PA27&hl=ca&source=gbs_toc_r&cad=0_0#PPA27,M1.

- Kuykendall, R. S. (1938a). *The Hawaiian Kingdom: The Kalakaua Dynasty*. Honolulu: University of Hawaii.
- Kuykendall, R. S. (1938b). *The Hawaiian Kingdom: Foundation and transformation*. Honolulu: University of Hawaii.
- Lucas, P. F. N. (2000). E Ola Mau Kakou I Ka 'Olelo Makuahine: Hawaiian language policy and the courts. *Hawaiian Journal of History*, 34, 1-28.
- Lysandrou, P., & Lysandrou, Y. (2003). Global English and prorecession: Understanding English language spread in the contemporary era. *Economy and Society*, 32(2), 207-233.
- Maka'ai, I., Shintani Jr., K., Cabral, J., & Wilson, K. K. (1998). Four Hawaiian language autobiographies. *International Journal of the Sociology of Language*, 132, 115-121.
- McClintock, A. (1995). *Imperial leather*. New York: Routledge.
- Mead, R. (1988). *Malaysia's national language policy and the legal system*. Technical Report. New Haven, CT: Yale Center for International and Area Studies.
- Menton, L. K. (1982). *Everything that is lovely and of good report: The Hawaiian Chiefs' Children's School, 1839-1850*.
- Mertz, E. (1982). *Language and mind: A 'Worfian' folk theory in United States language law*. Austin, TX: Southwest Educational Development Laboratory.
- Nebrija, E. A. (1492). *Gramática castellana*. Retrieved May 17, 2009, from <http://www.antoniodenebrija.org/prologo.html>.
- Nunberg, G. (1992). Afterword: The Official Language Movement: Reimagining America. In J. Crawford (Ed.), *Language loyalties: A source book on the Official English controversy* (pp. 479-495). Chicago: The University of Chicago.
- Osorio, J. K. (2002). *Dismembering Lāhui: A history of the Hawaiian nation to 1887*. Honolulu: University of Hawaii.
- Osorio, J. K. (1996). *Determining self: Identity, nationhood and constitutional government in Hawai'i, 1842-1887*. Honolulu: University of Hawai'i.
- Pennycook, A. (1994). *The cultural politics of English as an international language*. Harlow, Essex, England: Longman.
- Pennycook, A. (2001). *Critical applied linguistics: A critical introduction*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Phillipson, R. (1992). *Linguistic imperialism*. Oxford: Oxford University.

- Phillipson, R. (1997). Realities and myths of linguistic imperialism. *Journal of Multilingual and Multicultural Development*, 18(3), 238-248.
- Phillipson, R. (2000). English in the new world order: Variations on a theme of linguistic imperialism and "World" English. In T. Ricento (Ed.), *Ideology, politics and language policies: Focus on English* (pp. 87-106). Amsterdam: John Benjamins.
- Post-imperial English: Status change in former British and American colonies, 1940-1990*. (1996). Contributions to the sociology of language. Berlin: Mouton de Gruyter.
- Prebisch, R., & United Nations. (1950). *The economic development of Latin America and its principal problems*. Lake Success: United Nations Department of Economic Affairs.
- Pukui, M. K. (1986). *Hawaiian dictionary: Hawaiian-English, English-Hawaiian*. Honolulu: University of Hawaii.
- Reinecke, J. E. (1988). *Language and dialect in Hawaii: A sociolinguistic history to 1935*. Honolulu: University of Hawaii.
- Said, E. (1983). *The world, the text, and the critic*. Cambridge, MA: Harvard University.
- Schmitt, R. C. (1971). Voter participation rates in Hawaii before 1900. *Hawaiian Journal of History*, 5. Retrieved November 6, 2009, from <http://evols.library.manoa.hawaii.edu/handle/10524/313>.
- Silva, N. K. (2004). *Aloha betrayed: Native Hawaiian resistance to American colonialism*. Durham, NC: Duke University.
- Silverman, J. L. (1982). Imposition of a western judicial system in the Hawaiian monarchy. *Hawaiian Journal of History*, 16, 48-64.
- Skutnabb-Kangas, T. (1988). Multilingualism and the education of minority children. In J. Cummins & T. Skutnabb-Kangas (Eds.), *Minority education: From shame to struggle* (pp. 9-44). Clevedon, UK: Multilingual Matters.
- Spolsky, B. (1995). Linguistic imperialism. *Journal of Pragmatics*, 23(2), 231-234.
- Stannard, D. E. (1989). *Before the horror: The population of Hawai'i on the eve of western contact*. Honolulu: Social Science Research Institute, University of Hawaii.
- The world system: Five hundred years or five thousand?* (1993). London: Routledge.
- Trask, H. (1993). *From a native daughter: Colonialism and sovereignty in Hawai'i*. Monroe, ME: Common Courage.
- Twain, M. (1966). *Mark Twain's letters from Hawaii*. New York: Appleton-Century.

- Viswanathan, G. (1989). *Masks of conquest: Literary study and British rule in India*. New York: Columbia University.
- Wallerstein, I. M. (1989). *The second era of great expansion of the capitalist world-economy, 1730-1840s*. San Diego: Academic.
- Wallerstein, I. M. (2004). *World-systems analysis: An introduction*. Durham, NC: Duke University.
- Warner, S. (1999). Kuleana: The right, responsibility, and authority of indigenous peoples to speak and make decisions for themselves in language and culture revitalization. *Anthropology & Education Quarterly*, 30, 68-93.
- Wilson, W. H. (1998a). I ka 'olelo Hawai'i i ke ola, Life is found in the Hawaiian language. *International Journal of the Sociology of Language*, 132(3), 123-137.
- Wilson, W. H. (1998b). The sociopolitical context of establishing Hawaiian-medium education. *Language, Culture and Curriculum*, 11(3), 325-338.
- Wist, B. O. (1940). *A century of public education in Hawaii, October 15, 1840-October 15, 1940*. Honolulu: The Hawaii Educational Review.

AUTHOR NOTES

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A disclaimer is pertinent here. I have no command of the Hawaiian language and all sources were originally in English, except for a few texts in published translations. This work is not thus the last word on the topic, but just a first look at it from the perspective of an outsider. In fact, most of this paper is not about the *kānaka maoli* nor claims to interpret their history for them. Far from such audacity, it focuses on the *haole* and their mind. I take here Pennycook’s (1998) advice: “As a European, I must first seek out and question the colonizer within myself. [...] This is a question of not trying to read effects on others of processes I am trying to understand myself” (pp. 28-29). I am not actively seeking evidence of resistance to English in order to validate and sustain the current *kanaka maoli* struggle for self-determination—although that is a possible application of this research, *kanaka maoli* scholars are better prepared for that task. Instead, this paper tried to track down resistance to Hawaiian. In sum, I hope that Hawai‘i people will excuse my *maha‘oi* curiosity given what is at stake: a deeper understanding of that scourge of monolingualism that is threatening so many languages all over the world.

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