

Merry, Sally Engle. 2000. Colonizing
Hawaii: The Cultural Power of
Law, New Jersey: Princeton
University Press, pp. 117-144.

THE SOCIAL HISTORY OF A PLANTATION TOWN.

PART ONE examined the appropriation of new legal texts and institutions by the Kingdom of Hawai'i up until 1852. Part Two picks up the story in 1852 and looks at what happened in one small town as a result of these massive legal changes. It considers who was empowered to enforce the new criminal laws as judge, attorney, constable, or sheriff and who ended up in court and for what reason. This section of the book examines the social organization of the court and its practices in the context of the local community. It describes the changing caseloads of the criminal side of the Hilo District Court from 1850 to 1903 and the Hilo cases from the Third Circuit Court from 1849 to 1985. The cases include stories of battered women, deserted husbands, absconding plantation workers, and adulterous couples. A small number of local judges hear these cases. Rarely do lawyers appear. The fragmentary narratives captured by the case records are supplemented by private letters, local newspaper stories, travel writings, and historical accounts of the town and its legal practitioners.

The town of Hilo changed dramatically during the nineteenth century. Chapter 5 describes Hilo and its history as a port and plantation town and delineates the racial and gendered hierarchies that emerged. Crime statistics and stories reinforced the identities these hierarchies produced, while those on the bottom of the hierarchies were typically targeted for special attention. Chapter 6 focuses on the judges and attorneys of nineteenth-century Hilo and the ties of marriage, religion, nationality, and interest in the burgeoning plantation economy that drew them together and separated them from the bulk of the defendants. Chapter 7 focuses on desertion of work cases and compares in detail two situations of conflict between plantation owners and workers, considering how the course of the conflict was affected by the differential use each group made of the law. Chapter 8 examines the relationship between sexual conduct and civilization—the mobilization of law to transform the nature of the family and sexual practices within Hawaiian society.

Local Magistrates as Intermediaries

Local practices of policing and judging translate legal texts into a stream of convictions or acquittals. As a judge hears cases and imposes sentences, she

interprets the abstract texts in the context of local understandings and events. As judges and attorneys give life to the law, their backgrounds, training, and social location shape the way they impose meaning on the stream of litigants they encounter. They carry out their tasks with reference to social categories of identity. Decisions to prosecute or to let go depend to some extent on who is defined as dangerous, dissolute, or respectable. Yet the outcomes of cases themselves create identities. As courts process cases, they produce a stream of convicted criminals or acquitted innocents. Court decisions that disproportionately convict members of any group produce an identity as criminal and disputable.

In the Marxist tradition law was originally theorized as an expression of the interests of the ruling class, but considerable research suggests that law's relationship to power is far more complex, mediated through the social processes by which laws are created and imposed (Cotterell 1995: 113–134). Law is not simply a tool of dominant classes but is a mode of regulating the exercise of power. It stands against or alongside the market, constraining its activities according to normative standards, however weakly constructed and implemented. Despite its complicity with class and economic power, law is often also one of the few constraints on that power. But its capacity to constrain the activity of the market depends in part on who is empowered to administer the law.

Thus the identities of local judges and attorneys take on particular importance, both their cultural understandings and their class, ethnic, and gender locations. All the judges, sheriffs, constables, and all but one of the attorneys were men and most were haoles, a few Hawaiians. The local attorneys and judges had close connections to the sugar planters and many were themselves planters. They generally shared the values of capitalism and work. Christian moral reformism, and hierarchical ideas of race and gender of the elites in the local community. But the judges were small planters. As the industry expanded toward the end of the century, these small growers were typically squeezed out of ownership of their plantations as control became increasingly concentrated in the hands of a small number of "factors" who extended credit to their plantations and managed the sale of the sugar and the provision of supplies (Beechert 1985: 80). By 1909 the so-called "Big Five" factors controlled 76 percent of the total Hawaiian production of sugar, and by 1920, 94 percent (Beechert 1985: 178).

Many of the judges and attorneys were also missionary descendants or mission-trained. They were to various degrees members of a respectable middle class of Christians and homeowners who had lived in Hilo for a long time. They were socially superior to the plantation workers and rural Native Hawaiian farmers whose cases occupied most of their time, and they were connected to the planter class and the educated leaders of the town. They also had strong social and religious ties to the Christian Native Hawaiians.

The immigrant sugar workers were the strangers in town. The court officials served as intermediaries between the poor and the prosperous, willing to send contract laborers back to work but refusing to prosecute on the basis of rumped-up police evidence. Although the general sweep of case decisions clearly supports the power of the planters, there are occasions in which clear evidence produced contrary decisions. At century's end, however, the courts seemed less willing or able to oppose the power of the plantations and less inclined to protect the rights of workers. Local magistrates were also intermediaries between the local community in which they lived and larger structures of governance and economic power. Ties of marriage linked some to powerful people in Honolulu, but until the last quarter of the nineteenth century Hilo was viewed as a remote and forgotten outpost.

Intermediaries such as judges and attorneys play critical roles in patterns of domination and resistance. Despite the innovativeness of James Scott's work on the meaning and processes of resistance, his work tends to dichotomize the relations between dominant and subordinate groups and to bypass the significance of such intermediaries (Scott 1985; 1990). Scott develops his model to describe the relations between rural peasants and landlords, or slaves and masters, situations of sharply unequal power. But even here there are intermediaries (e.g., Lazarus-Black 1994), and in more complex power fields intermediaries are even more important.¹

Hilo in the 1990s

Nestled around a large bay at the foot of towering Mauna Kea, the town of Hilo faces one of the few harbors in the Hawaiian islands. It has the best harbor on the windward side of the island of Hawai'i, the farthest island to windward in the chain, and was an important district long before Cook arrived. Hilo's rainfall sometimes reaches two hundred inches a year, producing a profusion of lush vegetation. Throughout the nineteenth century, visitors commented on the beauty of the town with its intense green vegetation and sweeping black sand beach. This lush and fertile region was a center of early Hawaiian settlement. Valleys along this coast, such as Waialea on this bay and Waipi'o and Wainanu farther north, held large populations at the time of Cook's arrival. With depopulation, some of the deeper windward valleys were gradually abandoned, in part because the rushing streams were diverted to the sugar plantations by elaborate channels and tunnels. Many Hawaiians continued to live by farming and fishing in the interstices of the plantations and in the rural regions south of the city that were too dry for sugar. Hilo in the 1990s is still a small town in the center of a large agricultural hinterland.

The island consists of two enormous volcanoes almost fourteen thousand

feet high, Mauna Loa and Mauna Kea, which slope gradually down to black cliffs plunging into constantly pounding surf. Hilo is in the center of a large district that lies along the base of these mountains. Stretching north of the city, the rugged Hāmākua coast is cut by numerous steep gulches that open out to the sea. After any significant rainfall upslope, roaring streams cascade down the gulches. These constituted a serious obstacle to travel in earlier periods. Hawaiians followed paths up and down the coast and daringly forded the streams but also sailed or paddled along the shore in canoes. Now a two-lane road and numerous bridges make it possible to drive up the coast in an hour. The Hāmākua coast is sparsely populated, with an estimated population of 7,300 in 1994 (Hawaii Island 1996, table 1.5).

Despite the difficulties of transportation during the nineteenth century, the heavy rainfall and rich volcanic soils proved ideal for the commercial production of sugar. In the 1860s S. L. Austin, an early district court judge, developed a system of flumes that used the abundant water to carry the cane down the steep slopes to a sugar mill at the edge of the sea. The portable flumes—long wooden troughs—were dragged from one location to another by mules as harvesting locations shifted. Similar systems, possibly Austin's prototype, were used to harvest logs in New England. Starting in the early 1880s sugar planting gradually moved up the coast so that by the turn of the century, the entire coast had a bright green mantle of sugar cane rising from the sea up the mountain as high as the cane would grow. The Hāmākua coast is dotted with plantation worker villages: dense collections of small wooden cottages arranged along a grid of dirt streets with tiny gardens. Interspersed among them are the grand houses of the plantation managers, usually surrounded by generous verandas and perched on spectacular sites above the ocean reached by sweeping drives up coconut palm-lined roads. Behind the city the 'Ōlā'a plantation attempted to use dryer parts of the mountainside to grow coffee and then sugar. More remote regions provided timber for railroad ties.

Hilo, with a population of about forty-five thousand people in 1994 (Hawaii Island 1996, table 1.5), is the county seat for the island of Hawai'i, generally known as the Big Island. In addition to housing state and county offices, it has a branch campus of the University of Hawai'i with three thousand students, a community college of the same size, a hospital, and a daily newspaper. The town provides retail, medical, educational, and governmental services to a much wider district. Hilo's downtown is a small grid of streets sporting the raised clapboard store fronts of nineteenth-century frontier towns. A few buildings are reminiscent of early New England architecture, including a plain wooden church painted yellow, which looks as though like it came from Vermont. Across from it sits a far more elaborate pink stucco Catholic church. The downtown is surrounded by the Americana of fast-food restaurants and malls, which quickly give way to small single-

family houses on generous lots. New development snakes up the mountainside behind the town, providing a substantial supply of middle-income suburban housing. At the center of the town is a large government office complex housing the court and county offices beside a park incorporating once-productive fish ponds. Beyond this park lies a curve of large tourist hotels. But this town has not been transformed by tourism as have many of the leeward communities whose perpetually sunny skies and white sand beaches are more attractive to golfers and bathers than Hilo's rain and black sand. Hilo's major tourist attraction is an active volcano in a national park forty-five minutes up the mountain.

Tucked along the shore is a small Hawaiian community located on a section of land designated in 1920 as Hawaiian Homelands for homesteading by people of 50 percent or more Hawaiian ancestry. Impinging on this neighborhood is the airport, sitting in part on Homelands lands. Farther down the road is a large shopping mall, also located on leased Hawaiian Homelands. These leases evoke a great deal of bitterness from the Native Hawaiian community, many of whose members live in poor housing in more rural areas awaiting their own awards of Homelands lots. There is an active and growing Native Hawaiian sovereignty movement in Hilo as in Honolulu.

Surrounding the town to the south and up the mountain are large areas of forest that have been laid out as potential housing developments over the last twenty years. Many of these areas are sparsely settled and stretch along long, narrow dirt roads. The Puna area has grown very rapidly in the last twenty years from a population of 11,751 in 1980 to 26,700 in 1994. During the same period, the population of Hilo has grown by only three thousand (Hawaii Island 1996, table 1.5). Many of these new areas lack water and sewage and some also lack phone service and electricity. It is not unusual to find someone living in a bus next to a shack with a blue tarp stretched between to provide protection from the incessant rains. This area, which has the least expensive land left in the state, has attracted both upwardly mobile plantation workers of Filipino, Japanese, and Portuguese ancestry and white immigrants from the mainland, largely the West Coast, seeking a counterculture lifestyle. Marijuana grows just as well as sugar cane and is a major export crop as well as a continuing focus of police activity and surveillance. The police on the Big Island confiscated or destroyed \$122 million worth of marijuana in 1994, down from \$1.244 billion in 1987 (Hawaii Island 1996, table 4.15). It is not unusual for houses with plain exteriors to conceal expensive oak flooring and koa wood cabinets.

The first summer I worked in Hilo I rented a house in one of these housing areas in Puna, only to discover that the residents of Hilo considered this area wild and dangerous. They felt that the police blotters and court dockets were full of "Punatics." Indeed, this district does provide many of the defendants in criminal court proceedings. I no longer felt quite as safe living alone

in the house, isolated in the trees from other houses. As I walked down the dirt road in front of the house, I passed other small houses with signs indicating the need to be wary of pit bull dogs. One night I was frightened by a strange sound in the underbrush next to the house and was relieved to discover the next morning that it was a small pony returning to the house of its former owners. Despite Puna's reputation, however, many of the neighborhoods are beginning to develop community centers and small gospel churches and are becoming stable communities.

People in many parts of this rural hinterland survive by a mixed strategy of hunting and fishing, occasional jobs such as construction work, and a variety of agricultural enterprises such as growing papayas, anthuriums, or house plants for export. It is transportation that demands cash: for owning a car, keeping it running, buying gas, and paying for insurance. Without a car, it is difficult to get to town or even to visit others. In earlier times, many of these areas were inhabited by small, self-sufficient Native Hawaiian communities. During his visit to the area in 1822, Ellis described a string of villages along the coast engaged in fishing and farming. Only a few of these villages remain, sandwiched between New Age retreats, nude beaches, low-cost suburbs, occasional fancy beachfront houses, recent lava flows, and a bitterly contested new geothermal energy station.

Because of its history, Hilo is an ethnically diverse community. Its early sugar plantations were developed by Chinese sugar masters who brought the skills of sugar making from China, and they and their descendants intermarried with Hawaiians to produce a Hawaiian-Chinese population. Some of these families were educated by missionaries in the nineteenth century and became prominent merchants and civic leaders. By the mid nineteenth century the plantations were largely in the hands of American and British businessmen, however (Kai 1974: 39). As the need for labor in the expanding sugar plantations became acute, the planters imported a succession of foreign laborers from China, Japan, Portugal, Puerto Rico, Korea, the Philippines, and more recently the Pacific Islands and Mexico. The population of white Americans and non-Portuguese Europeans, who tended to monopolize top managerial positions, remained small and socially separated from the largely Asian labor force.

According to the 1990 census, the racial breakdown of the district of South Hilo was 34 percent Japanese, 26 percent white, 19 percent Hawaiian, 12 percent Filipino, 3 percent Chinese, 1 percent Korean, 1 percent other Asian or Pacific Islander, 0.5 percent black, and 0.5 percent Native American. By contrast, the population of Puna has more whites and fewer Japanese Americans: the 1990 census reports 46 percent white, 19 percent Hawaiian, 15 percent Filipino, and 12 percent Japanese, with smaller populations of blacks, Native Americans, Chinese, Korean, and Pacific Islanders. These figures, based on self-report on the census form, imply that the categories of

ethnic identity are unambiguous. In practice, most of the population is extensively intermarried, so ethnicity is a matter of some choice among possible alternatives and is heavily influenced by lifestyle, social class, and self-perception. The Japanese-American community is predominant in government and educational activities and largely middle-class. The white population consists of two groups, those descended from Portuguese sugar workers, who consider themselves Portuguese rather than haole (the local term for white), and whites from the mainland or other origins who are called haoles. Cross-cutting these ethnic divisions is the important distinction of local or outsider, marked largely by accent. Locals speak pidgin, a distinct version of English that immediately marks its speaker as someone who belongs on the island and separates him/her from newcomers. At the same time, speaking "standard" English is essential to upward social mobility and professional status. Those who speak only pidgin face obstacles in job advancement, particularly in the tourist industry. Older plantation workers were taught that this was a second-rate language and are often very apologetic about their "bad" English. Many professionals who grew up in Hawai'i are able to speak both pidgin and standard English and can switch easily between them.

The sugar plantation economy dominated Hilo until the 1970s, when plantations began to close. In 1948 half the laborers of the district still worked in sugar. Employment in plantations in Hawai'i began to decline in 1954 (Beichert 1985: 331). Since then, the number of sugar mills on the island of Hawai'i has declined sharply. In 1992 only three remained out of twenty-six earlier in the century, and in 1993 one of the largest remaining plantations closed down its fields and mill. By 1998 there were no longer any sugar mills in operation on the island and large stretches of sugar land lay fallow or were being converted into small truck farms, often by Vietnamese immigrants. The job market is now being sharply reoriented as plantation work gives way to employment in the burgeoning tourist industry located on the other side of the island, a two-hour drive away, and in other trade and service areas. Since Hilo provides low-cost housing but few jobs, whereas the other side of the island offers much more expensive housing plus work, many of the residents of Hilo find themselves commuting long distances to work in fairly well paid but insecure construction jobs or low-paid hotel work. A variety of new agricultural enterprises in Puna offer uncertain possibilities.

Hilo Past

Much of Hawaiian history focuses on developments in the premier city, Honolulu. This was the crossroads of world trade, the location of the government after 1845, the place where the legislature met, the powerful people

conferred, the resident foreigners made demands and the *mō'i* and *ali'i* navigated the changing political and economic situation. The missionaries stationed here had the largest voice in influencing policy, except for a brief period when the government was in Lāhainā. Honolulu offered the best harbor for large European ships, and the harbor eventually made Honolulu the dominant city in the country. Hilo, by contrast, was a long and arduous journey of several days by sea from Honolulu in small, overcrowded, and unpredictable schooners. Not until the 1880s did steamship travel ameliorate the hardships of the journey. Unlike Honolulu, Hilo was relatively unaffected by foreign influences or shipping until the 1850s. There was a mission station at Hilo starting in 1824, with one or two mission families resident there. Two mission families devoted their lives to the town: Sarah and David Lyman, who arrived in 1832 and established the Hilo Boarding School, and Titus and Fidelia Coan, who settled in 1836 and initiated a major religious revival that temporarily drew thousands of rural Hawaiians to Hilo in the late 1830s (Piercy 1992: 110). Titus Coan described Hilo as crowded with strangers in 1837 and 1838, people from rural areas building their huts, farming, and flocking to the churches, listening to his sermons with sighs and sobs, and joining the church in large numbers (Coan 1882: 44). This revival covered much of the kingdom at the same time that it was sweeping the United States.

In the 1780s Hilo was important as a site for canoe building for the Hawaiian royalty and the seat of *ali'i* powerful in the struggle to unify the islands. Between 1825 and 1860 it served as a refitting, watering, and provisioning spot for New England whalers, although always for a much smaller number than patronized Honolulu and Lāhainā (Kelly et al. 1981: 76). Even though it was the third largest port town, its lack of brothels and grog shops (reflecting the power of the local missionaries) made it less appealing to whalers than Honolulu or Lāhainā. By the 1860s the whaling fishery was disappearing. Titus Coan estimated that seventy-five warships from the United States, Great Britain, France, Russia, Germany, and Denmark as well as four thousand other ships and about forty thousand seamen visited Hilo between 1836, when he arrived, and 1880, when he wrote his memoirs (Coan 1882: 65–66). In 1868 Coan established the foreign church for English-speaking residents and seamen (Coan 1882: 135). Although when Coan was stationed in Hilo in 1835 a brother missionary “wept and condoled with us because of our banishment from civilized society,” Coan reported that by the 1880s the town had a small community of “civilized” people (Coan 1882: 140).

After 1870 Hilo became a sugar town. The Reciprocity Treaty of 1876, which provided Hawaiian sugar duty-free access to the U.S. market, triggered a great expansion of sugar plantations and a concomitant search for labor. A long-term decline in Hilo’s population reversed itself in the late 1870s with extensive labor importation. (See chart 5.1.) Plantations, with



Chart 5.1. Population of Hilo

their distinctive forms of discipline and order, increasingly dominated Hilo, while the labor they imported dramatically changed its social composition. The low pay, grim working and living conditions, brutal treatment by lunas (overseers), and quasi-slave contract labor system drove each group of immigrants out of the plantations as quickly as possible. Planters constantly sought new sources of labor. During the 1860s Hawaiians did much of the arduous work of hoeing, cutting, and hauling cane, but by the 1870s the practice of importing foreign laborers under three-year contracts, after which they were expected to return home, was widespread (Beechert 1985). Despite complaints in the U.S. press that this was a quasi-slave system, it was not abolished until formal annexation to the United States in 1900 made it illegal. Chinese labor was imported beginning in 1852 and grew slowly until 1875, accelerating until public protest against Chinese immigrants induced the government to restrict this flow in 1886 (Sullivan 1923: 511). A law banning Chinese immigration, the Chinese Exclusion Act, had been passed only four years earlier in the United States. In 1893 Chinese immigrants were excluded unless they were willing to work as contract laborers and leave as soon as they had finished their contracts (George 1948: 27).

The Chinese had a distressing (to the planters) tendency to leave the plantations after their contracts expired for more remunerative work in independent rice farming or in retail or service trades in the urban centers (Takaki 1989: 147). In 1882 the Chinese were 49 percent of the plantation workforce, but only 5.037 (37 percent) of the 13,500 Chinese living in the Hawai-

ian kingdom worked on sugar plantations. By 1890 they were down to 25 percent of the workforce, and by 1892, 12 percent. (Okhiro 1991: 23). Planters, anxious for a white population who they imagined would make better citizens than the Chinese, imported workers and their families from Portugal between 1877 and 1913, mostly from Madeira and the Azores (Lydon 1975: 52). The major labor supply, however, was imported from Japan between 1885 and 1907.

By 1896 the population of the Hawaiian Islands was 109,020, of which 28 percent were Native Hawaiians, 22 percent Japanese, 20 percent Chinese, 14 percent Portuguese, 8 percent part-Hawaiian, 3 percent American, and 2 percent British (Thurston n.d.). In 1900 laborers were brought from Puerto Rico and Korea (George 1948: 28–29; Okhiro 1991: 24). From 1906 until 1934, large numbers came from the new U.S. colony of the Philippines (Sullivan 1923: 511; Daws 1968; Beecher 1985: 232). The proportion of Native Hawaiians to imported sugar workers continued to fall in the early twentieth century as labor immigration continued. By the 1920 census, out of a total population of 255,912, 9 percent were Native Hawaiians, 43 percent Japanese, 11 percent Portuguese, 9 percent Chinese, 8 percent Filipino, 8 percent other Caucasians, 7 percent part-Hawaiians, 2 percent Puerto Rican, 2 percent Korean, and 1 percent Spanish (Sullivan 1923: 513). By the late 1930s, however, large-scale importation of foreign labor had virtually ended. During this period, a small number of white Americans and Europeans controlled a largely Hawaiian, Portuguese, and Asian labor force.

Because the planters believed that whites were incapable of doing such grueling field work under the tropical sun for such low pay, they never envisioned the area as one for white settlement. Nor was there a substantial white working class to compete for jobs with the immigrants. The pervasive racialized hierarchy of the plantation allocated members of each nationality to a clearly defined status with the whites virtually always at the top. However, continuing patterns of intermarriage introduced complexities into this system of ethnicity, which these statistics, suggesting unambiguous, essentialized categories of identity, fail to represent. Instead, these statistics construct a certainty of identity that was only the result of an array of social mechanisms that divided the population by nationality in work, residence, pay, and social relationships. The racial hierarchy of the plantation system was a major one of these mechanisms.

Although the earliest plantations in the 1850s and 1860s in Hilo were often run by Chinese managers employing native Hawaiian workers, by the 1880s this pattern had changed. Instead, the management was largely American and British, and the workers Portuguese, Chinese, and Japanese. A list of plantations in the Hilo region in 1887 mentions eighteen plantations employing predominantly Portuguese, Chinese, and Japanese laborers and a few Hawaiian workers.¹ Native Hawaiians were often hired as camp police. A list

of plantation officers on the island of Hawai'i from 1889 shows that with the exception of one plantation with a Chinese manager, all plantations were managed by Americans or Britons.⁴ The 1884 census reported twenty-five thousand people living on the island of Hawai'i, with a 2:1 ratio of males to females. Of this number, there were twelve thousand Hawaiians; eight hundred "half-castes" (presumably part-Hawaiians); almost five thousand Chinese, of whom only 170 were women; five thousand Portuguese, evenly divided between males and females; four hundred Americans, of whom only one hundred were women, and about six hundred Caucasians of other nationalities (1884 census). Six thousand, or one in four, were contract laborers.

By the early twentieth century, there were some thirteen plantations along the Hāmākua coast, virtually all under Scottish managers (Leithhead 1974: 53). Ownership of land and buildings was heavily concentrated in the hands of Anglo-Saxons, despite their numerical minority (George 1948: 41). Because landing cargo and loading sugar was always difficult along this coast, some plantations adopted a system of long cables to raise goods and people up the cliffs from the decks of ships anchored offshore. Hilo, with its harbor, remained the commercial and administrative center for this plantation economy as it had been for the early mercantile economy based on the whaling ships.

Immigration and Colonialism

Early contact and labor immigration in Hilo produced two distinct patterns of racial and class subordination and consequently two rather different sets of identities. These identities were intimately connected with the criminal justice process, shaping definitions of who and what was dangerous and, as court decisions were rendered, constituting evidence for alleged criminal tendencies.

First, the relationship between Euro-Americans and Native Hawaiians was a classic colonial relationship. The Europeans arrived in an overseas location seeking to transform the society of the indigenous people and subsequently wrested political control from them. Part One of this book examined the beginnings of this process in detail. Hawai'i was an American colony (territory) from 1900 to 1959. Although in the early Territory years Native Hawaiians were relatively well off, with opportunities in government and police work, plantation supervision, and ranching as well as considerable electoral power (Handy and Pukui 1972; Trask 1993), they began to lose political power and economic position by midcentury. This group now ranks at the bottom of the social hierarchy in income, educational attainment, health, and longevity and has become a largely poor, urban population (Blaisdell and

Mokuau 1994). In the last decade a powerful movement to reclaim Hawaiian language and culture and assert sovereignty has swept Hawaiian urban and rural communities, paralleling similar movements among colonized indigenous peoples in New Zealand, Canada, Australia, and the mainland United States (Trask 1993; Hasager and Friedman 1994; Merry 1997).

Second, the immigrant sugar workers had a typical immigrant relationship to the haoles/Hawaiian leadership of the Hawaiian kingdom and later Territory of Hawai'i. Like other instances of immigrant labor in capitalist agriculture, after a long period of initial subordination in the workplace and community under strict paternalistic control there was some long-term upward mobility, although less than in urban areas. The sugar workers who stayed and raised families in Hawai'i managed to move out of the plantation in the next generation, by and large. Although people of Asian ancestry were denied naturalized citizenship in Hawai'i as in the United States, their U.S.-born children were able to vote and claim full citizenship as Americans.

Colonialism and the Representation of Native Hawaiians

One of the intriguing features of these two relationships is the very different images of the two groups the haoles elites developed. The Native Hawaiians were regarded as "our" natives by the whites and treated as childlike but benign, lazy, irresponsible with money, and friendly, although too sensuous. When the missionaries arrived in the 1820s the dominant discourse was one of savagery and heathenism and the need to minister to souls on these dark shores. As the Hawaiians proved resistant to the enormous cultural and moral changes envisioned by the mission, the missionaries began to search for "natural" flaws in their character or intellect to account for this failure, such as their inability to think abstractly, noted by Andrews in 1836 (see chapter 8). By the middle of the nineteenth century, as haoles attempted to make Native Hawaiians into a plantation labor force, this discourse was replaced by one of childlike indolence and laziness. The frustrating efforts to transform marriage and sexual practices added a recurring complaint about licentiousness, heard loudly in the missionary reports from the field in 1846 (Kingdom of Hawai'i 1846). Looking back in the 1880s, Titus Coan, a resident of Hilo for almost fifty years, described the Hawaiians as a primitive race, claiming that "our native converts were as children, and up to this day many of them need milk rather than strong meat" (Coan 1882: 249).

Coan argues that the "natives" are not yet ready to be in charge of the churches since they are slack in church discipline and remiss in keeping track of wandering church members. Their church statistics are past remedy. He bemoans the tendency of Hawaiians to wander away from one church, to fail to take letters of dismissal and present them to the new church, and to

change their names as they please (Coan 1882: 255). The frequency with which missionary reports are peppered with numbers of members, readers, writers, dismissed members, deceased members, suspended members, and the like indicates that enumerating and fixing the population was a critical part of the mission project. This was a process of rendering the Hawaiian mass known and accountable. Yet frequent movement and name changes conformed to Hawaiian kinship practices and were governed by a social geography of relatives and friends. The logic of movement seemed incoherent to those who thought in terms of fixed domiciles and permanent identity and citizenship.

Coan saw the Hawaiians as "naturally indolent," and although he granted that they were hard workers when necessary, he thought they "lack economy." "We teach them industry, economy, frugality, and generosity, but their progress in these virtues is slow. They are like children needing wise parents or guardians" (Coan 1882: 254–255). The character of this "infant race" is amorous and subject to bad influences from foreigners and from some laws that encourage licentiousness and others that, although wholesome, are unenforced (*ibid.*: 256). They are also followers rather than leaders. They are inclined to be untruthful, speaking lies as soon as they are born, but this trait is ascribed to their racialized nature. "This is a severe charge, but it is a trait probably in all savage races" (*ibid.*). Coan concludes that their piety is imperfect: "Their easy and susceptible natures, their impulsive and fickle traits, need great care and faithful watching" (*ibid.*: 257)."

Thus, elite whites produced a Hawaiian identity that allowed them to define themselves as adults, even fathers, in relation to feminized children, while the agentic capacity of the Hawaiians themselves was progressively diminished. Writing in a missionary newspaper in 1844, Robert Wylie praised Hawaiian seamen as both docile and competent: "I have never heard any captain of a vessel who did not speak highly of the native seamen whom he had employed. They are eminently subordinate, docile, good natured and trustworthy; and with proper training they become good efficient seamen" (Wylie 1844: 79). In an 1864 article, along with discussions about the possibility that all Native Hawaiians would soon die out, one author describes them as "children of the Pacific; they have an aesthetic love of the beautiful beyond what is found in the most highly-cultivated circles" (Anon. 1864: 255). But, the author continues, although these people are brave, kind, and beautiful, they are disappearing, he thinks, because of infanticide. "The mothers are idle, they dislike the trouble of bringing up families, and they desire above all things to preserve their charms, which the nursing of children diminishes. They are very far from cruel." He adds, "They are very licentious" (*ibid.*). A missionary writer in the 1880s, retrospectively describing Hilo in 1837, evokes the childlike image as he describes the area: "15,000 natives scattered up and down the sea-belt, grouped in villages of

from 100 to 300 persons, a sensual, shameless, yet kindly and tractable people, slaves to the chiefs, and herding together almost like animals—to this parish, occupying the eastern third of the island of Hawai'i, a strange mingling of crags and valleys, of beauty and barrenness, and to this interesting people, was called the young missionary Titus Coan" (Humphrey n.d.: 2). The same images contained in this passage—the animallike nature of the Hawaiian people, their tractability, their sexuality, and their indolence—appear over and over in nineteenth- and twentieth-century texts.

By 1888 these traits had taken on a less benign hue, and one writer, mocking David Kalākaua, the Hawaiian king of the period, in an article titled "The Pygmy Kingdom of a Debauchee," remarked, "The natives have the virtue of hospitality, good nature, and honesty; but they are incorrigibly indolent and have no more care for the morrow than the American Indian. . . . Given an abundant supply of *poi*, a species of flour made from the root of the taro plant, and the Hawaiian is content" (Fitch 1888: 126). An 1891 account furthers the infantilization and linkage with nature and animals: "Their frank open countenances, soft and flashing eyes, simple manners, and child-like deportment win the hearts of all beholders. Their simplicity, easy good humor, and implicit trust in nature to provide for them are characteristics found only in the people of the tropics" (Ingram 1891: 755). Or, more often, in conquered peoples who have been forced to abandon their militaristic past. These images helped to legitimate the haole-led overthrow of Queen Lili'uokalani in 1893 and the formation of the Republic of Hawai'i. Rev. Sereno E. Bishop, a missionary descendant, reflected the view of the leaders of the overthrow when he wrote: "The common people were not intrusted with rule, because in their childishness and general incapacity, they were totally unfit for such rule." Hawai'i's government, he continued, should be in the hands of the few for the benefit of the masses, who were "babes in character and intellect" (Fuchs 1961: 34).

The routine denigration of Hawaiians as childlike, indolent, and sensual was so well entrenched by the turn of the century that a minister in 1908 objected to the phrase "just like a Hawaiian," which was commonly used as a term of disparagement (Oleson 1908: 80). "It is just as much like an Anglo-Saxon as it is like a Hawaiian to do some things that are foolish, that are disappointing, that are even at times disreputable. On the other hand, it is just as much like a Hawaiian as it is like an Anglo-Saxon to do things that are commendable, that evince strength of character, that reveal genuine response to high ideals" (Oleson 1908: 80). By this time the haole had constituted himself as the adult to the Hawaiian child, the energetic to the lazy, the strong and wise to the simple and trusting in virtually hegemonic form.

The infantilization of Hawaiian people and their naturalization has persisted well into the twentieth century. Even as Hawaiians were denigrated as

inferior, sensual, and lazy, their music, dance, crafts, and foods were admired and appropriated for tourism. Haole elites from the mid nineteenth century through the 1950s felt a paternalistic concern for Native Hawaiians as the group disappeared though death and assimilation at the same time that the tourist industry increasingly relied on displays of Hawaiian cultural practices and fantasies of Hawaiian sexuality to attract business. This infantilized and sexualized image of Hawaiians is still central to the contemporary tourist industry and its portrayal of Hawai'i as a libidinous paradise distant from the disciplinary regimes of the clock and the workplace, as an oppositional world constructed to provide relief from the everyday, in which the Hawaiian becomes the sign of difference (see Trask 1993).

Immigration and the Representation of Asians

Whereas the Hawaiians were romanticized and economically marginalized, the immigrant groups from Asia were viewed as a threat by haole elites, undesirable as citizens and characterized by morally repugnant habits such as gambling, thievery, and opium smoking, attached to essentialized biological identities. These practices were seen as threatening to the fragile moral capacity of the Native Hawaiians. As the planters demanded more and more labor, they confronted local resistance to bringing in each immigrant group. During the 1860s and 1870s, the Chinese were particularly subject to public attack (Lydon 1975). Since at least the 1820s there had been Chinese inhabitants of the kingdom working as sugar masters, merchants, and rice farmers, but these individuals did not evoke comparable resistance. Between 1852 and 1875 Chinese immigration involved fewer than two thousand people, but between 1875 and 1887 25,497 entered and 10,196 left, with a net gain of fifteen thousand Chinese residents. By 1884 the kingdom was 22.2 percent Chinese. Because of the steep decline in the Native Hawaiian population, by that time there were only twice as many Native Hawaiians (44,000) as Chinese residents (18,254) living in the kingdom, and almost all of the Chinese were men (Lydon 1975: 18). By 1890 the Chinese population had dropped to 16,752, or 18.8 percent of the kingdom, as the number of Japanese workers soared. (See table 5.1.)

As early as the 1850s debates began about the Chinese workers. Planters argued that they were good laborers while long-term residents, including many Native Hawaiians, complained that they were troublesome and prone to quarrels, thefts, suicides, and other misdemeanors (Lydon 1975: 23–24). The anti-Chinese movement was fed by Native Hawaiian fears that their shrinking numbers would be engulfed by newcomers. The burgeoning anti-Chinese movement in California in the post-gold rush era was also significant, as the West Coast became the most important area for Hawai'i's con-

TABLE 5.1
Chinese Population in Hawai'i

Year	No. of Chinese	Population of Kingdom	% Chinese
1850	200 (est.)	84,165	0.2
1853	500 (est.)	73,134	0.6
1860	816	66,984	1.2
1866	1206	62,959	1.9
1872	1938	56,987	3.5
1878	5916	57,985	10.3
1884	18,254	80,578	22.2
1890	16,752	89,990	18.8

Sources: *Polynesian*, Aug. 28, 1858; *Advertiser* April 6, 1867, July 10, 1869, March 15, 1873, Feb. 22, 1879, February 16, 1885; Kuykendall 1938: 387; Kuykendall 1953: 177; Lind 1955: 27. Table in Lydon 1975: 18.

tact and trade with the United States. The missionary element worried that the Chinese were a deleterious moral influence on the Native Hawaiian population.

Alleged Chinese criminality was at the heart of the anti-Chinese movement. Opium was a major area of contention. The Honolulu press worried that it had a bad influence on Hawaiians and caused suicides and serious riots (Lydon 1975: 27). Allegations of violence were also foci of concern. Reports in the press of violent assaults on lunas in the cane fields exacerbated the public perception that the Chinese, now envisioned as a unitary race with a fixed character, were prone to violent crimes and resistant to planter control (Lydon 1975: 29). When a Chinese employee murdered his employer, the anti-Chinese press emphasized the danger.³ An editorial in the *Advertiser* after an 1881 incident observed that Europeans the world over had learned "to distrust him [the Chinese] as treacherous, and ready to shed human blood and take human life in revenge for the slightest provocation" (quoted in Lydon 1975: 50).

Crime statistics were also used to create an image of the Chinese people as by nature criminal and dangerous. A report published in a Honolulu newspaper in 1865 by the marshal of O'ahu indicated that between 1852 and 1864 the Chinese were 40 percent of the inmates of the O'ahu jail. Henry M. Whitney, editor of the *Advertiser*, carried on an extensive anti-Chinese editorial campaign in the late 1860s and 1870s, complaining that the Chinese (in the essentialized singular) was a pagan and had no regard for life so all who dealt with the coolie had a feeling of insecurity. He thundered from his newspaper pages that Chinese brought disease, smoked opium, and had a demoralizing effect on "the Hawaiian" (Lydon 1975: 31). Native Hawaiian opponents to Chinese immigration similarly cited crime statistics. R. G.

Davies (a part-Hawaiian lawyer), in an influential statement, articulated the opposition between the interests of the Native Hawaiians and the Asian immigrant workers, redefining the language of civilization and race:

Our own people, the Hawaiians are dying off. Shall we import another element of destruction to hasten their extinction? The planters say that they must have more labor, and the coolies are the cheapest and best. Well, suppose they send for a thousand or two of these uncivilizable coolies. They will go on making sugar for the next ten years, and then retire with their fortunes made to travel in Europe or to enjoy their sugar-made wealth in a villa beneath the lovely skies of Italy on the banks of the lake of Como, leaving their agents to manage their plantations here, and we the people to manage the discharged coolies as best we may. We have as many coolies here as the courts can take care of. In order to resuscitate this nation, and bring prosperity to all, let us have a new infusion of good blood.

(Lydon 1975: 37, published in *Pacific Commercial Advertiser* 1869)

The imagining of the Chinese as a site of disease, gambling, opium, theft, and violence, characteristics embedded in the body and marking their undecidability, was thus substantiated by the apparently objective, scientific evidence of crime statistics.

The absence of Chinese women exacerbated the criminal image of the immigrants. In the period from 1853 to 1890 the Chinese population was only about 5–10 percent female. A petition from 1876, signed by the prime minister, Walter Murray Gibson, who used the anti-Chinese movement to increase his popularity among Native Hawaiians, says that Chinese males, "utterly unchaste in character, must aggravate still more the sterility of Hawaiian women, and so tend to increase the rate of deterioration of your Majesty's Hawaiian Subjects" (quoted from *Advertiser* 1876 in Lydon 1975: 43). When in 1874 an elderly Chinese man raped a ten-year-old Hawaiian girl and was tried and sentenced to eighteen months' hard labor, the author of the article in the *Advertiser* concluded, "These beastly low-class Chinese are doing a fearful work among the female native children" (Lydon 1975: 43). Indeed, Chinese competition for Hawaiian women may have fueled Hawaiian resistance to more Chinese immigration. An 1880 bill passed by the legislature but not signed by King Kalākaua (probably in response to planter pressure) restricted the immigration of male "Asiatics" by specifying that for each five male immigrants there should be three females (Lydon 1975: 62).

By 1877 there was considerable pressure to stop Chinese immigration altogether based on the perceived threats to public health and safety and encouraged by the growing anti-Chinese movement in California, which also focused on alleged criminality. For example, one Hawaiian who had been to California said that the California Chinese were regarded as "thieves and assassins and were looked upon as the lowest of the low" (Lydon 1975: 47).

In 1886 Chinese immigration was virtually ended, but Walter Murray Gibson, the prime minister, was able to engineer this cessation only by offering the planters a new source of labor: Japan. Between 1886 and 1894 twenty-nine thousand Japanese came and about eight thousand left, but this net increase was dwarfed by the next four years, in which private Japanese contractors brought in 64,000 more workers (Beechert 1985: 88-89). At the same time, a new law passed in 1890 allowed Chinese workers to come to Hawai'i as long as they did only agricultural labor and stayed no more than five years. Declared unconstitutional in 1892, the law was passed as a constitutional amendment in 1892 (Beechert 1985: 92-93). Between 1879 and 1898 forty-nine thousand Chinese workers arrived (Beechert 1985: 91).

But by the 1880s an anti-Japanese movement was underway, again fueled by the American movement (Takaki 1989; Okihiro 1991). In 1896 the population was 22 percent Japanese and the planters succeeded in resuming large-scale Chinese immigration for contract laborers who were required to return home (Lydon 1975: 78). The large population of Chinese and Japanese free laborers was characterized as shiftless and lazy, requiring regulation to direct their work to useful ends (Okihiro 1991: 36.)

After annexation and the elimination of the contract labor system, the planters attempted to institute a passbook system for workers and to use an old vagrancy statute to compel workers to work on public works as prisoners (Okihiro 1991: 36). Because annexation increased the possibilities of Japanese migration to the mainland, the anti-Japanese movement in the United States resulted in a 1907 executive order keeping Japanese, among others, from the mainland and produced the 1908 Gentlemen's Agreement, by which Japan agreed to restrict emigration. As a result, the flow of labor from Japan was cut off except for parents, wives, and children of Japanese residents. By 1909 new immigration from Japan had virtually stopped. However, an increase in picture brides produced a shift in gender ratios: in 1890 only 19 percent of the population was women, in 1900, 22 percent, and in 1920, 43 percent (Okihiro 1991: 38, 58). By 1902 Japanese immigrants were 73.5 percent of the plantation workforce (Okihiro 1991: 59). When the Japanese workers engineered a strike in 1909, they were seen as an alien threat, even as they began to make claims in American terms to equal pay for equal work (Okihiro 1991). By this time, perhaps 70 percent of the Japanese workers were literate, and many read one of the eleven Japanese newspapers on the islands (Beechert 1985: 169). The notion that essentialized racial identities were linked to particular patterns of disorder and criminality was virtually unquestioned among the white settlers and planter elite.

Thus, whites constructed Asians as far more threatening and different from them than Native Hawaiians. This vision of the social order emerges in an intriguing document produced by Lorrin Thurston, a leading business-

man, a central figure in the overthrow, and a third-generation missionary descendant. The date is probably 1897. This "Handbook on Annexation" tries to sell an increasingly racially nativist and balking white American public fearful of the multiracial population of the islands on the benefits of annexation. Thurston describes the Native Hawaiians, "only 33,000 in number," as "a conservative, peaceful and generous people" (Thurston n.d.: 27). He reminds readers that the Hawaiians are not Africans but Polynesians, brown rather than black. There is, he says, no color line between whites and Native Hawaiians in marriage or in political, social, or religious affairs. He describes the Portuguese as constructive members of society, emphasizing that they commit a smaller proportion of criminal offenses than any other nationality in the country and are "a hard-working industrious, home-creating and home-loving people who would be of advantage to any developing country. They constitute the best laboring element in Hawaii" (ibid.: 28). They were, of course, the only significant element of the work force that was white.

Asians are portrayed very differently. The Chinese and Japanese are "an undesirable population from a political standpoint, because they do not understand American principles of government" (ibid.: 28). In flagrant disregard of actual population movements, he asserts that these groups neither want to stay permanently in Hawai'i nor to migrate to the United States. "The Asiatic population of Hawaii consists, however, of laborers who are temporarily in the country for what they can make out of it. As soon as they accumulate a few hundred dollars they return home. Shut off the source of supply, and in ten years there will not be Asiatics enough left in Hawaii to have any appreciable effect" (ibid.). His concluding assertion reveals how closely the racial policies of the United States shaped those of Hawai'i:

Individually, the Chinese and Japanese in Hawaii are industrious, peaceable citizens, and as long as they do not take part in the political control of the country, what danger can the comparatively small number there be to this country? They are not citizens, and by the Constitution of Hawai'i, they are not eligible to become citizens; they are aliens in America and aliens in Hawai'i; annexation will give them no rights which they do not now possess, either in Hawai'i or in the United States.

(ibid.)

The remaining inhabitants, Thurston continues, are Americans, English, and Germans:

strong, virile men who have impressed their form of government upon the much larger population living there, and have acquired the ownership of more than three-fourths of all the property in the country. If they were able to do this against the hostility and in the face of an unfavorable monarchy, why is there

any reason to believe that they will be any less strong under the fostering influence of the republican Government of the United States? (ibid.: 29)

This domineering population has apparently been masculinized by its racial identity and position of rule. We have seen that the process of "impressing their form of government" involved a combination of gunboats, greed, and capitalism that prevailed against determined Hawaiian resistance. Here this process is celebrated in terms of a masculinized racial supremacy. The islands are now, Thurston concludes, universally recognized as "the most American spot on earth" (ibid.: 40).

Indeed, for Thurston and others like him, the image of Hawai'i governed by a class of about four thousand Americans and other Anglo-Saxon peoples ruling more than 145,000 others of different racial/ethnic heritage seemed perfectly reasonable, legitimated by racialized and gendered conceptions of identity. Citizenship laws reiterated these conceptions. Because American laws denied naturalization to Asian immigrants, nearly 60 percent of Hawai'i's population at the time of annexation was disenfranchised (Okhino 1991: 13). Antagonism to Chinese and Japanese had taken on the essentialized understandings of race characteristic of the United States at this time, an era of increasing nativism and exclusionism marked by the passage of laws in California in 1913 that prohibited aliens from owning land, thus denying land ownership to all nonwhite groups excluded from naturalization (Takaki 1989: 203). The early twentieth century saw the growth of racial exclusion, racially based nativist movements such as the Ku Klux Klan, and the passage of a racially based immigration law in 1924 excluding Japanese as well as many European groups (see Higham 1970; Takaki 1989: 209).

The Self-Representation of Whites

The whites defined themselves in opposition to both Hawaiian and Asian groups, again only in the masculine. In an article by a haole written in 1922 about Hilo in 1873, the author says: "Naturally by virtue of education, culture, refinement, and moral dignity, the missionaries were looked upon as the leading people in all matters of social and intellectual activities. These missionaries were: Rev. Titus Coan, Rev. D. B. Lyman and Dr. C. H. Wetmore, to which may be added the Hitchcock brothers, who were missionary descendants of the first generation, and who ranked with the missionaries themselves" (Lydgate 1922). Lyman and Hitchcock were judges and attorneys in Hilo District and Circuit Courts. Louis Sullivan comments in 1923 that "there are practically no Anglo-Saxon laborers in Hawai'i, or at least no field-laborers. The Anglo-Saxon element is of exceptional quality. The men

who control the industries are largely of 'Old American,' British, German, and Scandinavian stock" (Sullivan 1923: 533).

Indeed, from annexation until 1946 a small, interrelated group of haole businessmen exerted enormous political and economic power over a numerous and heterogeneous nonpropertied class (Okhino 1991: 13). Island politics revolved around the delegate to Congress, the governor appointed by the U.S. president, and the territorial legislature. During the 1930s the so-called Big Five companies controlled thirty-six of the territory's thirty-eight sugar plantations as well as banking, insurance, transportation, utilities, and wholesale and retail merchandising. Interlocking directorates, intermarriages, and social associations bound this financial oligarchy closely together. By 1940 a dozen or so men managed the economy. During the territory period, almost half the land was owned by fewer than eighty individuals, and the government owned most of the rest, producing a concentration of wealth and power more extreme than elsewhere in the United States (Okhino 1991: 14-15).

White power was described as paternal, both gendered and aged, and embodied. Writing a retrospective newspaper article in 1940 about his arrival in Hilo in 1898, Carl Carlsmith, one of the leading attorneys in Hilo, expresses the ideology of racialism and planter paternalism as he describes his steamer trip with frequent stops at plantation landings: "At that time the plantations ordered oriental laborers as it did any other merchandise and if 40 men were to go to John Watt at Honokaa the ship hove to and that many human beings were hoisted in a crate to the upper cliff" (*Hilo Tribune Herald*, December 30, 1940: 37). Carlsmith's account of the importance of the plantation managers to Hilo society in the 1890s indicates that the judiciary was part of this planter paternalism:

To be a plantation manager in the 1890s was to possess not only wealth but social and political position and a right to guide the destinies and affairs of people in the district. Judges, sheriffs and all other officers were appointed by the government residing at Honolulu. A new appointment was not usually made till approved by the managers. New enterprises were not likely to succeed unless they met with the managerial sanction. At Waiakea was C. C. Kennedy and at Wainaku was John A. Scott. Both had grown old in the sugar industry and both were charitable and kindly even if strict in the conduct of all local affairs.

Beyond Waiakea there was Goodale at Onomea, Deakon at Pepeekeo, Moir at Honomu, George Ross at Hakalau, McLellan at Laupahoehoe, Walker at Ookala, Albert Horner at Kukulau, Lidgate at Pauuli, Moore at Paunahan, John Watt at Honokaa and Forbes at Kukuhaele. These were all men of great dignity, tall of stature and important because of the responsibilities given into their keeping. (ibid.)

Their height is more symbolic than physical, since at least one, John Scott, was quite short, according to one of Carlsmith's descendants whom I inter-

viewed in the 1990s. Carlsmith also comments on the power that this social class exercised over the trial courts, again reminiscing about the 1890s:

Every three months the circuit court had a term session. The attorney general came from Honolulu and with him Chinese, Japanese, and Portuguese interpreters, lawyers, clerks, and sometimes witnesses or litigants in important cases increased the crowd. The trial jury always had plantation managers, merchants, and the first men of the circuit and rarely did anyone ask to be excused. Crimes and civil differences were adjudicated by the men of substance and standing.

(*ibid.*)

Carlsmith came to Hilo to be the law partner of D. H. Hitchcock, building the firm that in 1940 was Carlsmith and Carlsmith, where Carlsmith practiced with his two sons (*ibid.*). Here he translates power and authority into tallness and masculinity as well as whiteness, just as in the earlier descriptions of Native Hawaiians, subordination and powerlessness were translated into soft eyes and feminine acquiescence. The same bifurcation of notions of race and virtue was replicated in Fiji, but here the indigenous Fijians were viewed by the British colonial government as childlike whereas the laborers imported from India to work the cane received the same disdain as the Chinese, Japanese, and Portuguese in Hawai'i (Kelly 1994).

The court records themselves are quite explicit about ethnicity, particularly in the nineteenth century. Of a total set of 5,628 district and circuit court cases, half (51 percent) mentioned the ethnic identity of the defendants. During the 1860s, 1870s, and 1880s, ethnicity was mentioned in about half the cases. The percentage was highest in the 1890s and 1900s, when ethnic identity was mentioned in more than three-fourths of all cases, then fell to less than 20 percent in the twentieth century. Ethnicities were inferred from names and case data for that period. In the 2,510 Hilo Circuit Court cases from 1852 to 1892, 62 percent mentioned the defendant's nationality, and in the District Court of the same period, 54 percent identified nationality, reaching a high of 89 percent in 1893. These variations reflect the fact that Puerto Ricans and Japanese are almost always identified by nationality, whereas Hawaiians are rarely so identified (20 percent of the cases) and haoles (whites) even less often (12 percent). Nineteenth-century District Court case records frequently refer to witnesses and defendants as "the Chihnaman" or "Jap" rather than by name, but haoles are generally identified by name. Hawaiians are identified by name and gender—since names do not specify gender—but not by nationality. Asian defendants are identified by name and nationality but not gender, probably because the vast majority were male. In the late nineteenth century, they are also often identified by a number, presumably the "bango" number assigned by the plantation. Haoles and defendants are the only ones identified by name and title, such as Mr. or

Mrs. During the latter part of the nineteenth century, haoles are sometimes identified in the court record by "F," which presumably means foreign.

The practice of stating the defendant's nationality in the docket book diminished in the twentieth century, as only 9 percent of the 805 Hilo Circuit Court cases I examined between 1905 and 1985 stated the nationality of the defendant, but practices of identifying defendants by nationality occur throughout the detailed case records, probation reports, psychological examinations, and other information considered in case processing well into the 1940s. Inter-marriage and cultural blending increasingly rendered these identities far more malleable and ambiguous than they were imagined to be during the late nineteenth century. Even at that time, they represented the crystallization of complex local and regional identities in their countries of origin, which became essentialized national identities within the Hawaiian context. The multiplicity of regions of China were subsumed into a single identity marker in the context of Hilo, for example. Indeed, it was processes of marking and recording these identities in official documents such as court records that helped to create the regime of essentialized national identities that came to dominate Hawaiian social life in the late nineteenth and early twentieth centuries.

Paternalistic Racism in the Plantations

As the plantations expanded in the late nineteenth century, a distinctive cultural order emerged linking social class, gender, and essentialized and homogenized conceptions of nationality. As the discourse of race flourished in the United States and in Hawai'i, difference was increasingly imagined as biological. The term *paternalistic racism* describes the position in which the dominant whites imagined themselves during the plantation era. There were, as we have seen, two different versions of paternalistic racism, one for Native Hawaiians, which envisioned them as childlike, benign, and foolish but not threatening, and one for plantation laborers, who needed authority to hold them in check because they lacked the self-restraint and self-control found among other races, such as the whites. Laborers who were Christians, as a few were, seem to have been regarded more sympathetically, as were those who were racially white. The image of the Native Hawaiians reflects the missionary past and their conversion to Christianity, which incorporated them in significant ways into haoles society.

I use the term *paternalism* along with *racism* because this is an image of power that is gendered as well as raced.⁷ As we have seen, white privilege is always located in a male body, often a tall or virile male body. The dominant whites imagined themselves engaged not in maternal caretaking but in paternal-

nal disciplining, exerting a benevolent but stern form of authority. Their masculinized authority drew added strength from the reformist element of Hawai'i's missionary society, since it was thought to improve the character of its subjects. The image of paternal power enabled violence to be thought of as discipline, justifying the considerable use of flogging and whips on the plantations. There were, of course, forms of violence that were thought to be excessive, just as paternal authority in the home required violence to establish and maintain discipline, but not excessive violence. Together, paternalism and racism provided a language for thinking about the violence of plantation life, tying together masculinity and whiteness. The whip was part of the necessary discipline of subordinate races, who deserved, indeed even chose, this violence when they failed to go along with the rules, just as women who fail to abide by their husbands' commands choose violence. Women choose violence by talking back to their husbands, as did workers who resisted the orders of the lunas. As with male discipline of women, the violence was envisioned as improving the subordinates.

This racism is different from that of the mainland, particularly California. Hawai'i was not envisioned as a place for white settlement, so immigrant workers did not compete with working-class whites as they did in California, raising powerful ethnic antagonisms. The immigrants to Hawai'i, Takaki argues, had ways of weaving themselves and their cultures into Hawai'i in a way not possible on the continent (Takaki 1989: 176). The white planters importing laborers were opposed largely by Native Hawaiians rather than by a white working class. Planters did have a racial preference for European workers, who were imagined as making better citizens than "coolie" labor. But Europeans were unwilling to stay on the plantations and work for such low wages. They typically complained bitterly and left. Efforts to import Germans and Norwegians failed, and even the Portuguese, who came in far greater numbers, left the plantations as soon as they could. A set of Hilo newspaper articles from the late nineteenth century describes the Portuguese as good people—industrious and helpful—but unfortunately leaving for better opportunities in California.⁸

The system of discipline created by the plantations depended on the creation of a hierarchy of racial and gendered identities. Indeed, the discourse of nationality, as it was called, was fundamental to official communications and planter journals as well as to court records, at least until the 1940s. The 1884 census counted people by gender and ethnicity as well as by place of residence. Police arrest statistics until the 1940s listed arrests by nationality. As the structure of governmentality, based on measuring and administering populations, developed, these populations were always seen as raced and gendered units. When the plantations imported laborers for the cane fields, they constructed ethnically segregated housing for them, which were generally labeled the "Japanese camp," "the Puerto Rican camp," "the Filipino

camp" (Sharma 1980: 97). Supervisors, called lunas, were generally haole (white), Native Hawaiian, or Portuguese until the early twentieth century or Japanese by midcentury. They lived in special parts of the plantation housing, divided from those of other backgrounds by roads and by rules not to play with the children across the street. The plantation manager typically lived in the "big house" across the street, and although his children might sneak out to play with the workers, his social life revolved around visits with other haole manager families.

Linked to this economic hierarchy was an ideology of planter paternalism in which planters justified their extensive systems of regulation, surveillance, and control in terms of the need for a strong hand of authority against workers envisioned as "coolies." Okihiro quotes an editorial from the July 26, 1904, *Pacific Commercial Advertiser* on the psychology of the "plantation coolie": "Yield to his demands and he thinks he is the master and makes new demands; use the strong hand and he recognizes the power to which, from immemorial times, he has abjectly bowed. There is one word which holds the lower classes of every nation in check and that is Authority." This authority was exercised through the system of contract labor and its penal sanctions for violation of the contract, local police and plantation police, a system of rules and fines, physical abuse, and fear generated by lynchings such as the 1889 murder of Goto, a well-known advocate of Japanese workers on the Hāmākua coast north of Hilo by five whites employed as foremen on nearby plantations (Case records 1889; Okihiro 1991: 35). The whites were found guilty of manslaughter but were released on bail pending an appeal and promptly left the islands (Beechert 1985: 115).

Planter paternalism incorporated missionary ideas of Christian charity and benevolence into to the old rhetoric of civilization: "A plantation is a means of civilization," says the 1886 *Planter's Monthly*. "It has come in very many instances like a mission of progress into a barbarous region and stamped its character on the neighborhood for miles around" (Okihiro 1991: 40). As Okihiro notes, plantations upheld Christianity and civilization in the wilderness, and the plantation master, through discipline and parental affection, cultivated cane and morality among his impressionable charges. An essay in the *Planter's Monthly*, "A Manager's Influence," talks about the master's burden: "Every manager has a grave responsibility in keeping up discipline and order on his plantation as well as a healthy moral tone." The plantation order was a moral order in which the manager controlled virtually all aspects of workers' lives (Okihiro 1991: 40).

Planters' paternalistic discourse toward workers was couched in the language of an essentialized racial/national identity definitive of labor capacities. For example, in 1870 E. G. Hitchcock, a judge, sugar planter, and brother of D. H. Hitchcock, also a prominent local attorney, in responding to a questionnaire from the department of finance with reference to his planta-

tion of 65.5 acres, remarked: "Native laborers are much superior to any other laborers, if kept out of debt, well fed, and kindly but strictly treated."¹⁰ Plantation documents described workers in categories that merged tasks with racial and gender identities. The manager's report from the 'Ōia'a Sugar Company, for example, lists its workers in 1901 and 1902, the first few years of its operation, as follows:

Labor Statement	1901	1902
	Management and office	11
Lunas	34	14
Mechanics	42	18
Chinese cane cultivation contractors	21	46
Japanese cane cultivation contractors	399	577
Japanese day laborers	805	424
Japanese day women	38	6
Chinese	206	2
Portuguese	100	91
Hawaiians	20	9
Puerto Ricans	220	85
Puerto Rican women	17	2
Other nationalities	19	7
Sundry clearing contracts	550	
Harvesting contracts		
Japanese	496	
Chinese	89	
Puerto Ricans	45	
Total	2,485	1,924

Source: Manager's Report, 'Ōia'a Sugar Company, 1902, p. 23.

This curious list of employees, similar to that provided in other plantation managers' reports, blends occupation, nationality, and gender as if they all refer to the same thing. In other words, work is so deeply understood in categories of race and gender that these identities stand in for occupational identities, just as the first three categories of occupation similarly encode a racial and gender designation of *haole* male, although this identity is simply implicit. Race and gender to a large extent provided the categories by which *haole* elites talked about work and the job to which a person was assigned: there were clearly female jobs and male jobs. Top management was reserved for *haoles* and middle management (*lunas*) largely for *haoles* or Portuguese. In the language of H. P. Baldwin, a prominent *haole* planter, writing in 1894:

The field or ordinary labor on our plantations is done by Hawaiian, Portuguese, Chinese and Japanese. All these classes make good all-round plantation laborers. The Portuguese, who come from Madeira and the Azores, are the best for heavy work; the Hawaiians make good teamsters, and the Chinese and Japanese excel for factory work. The Japanese are good workers, but are not so easily managed as Chinese, and where there is a large number of them on a plantation they are apt to combine and make trouble in various ways.

(Baldwin 1894: 668)

The various groups are identified as "classes" and their essentialized identities defined by alleged shared labor capacities. Plantations often paid different nationalities different wages for the same work. For example, on one plantation in Honoka'a, north of Hilo, Portuguese workers were paid fifteen to sixteen dollars a month in 1885 whereas newly arrived Japanese were paid nine dollars (Okikihiro 1991: 60). Filipino males from 1915 to 1933 were paid eighteen to twenty dollars a month whereas Filipino women were paid twelve to fourteen (Sharma 1980: 98). Such wage differentials, which were common, fueled discontent and were important grievances in the early labor movements in the twentieth century (Takaki 1989; Okikihiro 1991). They impeded the formation of cross-national labor unions during the early years of the twentieth century, but as plantation workers joined across these lines, their union efforts were more successful (Beechert 1985).

Gender, race, and occupation also determined housing. The Hawaiian Sugar Planters Association developed blueprints for plantation camps in 1920 that showed how these differences in identity were reflected in the design of houses. The overall plan for the camp suggests the orderly grid of control and surveillance that Foucault (1979) sees as central to the disciplinary society. Camps were segregated by ethnicity as well as by occupational rank. As the sugar industry has declined, some of these barriers to housing have slowly and grudgingly given way. For example, the great house of the 'Ōia'a Sugar Company, a massive structure overlooking fields and the ocean, was home to its first non*haole* when a Japanese American was hired as manager to oversee the last years of the plantation's operation in 1983, just before it closed in 1984 ("Brief History of Ōiaa Plantation," HSPA Archives). After a few dismal years as an unsuccessful bed and breakfast hotel in the 1990s, already seedy when I toured it in the mid 1990s, the house is now in a state of decay.

Thus, the variegated identities of immigrant and settled populations were homogenized and essentialized in the social order of nineteenth- and early-twentieth-century Hilo: Japanese became a single identity, regardless of pre-*factory* of origin, as did Filipino, despite the significant regional variations in the Philippines. Native Hawaiians also became singular, despite significant differences in rank. People are marked in court records in terms of these

essentialized identities just as they are classified into such groups for purposes of disciplining and ordering a plantation labor force and reinforcing the hierarchy and the planter paternalism on which it depends. Not only subordinates become homogenized, of course, but also the haole elites who themselves took on a uniformity of identity, extending even to the body, as they all came to be "strong and virile," or "tall of stature." This identity, when it was one of authority, was also masculine.

In sum, the colonizing process in Hilo consisted of two quite different social processes—colonialism and labor importation. Each produced a distinctive set of identities and anxieties in white elites and generated oppositional elite self-representations. Law played a key role in labor importation by regulating the contract labor relationship, examined in chapter 7, and in furthering the colonial project by its focus on sexual conduct and the family, examined in chapter 8.

6

JUDGES AND CASELOADS IN HILO

MUCH OF THE CRIMINAL WORK of the District and Circuit Courts of Hilo concerned infractions that were part of everyday social life: sexual activities, hitting, drinking, entertainments such as cockfighting and gambling, and violations of work obligations. There was clearly a shift over time from a preoccupation with sex to drinking and drugs, gambling, and violations of the contract labor law. The people subjected to legal surveillance for these everyday offenses were mostly Native Hawaiians in the 1850s to 1870s and largely immigrant plantation workers in the 1880s to 1900s. Each wave of imported Asian and European laborers appeared in court in large numbers during its first decade in the Hilo region but subsequently disappeared from the dockets.

Defendants were disproportionately strangers, people new to the community and cultural outsiders to its emerging social order. In such a rapidly changing and plural cultural situation, the law served as the initial mode of cultural transformation. It was the method by which Native Hawaiians were molded into modern citizens and stranger laborers were converted into a disciplined and docile labor force. Those running the courts and police, on the other hand, were established haoles and, to a lesser extent, Christianized Hawaiians. These groups represented the old guard by the 1850s. As the century progressed, people of this background retained their control over the courts but began to lose their economic and political power in the town and in the nation. Meanwhile, the population of the town changed dramatically. The defendant population was increasingly made up of cultural "others." The courts were organized stratigraphically, with the oldest residents in charge and the more recent arrivals subject to their judicial decision making. This stratigraphic pattern has continued through the twentieth century as Japanese Americans have become the core of the judiciary and court staff, along with haoles and Hawaiians, while recent arrivals such as Tongans, Samoans, and Mexicans populate the defendant categories. Nevertheless, class cross-cuts this stratigraphy in important ways. As established populations fall into the lower socioeconomic positions, they also become the object of legal attention.

The striking feature of this pattern of court cases and defendant populations is the focus on social reform. The people running the courts tried to reform social behaviors they considered repugnant or harmful. They came from a Christian missionary tradition and brought to the judicial function a