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A CASE FOR HANDY AND PUKU‘I’S ETHNOGRAPHIC RECONSTRUCTION OF THE POLYNESIAN FAMILY SYSTEM IN HAWAI‘I

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ABSTRACT: A case for Handy and Puku‘i’s early-twentieth-century ethnographic reconstruction of the Polynesian family system in the Hawaiian Islands is made in the light of a theory of cognatic descent groups associated with land. They describe land tenure practices as organised by commoners who worked in named land parcels known as ‘ili ‘āina. This description is rejected by many scholars today, who argue that Handy and Puku‘i interpreted Hawaiian land tenure as organised by egocentric kindreds, rather than corporate groups. These scholars argue that commoners lost the ability to organise land tenure prior to European contact in 1778. Here I propose that this argument rests on an ahistorical reading of Handy and Puku‘i, which was exposed by Goodenough’s 1955 landmark paper, “A Problem in Malayo-Polynesian Social Organization”. I identify two types of corporate groups associated with land in traditional Hawaiian society, including the social category of *maka‘āinana* and its constituent ‘ili ‘āina. Together, *maka‘āinana* and ‘ili ‘āina constituted an efficient land tenure system capable of allocating labour to produce a reliable surplus. The event that ended commoner organisation of land tenure in Hawai‘i was the mid-nineteenth-century Great Māhele—the process of land redistribution proposed by the King Kamehameha III.

Keywords: cognatic descent, land tenure, commons, property right, right of person, kindred, ‘ohana Hawai‘i

A seminal ethnographic reconstruction of how Hawaiian commoners organised themselves (Handy and Pukui 1958) is understood in various ways today. This is primarily because it follows a long-standing Hawaiian tradition of describing land matters in apparently egocentric terms of ‘*ohana*’ ‘kindred, extended family’, rather than in terms of a corporate descent group. Describing land matters in terms of kindreds might appear today as a lapse in anthropological analysis, a failure to generalise from the egocentric testimony offered by informants. In fact, what appears to be a problem is a historical accident; the ethnographic reconstruction of the Polynesian family system in the Ka‘ū District of the island of Hawai‘i was made in the decades before anthropologists developed the concepts and terms required to analyse and describe cognatic descent groups Pacific peoples often formed to organise land tenure and use.

The theory of cognatic descent developed by Pacific anthropologists in the last half of the twentieth century, in the decades after Handy and Puku'i described the Polynesian family system in Ka'ū, comprises several advances in anthropological practice. First, it identifies how cognatic descent groups incorporate by combining a cognatic descent principle with common residence and other factors to steward individual pieces of land (Goodenough 1955). Second, the theory describes how cognatic descent group organisation serves to allocate labour efficiently among small groups whose demographic fortunes regularly wax and wane, a function it carries out by removing barriers to mobility, leaving people free to change residence if their current group outgrows its resource base or to respond to opportunities in groups with labour needs. Third, the theory clarifies that cognatic descent was an idiom that could be used to organise various behaviours rather than a general characteristic of the society in which it was practised (Scheffler 1964). Finally, the theory of cognatic descent aids comparative ethnology by recognising that cognatic descent groups associated with land were widespread in the Pacific and especially common in Polynesia (Goldman 1970; Goodenough 1955; Howard and Borofsky 1989).

Scholars' responses to Handy and Puku'i's ethnographic reconstruction of the Polynesian family system in Ka'ū generally reflect confusion sown by the ambiguous treatment of the 'ohana, which the ethnographic reconstruction identifies as the group that stewards an *'ili 'āina* 'land division'. The apparent problem is that stewardship requires a corporate group that outlives its members, but a kindred is defined in relation to an individual and dissolves when the individual dies. Among subsequent scholars, Goldman (1970) is perhaps most sympathetic to Handy and Puku'i's reconstruction of the commoners' family system and its relationship to the land. He argued that the cognatic descent organisation of commoners was distinct from the bilineal descent of the status lineage that organised the nobility. Nevertheless, Goldman's primary interest in the status lineage of the nobility and the honours and rivalries it promoted limited his interest in commoner organisation, and he did not reanalyse commoner social organisation in the light of cognatic descent theory. Most scholars today discount Handy and Puku'i's reconstruction, ignore cognatic descent theory to promote the status lineage as a general model for Hawaiian social organisation, and claim that the rising power of the nobility usurped the practices used by commoners to organise land tenure sometime prior to western contact (e.g., Dye 2010; Earle 1978; Hommon 2013; Kirch 2010; Linnekin 1990; Sahlins 1985, 1992).

This paper makes a case for Handy and Puku'i's reconstruction of the Polynesian family system in Hawai'i in the light of cognatic descent theory. It identifies two commoner corporate groups active in Hawaiian land tenure, both of which are predicted by cognatic descent theory. The first is a large

dispersed group organised by cognatic descent known as *maka ʻāinana* ‘people of the land’. The second is a smaller local group organised by cognatic descent and co-residence known as ‘ili ʻāina, which is glossed today as ‘land division’ but arguably referred to a land division and its stewards. Records of the mid-nineteenth-century Māhele land division indicate that the *ali ʻi* ‘noble, nobility’ status lineage had carved out a role in the flow of people between ‘ili ʻāina by dispossessing underperforming ‘ili ʻāina and granting the newly vacant lands to followers. Nevertheless, land tenure continued to be organised by *maka ʻāinana* until the ‘ili ʻāina corporate groups were dissolved during the Māhele, which introduced a land tenure system based on individual property rights.

The case for the ethnographic reconstruction is made as follows. First, the Polynesian family system in Kaʻū is summarised as Handy and Pukuʻi described it before anthropologists had developed a theory of cognatic descent. Second, the theory of cognatic descent is outlined and its features are related to the ethnographic reconstruction augmented by information from Māhele-era land records, illustrating the close correspondence between them. Third, scholars’ rejection of Handy and Pukuʻi’s reconstruction is reviewed and recognised as a failure to appreciate the social organisational insight provided by cognatic descent theory. Fourth, the question of land “ownership” is addressed by canvassing a range of proposals and contrasting them with the ethnographic reconstruction interpreted in the light of cognatic descent theory. The argument concludes with a description of some land tenure practices of Hawaiian commoners made obsolete by the Māhele.

HANDY AND PUKUʻI’S ETHNOGRAPHIC RECONSTRUCTION

The ethnographic reconstruction of the family system in Kaʻū was the product of a collaboration between the native Hawaiian scholar Mary Kawena Pukuʻi and the Harvard-trained anthropologist E.S. Craighill Handy and his wife, Elizabeth Green Handy, that began on a Bishop Museum expedition to Hawaiʻi Island in 1931. In the summer of 1935, the three travelled to Kaʻū “for the purpose of salvaging what was known of the past from elderly Hawaiians and reviewing Hawaiians in terms of their own traditions” (Barrow 1972: xii). Here they interviewed Pukuʻi’s mother, Paahana, and an elderly aunt, Keliʻihue, who supplied “most of the unique material” (pp. xii, xiii) that was first reported in a series of articles in the *Journal of the Polynesian Society* in the early 1950s. The journal articles were compiled and reissued in book form by the Polynesian Society (Handy and Pukuʻi 1958), and the book was later published commercially (Handy and Pukuʻi 1972). The ethnographic reconstruction was subsequently described more fully in the context of Hawaiian agricultural practices (Handy and Handy 1972). The various presentations of the ethnographic reconstruction are consistent with one another.

According to Puku'i's informants, the Polynesian family system in Ka'ū played a central role in land tenure, with extended families responsible for 'ili 'land sections'.

Probably the most permanent units of land were the sections of the *ahupua'a* land ... allotted to the families which lived on them and cultivated them, in distinction to *ali'i* who were overseers or higher chiefs. It seems likely that the right to continue to use and to cultivate 'ili stayed with the 'ohana (extended families) dwelling thereon, regardless of any transfer of title to the *ahupua'a* in which they were located. The 'ili was essentially a land division, whereas the *ahupua'a* was a tax unit. (Handy and Handy 1972: 49)

The general relationship of 'ili family land divisions to *ahupua'a* 'tax units' is well illustrated on a portion of an island map that shows the distribution of 'ili in the *ahupua'a* of Kāne'ōhe and Kailua on the windward side of O'ahu Island (Fig. 1).

After noting that the *ahupua'a* tax unit "was subject to a lower chief who was known as the *ali'i 'ai ahupua'a* or 'chief who eats the *ahupua'a*" (Handy and Handy 1972: 48), it is reported that "[t]here was no term *ali'i-'ai-'ili*. The 'ili, largest subdivision within the smallest division of *ali'i* feudalism (the *ahupua'a*), was essentially a family ('ohana) holding" (Handy and Handy 1972: 53).

The organisation of the 'ohana and its relationship to its *ali'i* and the *ahupua'a* tax unit are described as follows.

Within a given *ahupua'a* the heads of the respective 'ohana were responsible for seeing that their people met the tax levy prescribed by the *konohiki*, the *ali'i*'s land supervisor. The heads of the 'ohana groups were called *haku* or *haku 'aina*. So far as is known there was no formal procedure involved in the choice of a *haku* for an 'ohana ... There was a high degree of stability or permanence of tenure despite the general turnover of authority and titles to the land whenever a new *ali'i* came into power, owing to the fact that particular 'ohana enjoyed the rights of occupancy and use and faithfully fulfilled their obligations ... Actually it was to the advantage of an *ali'i* to maintain the occupancy of diligent cultivators of the land. Thus the *kauhale*, the homesites of established 'ohana, were permanent features of the landscape, and the vested interest of any given family was equivalent to a title of ownership, so long as the landsman labored diligently to sustain his claim and was loyal to his *ali'i*. (Handy and Handy 1972: 288)

Each 'ili comprised one or more *kauhale* 'households', which served as the basic unit of social organisation.

Within the *'ohana* the functional unit is the household. One term used for household was the word *hale*, house. In inquiring about the number of families or domiciles in a given locality, one would ask "*Ehia hale la?*" (How many houses?) *'Ohua* was a term that signified retainers or dependents in the household. In contradistinction to "family" (*'ohana*), inmates who were not kin by blood or adoption were *'ohua*. (Handy and Pukui 1958: 5)



Figure 1. Portion of a map of O'ahu Island showing the numerous 'ili in the ahupua'a of Kāne'ōhe and Kailua. Source: Donn (1902).

The various 'ohana of an ahupua'a were known all together as maka'āinana (Handy and Pukui 1958: 5), one of the "four distinct castes in the old Hawaiian civil system" (Handy and Handy 1972: 320) along with ali'i, *kahuna* 'priests' and *kauwā* 'outcasts'.

According to native genealogical history ... [maka'āinana] were of the same stock as the *ali'i* but without claim to noble status or rank. This was because no strict rules governed their unions, as in the case of the nobility, with respect to genealogical equality or precedence ... As long as they were loyal to the *ali'i* on whose land they dwelt, their land holding, homesites, and fishing rights were secure. However, they were not serfs. Theirs was the right, if they pleased, to leave their home district or island and settle elsewhere under another chief. (Handy and Handy 1972: 323)

The 'ili land unit managed by the 'ohana was specifically the 'ili 'āina, as opposed to the *'ili kūpono* 'independent land division.' Both kinds of 'ili were individually named with fixed boundaries. The two kinds of 'ili were distinguished primarily by their relation to ali'i; an 'ili 'āina might be dispossessed by an ali'i and its *haku 'āina* 'head of extended family' paid tribute to the ali'i 'ai ahupua'a, while the 'ili kūpono could legitimately resist dispossession and paid tribute directly to the island or district ali'i rather than to the ali'i 'ai ahupua'a.

Some *'ili* permanently belonged to families; these were termed *'ili ku pono*, strips (*'ili*) standing (*ku*) in their own right (*pono*). The *'ili ku pono* were never subject to transfer at the time of reallocation of landed chiefdoms ... The *'ili ku pono*, of all divisions and varieties of land rights, seems to have carried the only form of title that was permanent. It is noteworthy, however, that every *'ili*, of whatever type, had its own individual title, transitory or otherwise, and was carefully marked as to boundary. (Handy and Handy 1972: 49)

COGNATIC DESCENT THEORY

Prior to the development of cognatic descent theory in the second half of the twentieth century, anthropologists were most comfortable analysing societies with unilineal descent systems; societies without unilineal descent systems, such as Hawai'i, were "relegated to a kind of negative leftovers bag of 'bilateral' or 'cognatic' societies" (Keesing 1975: 91). As a result, anthropological theory at the time of Handy and Puku'i's fieldwork lacked definitions for many of the concepts required to describe Hawaiian corporate groups associated with land.

A landmark paper that set out the basic tenets of cognatic descent theory starts by distinguishing two conflicting definitions of "kindred" in the anthropological literature of the day, one an egocentric group and the

other “a group of persons who acknowledge their descent, genealogically or by adoption, from one family, whether through their fathers or mothers” (Goodenough 1955: 72). Goodenough recommended that “kindred” refer solely to the egocentric group and that another term be used for the descent group meaning of the term; anthropologists today typically call this a cognatic descent group (Keesing 1975: 91–100).

Goodenough further distinguished between social groups in which membership was restricted and those in which membership was unrestricted (Fig. 2). Historically, restricted social groups were important for anthropologists because they divide society into mutually exclusive groups by restricting membership to either the father’s group or the mother’s group. Restricted social groups formed by unilineal descent provide the closure, uniqueness and determinate membership required by corporations (Smith 1998: 128). Cognatic descent, in which a child can claim membership in the father’s and mother’s groups, is unrestricted and does not divide society into mutually exclusive groups. On its own, cognatic descent does not provide a basis for incorporation. A key insight of the theory is that cognatic descent group membership can be restricted by adding additional criteria to distinguish who belongs to the group. In this view, restricted groups might be formed by the practice of unilineal descent or by the practice of cognatic descent combined with other criteria such as inheritance of land rights, residence or personal choice between father’s and mother’s group.

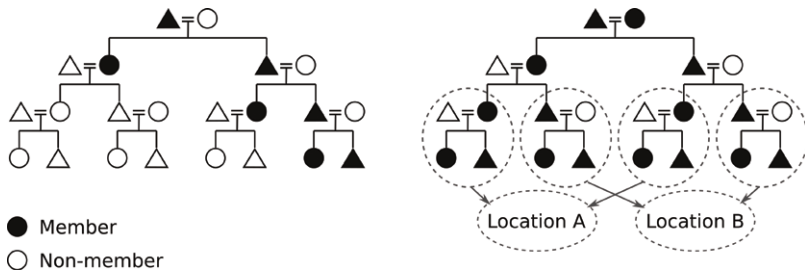


Figure 2. Restricted and unrestricted group membership: (left) membership is restricted to two individuals in the youngest generation when group membership is determined by patrilineal descent; (right) membership belongs to all individuals in the youngest generation when group membership is determined by cognatic descent. Note that restricted groups can be formed through application of another criterion, such as residence location at either Location A or Location B.

Prior to the development of cognatic descent theory, anthropologists typically described societies as characterised by a single kinship system. Cognatic descent theory clarified that “a ‘kinship system’ is not a separate sub-system of any given social structure but rather the organisational idiom for many kinds of social relationships” (Scheffler 1964: 131–32), an insight that created the conceptual space to identify *maka‘āinana* corporate groups involved in land tenure independent of the status lineage that organised Hawaiian *ali‘i*. This insight was developed by Goldman (1970), who distinguished the kinship principles that *maka‘āinana* used to organise land matters from those used by *ali‘i* to organise the status lineage. He identified several other instances of this distinction elsewhere in Polynesia and proposed

the hypothesis that the organization of Polynesian kin groups evolved from two different sources, from the small and utility-minded land-holding group of bilaterally related persons ... and from the comprehensive genealogical networks organized around chiefly lines. (Goldman 1970: 438)

Development of cognatic descent theory led to the recognition that cognatic descent groups associated with land were widespread in the Pacific. Goodenough found evidence for cognatic descent groups in the Philippines, Kiribati and the Solomon Islands, and abundant evidence for cognatic descent groups in Polynesia, including Tokelau, ‘Uvea and Futuna (Goodenough 1955: 75–77). Subsequent fieldwork in Polynesia found that cognatic descent groups were “prevalent” throughout the region (Howard and Borofsky 1989: 4). Based on the distribution of cognatic descent groups in Island Southeast Asia, Micronesia, Melanesia and Polynesia two types of kin groups associated with land were posited for the societies ancestral to most Pacific peoples, including Hawaiians (Goodenough 1955).

One was an unrestricted descent group, while membership in the other was determined by parental residence. Because they stressed kin ties through both parents equally, these groups favored the simultaneous presence of bilateral kindreds and Generation-Hawaiian kinship terms. (Goodenough 1955: 82)

Goodenough (1955) illustrated the relationship between the unrestricted descent group and groups associated with land parcels with an example taken from the practice of land tenure in Kiribati, where there are two named groups associated with land parcels.

An ancestor having established ownership of a tract was the founder of all three [types of descent groups]. All of his descendants form an *oo*. Those in actual possession of a share in the land are eligible to membership in a *bwoti*. Those whose parents resided on it form a *kainga*. (Goodenough 1955: 75)

Here, ownership is vested in the unrestricted descent group descended from a founding ancestor. The smaller groups formed by the intersection of cognatic descent and residence differ from one another by length of association. Members of a bwoti include those in their first generation of residence, while members of the more restricted kainga are part of a corporation associated with the land parcel for two or more generations. According to the theory, groups organised in this way and associated with land provide the structure needed to balance demographic change and land use. In particular, they provide a flexible way to place people on land that enables them to avoid the twin problems faced by unilineal descent groups—how to support members of a growing lineage with the finite resources of a given land base and how to attract new members to a declining lineage so it can continue to work the land efficiently. Members of the larger corporate group are, in theory, free to move among the various land parcels managed by the group. In Kiribati, the fact of this mobility was institutionalised in the distinction of relatively mobile members of a bwoti from the more sedentary members of a kainga.

The ancestral kin groups associated with land posited by Goodenough correspond closely to the ethnographic reconstruction of the Polynesian family system. The term *maka'āinana*, defined by Pukui and Elbert (1986) as 'people that attend the land', is an obvious candidate for the unrestricted descent group associated with land. Handy and Puku'i recognise the *maka'āinana* as a descent group when they describe its members as "bred from a single parental stock" (Handy and Pukui 1958: xvii) and when they characterise the *maka'āinana* of Ka'ū as the union of the district's 'ohana (Handy and Pukui 1958: 5). Technically, *maka'āinana* can be classified as a corporate category, rather than a corporate group, because the members "lack the organization and ability to act together" (Smith 1998: 85). As discussed in the section on land ownership, below, *maka'āinana* are incorporated as a social category to manage transmission of land rights.

The 'ili 'āina, which is described as a family group with an informal leader and a long-term interest in a parcel of land with a "high degree of stability or permanence of tenure" (Handy and Handy 1972: 288), likely corresponds to the group determined by parental residence. Nevertheless, there appears to be no direct statement in the ethnographic reconstruction of the Polynesian family system to the effect that parental residence was a sufficient condition of group membership. Fortunately, a detailed analysis of Māhele testimony from Kawaihoa, O'ahu, augments this normative description of the 'ili 'āina with insight into how tenures were transmitted.

There is some irony to the search for information about the operation of 'ili 'āina in records of the Māhele, one purpose of which was to institute private property in land, a project whose successful implementation made 'ili 'āina practices obsolete. Nevertheless, Māhele records for Kawaihoa identify 43

or 44 named 'ili 'āina (Sahlins 1992: 176 n3; cf. Anderson 2001: 144). The practical tension between the traditional tenure system and private property in land can be seen in the way that claims were framed in testimony to the Land Commission charged with managing the transition from traditional *kuleana* 'rights and duties' in the land to a system in which *kuleana* referred to a plot of land and its associated property rights.

The identification of the source of the *kuleana*, for example, whether it descended from the parents of the holder or was given to him by the local headman, was a determination of legitimacy that often depended on who was testifying to the Māhele claim. Typically, the ancestral right is put by the common farmer himself—or more rarely, herself—in the letter of claim that by law had to be filed with the Land Commission before the end of February 1848. He or she writes to the effect that the lands come from 'parents' (*mau makua*) or 'grandparents' (*nā kupuna*, also 'ancestors'), usually without specifying any by name ... When the commission meets at Waialua two or three years later, however, the witnesses may or may not so confirm the claim as a family heritage. Alternatively, the land is said to have been granted to the holder by La'anui [the paramount *ali'i* of Waialua from about 1828 until his death in 1849 (Sahlins 1992: 8)] or his *konohiki* ['land supervisor'] Ku'oko'a. But it is usually Ku'oko'a who says so. (Sahlins 1992: 178)

The full formulae for an ancestral claim, glossed as *mau makua* and *nā kupuna* in the quotation, are *mai nā kūpuna mai* and *mai nā mākuā mai*. The formula *mai nā kūpuna mai* means "what comes from the ancestors into this time" (Beamer 2014: 15). The formula *mai nā mākuā mai* refers to the most recent link in the chain of transmission and indicates the group resident on the 'ili 'āina was determined, in part, by parental residence. Here, parental residence constitutes a sufficient condition of membership, an arrangement common in Polynesia, where "[r]esidence by itself does not give title to descent-group membership, but land rights established by descent-group membership tend to remain operational only through residence" (Firth 1957: 7).

Goodenough hypothesised that cognatic descent groups associated with land functioned to balance demographic change and land use by promoting mobility among groups. The mobility of *maka'āinana* among 'ili 'āina in the first half of the nineteenth century can be reconstructed from ancestral land tenure claims at Kawailoa expressed in a political register that refers to the *konohiki* 'land manager' who legitimated the claim. More than half of Māhele land claims at Kawailoa, 42 of 78, refer to the first *konohiki* on the list, who was placed on the land by Kamehameha sometime after he conquered the O'ahu Island *ali'i* Kalanikupule in AD 1795 (Sahlins 1992: 180). In historical terms, claims that refer to the first *konohiki* likely include people placed on the land by Kamehameha and people whose ancestors resided at Kawailoa

before Kamehameha conquered the island. In contrast, there are 21 recent arrivals who legitimate Kawaioloa residence with reference to the reign of La'anui, which began about two decades earlier. These recent arrivals are almost equally divided between those who exercised a traditional claim within the 'ohana of maka'āinana and those who were placed on the land by ali'i (Sahlins 1992: 182). In between these extremes are a dozen claims made by people whose lands were transmitted to them by an ancestor who came to Kawaioloa in the quarter century between Kamehameha's conquest and the investiture of La'anui as ali'i of Waialua. The ancestors of these people might have come to Kawaioloa by exercising a traditional maka'āinana claim or they might have been placed on the land by an ali'i and subsequently transferred tenure in the traditional way, *mai nā mākuā mai*. In either case, the claimants legitimated their claims with reference to a corporate maka'āinana descent group. Thus, 64 of 78 Kawaioloa tenures around AD 1850, more than 82 percent, were based on a variety of ancestral claims, about half of which were for lands in named 'ili 'āina. These ancestral claims document the persistence of maka'āinana corporate groups associated with land posited by Handy and Puku'i's ethnographic reconstruction interpreted in the light of cognatic descent theory.

Finally, Goodenough noted that societies in which cognatic descent groups were associated with land typically exhibited bilateral kindreds and "Generation-Hawaiian" kinship terms. Both of these social institutions were present in Hawai'i. Hawaiian kinship terms classify male relatives in the father's generation, including mother's brother, as *makuakāne* 'father' and female relatives in the mother's generation, including father's sister, as *makuahine* 'mother', thereby offering no terminological warrant for a division of society into restricted groups. Bilateral kindreds are known in Hawai'i as 'ohana, a term that Handy and Puku'i recognise as polysemic. In addition to its reference to a bilateral kindred, the term also refers to an individual born into a household associated with an 'ili 'āina, as opposed to *'ohua* 'visitors or sojourners in a household'. The distinction between 'ohana and 'ohua appears to parallel the distinction in Kiribati between the long-term members of the kainga and the mobile members of the bwoti.

SCHOLARLY RECEPTION

The scholarly reception of the ethnographic reconstruction has been cool, in part because the polysemy of 'ohana introduces ambiguity. Goldman, who valued the ethnographic reconstruction of the Polynesian family system in Ka'ū, was keenly aware of this ambiguity, noting that 'ohana sometimes seemed to refer to a corporate group and at other times a kindred, a characteristic that resulted in a description that he found "unfortunately vague" (Goldman 1970: 235). In the corporate aspect of the 'ohana, Goldman

concluded that its informal structure, limited tenure rights to land and lack of a name and territory made it a weak corporate group. Further, the fact that tribute was organised by the haku 'āina on behalf of the 'ohana suggested to him that “it was the political territorial division that demarcated the 'ohana as a corporate body” (p. 236) and that the “basic organization in Hawaii . . . was political and not kinship” (p. 238). Thus, while he recognised that the distinct organisations of commoners and of the status lineage were not incompatible and that change in one did not necessarily entail change in the other, he believed that the status lineage achieved its high level of development at the expense of a drastic modification of commoner organisation.

The idea that the rise of the status lineage drastically modified commoner organisation led to the hypothesis that maka'āinana completely lost the ability to incorporate and that members of the status lineage managed land tenures instead. First formulated in a grant proposal (Sahlins 1973), the hypothesis was elaborated historically as a distinction between “archaic” and contact-era maka'āinana (Hommon 1976) and presented in embryo form (Sahlins 1985) before a fully elaborated version appeared (Sahlins 1992). A succinct statement of the hypothesis claims that land tenure matters were decided solely by the elite and that maka'āinana traditions were relevant only insofar as they structured relations of subordination.

For the people on the land, there was no protection of lineage. There was no lineage. The local chiefs periodically “placed” (*ho'ono*) and replaced by the powers that be upon the districts of the countryside had no necessary or essential kinship to the people there. But at the same time, this system of land redistribution among the elite left no space to alternate local structures of lineage solidarity and collective property—and, least of all, to an alternative authority emanating from the people as the senior line of their own ancestry. By traditional definition, commoners are people who cannot trace their genealogies beyond their grandparents. Nor did they inherit land so much as replace their parents or grandparents in a relation of subordination to the chief who had been put in charge. (Sahlins 1985: 24–25)

This commoner disenfranchisement hypothesis—that maka'āinana groups had lost the ability to incorporate, yielding control of land to ali'i—has been widely accepted by archaeologists and anthropologists working in Hawai'i (e.g., Dye 2010: 730; Earle 1978: 146; Hommon 2013: 15–17; Kirch 2010: 26, 72; Linnekin 1990: 114–17, 120, 153).

Proponents of the commoner disenfranchisement hypothesis generally ignore the insight from cognatic descent theory that kin groups of Polynesian elites and commoners were organised differently, along with Goldman's hypothesis that the two kin groups had evolved from different sources. Instead, proponents of the hypothesis start from the premise that the

ideal Polynesian society is organised by a single rank order structure that encompasses elites and commoners alike (e.g., Earle 2002: 79; Linnekin 1990: 114; Sahlins 1992: 178, 192) and explain the ethnographic facts as due to changes from this posited single source. Unlike Goldman, who tried to reconcile the ‘ohana kindred with the corporate qualities described by the Polynesian family system, proponents of the hypothesis reject the idea that the ‘ohana was active in land matters and assign corporate status to a domestic group constituted by a core of “*kupuna kin*” (Sahlins 1992: 196–203) augmented by non-relatives attracted to the group by its leader, characterised as a “big man” (Sahlins 1992: 208–11). According to the account,

Hawaiians would make a scandal of the technical categories of social anthropology by transforming this kindred into an enduring corporate group—by means of such biological scandals as the transformation of collateral into lineal relatives and grandchildren into children. They would defy normal processes of social reproduction leading to the dispersal and distancing of familial kin ... by valiant efforts of adoption, kinship classification, endogamous marriage, and exchange of land—all aimed at nullifying time and the concomitant increase of kinship distance. (Sahlins 1992: 197)

The theory indicates these efforts were carried out by individual *maka‘āinana*, who “had their own life-style and relationships by which for generations they had coped with their afflictions” (Sahlins 1992: 203), rather than by individuals working within the overarching structure of a *maka‘āinana* corporate category and the local structure provided by the corporate group responsible for stewarding an ‘*ili āina*. By this account, Hawaiian *maka‘āinana* comprised a class of individuals, rather than a congeries of ‘ohana as in the ethnographic reconstruction of the Polynesian family system or a cognatic descent group associated with land of the kind identified by Goodenough (1955).

Proponents of the commoner disenfranchisement hypothesis note that the term *‘ohana* is rarely found in Māhele records of the 1840s, in which reference to a corporate group responsible for land tenure might be expected (e.g., Linnekin 1983: 246; Sahlins 1985: 25 n21; 1992: 194). Linnekin suggests that the term was oversystematised by academics and that “Hawaiians themselves have been influenced by this scholarship” (Linnekin 1990: 115), leaving the impression that the ethnographic reconstruction might have put a modern spin on traditional practices. Although anthropologists prefer a direct report by someone, preferably a participant, who observed social interactions firsthand, ethnographic reconstructions based on family knowledge can yield reliable results (Burch 2010). Nevertheless, any ethnographic reconstruction project, even one based on secure family traditions, is fraught with difficulties. Were the traditions related by Puku‘i’s

relatives “invented traditions” (Hobsbawm and Ranger 1983) that projected modern understandings into the past, as Linnekin appears to suggest? Or were the traditions faithful representations of past practices that were mistranslated and misrepresented in the various publications?

Fortunately, the literary culture of nineteenth-century Hawai‘i provides evidence that discounts the possibility that the ‘ohana traditions recorded and interpreted by Handy and Puku‘i were simply reflections of an academically influenced twentieth-century Hawaiian culture. Writing in the Hawaiian language newspaper *Ke Au ‘Oko ‘a* in 1869, the historian S.M. Kamakau described the land tenure practices of the maka‘āinana in terms of the ‘ohana:

Eia kekahi mea e akaaka ai, he kuleana paa ko na makaainana ma ka aina.
O ka lewa ole o ka ohana, a me hanauna o ka ohana mai na kupuna mai, ua
akaka i kela kana i keia kanaka ka aina kumupaa, a me ka aina hoolina o
kela ohana o keia ohana mai na kupuna mai oia ka aina ewe o na kupuna.

The figurative language of the canonical English language translation, cited next, tends to obscure Kamakau’s use of ‘ohana to describe traditional land tenure practices. It casts the description in terms of commoners’ right to bury kin on ancestral lands rather than tenure per se, and is ambiguous about whether the object of the verb “inherited” is “love of the land” or “the land of one’s birth”.

With this right of the common people to the land is connected an inherent love of the land of one’s birth inherited from one’s ancestors, so that men do not [willingly] wander from place to place but remain on the land of their ancestors. (Kamakau 1992: 376)

A literal translation of this passage, kindly supplied by Kepā Maly, identifies the subject as tenure on the land. In addition, it translates Kamakau’s “mai nā kūpuna mai” as ‘from the ancestors down’, which neatly captures the sense of this common formula.

Here is something that should be made known, the native people/tenants had a tenure on the land. Families, and generations of families, from the ancestors down, did not wander about. That person and this person (each person) knew the foundation of their connection to the land, the legacy of their family on the land, being borne in each family from the ancestors down, that it was the native land of the ancestors.

The tradition of describing maka‘āinana land tenure in terms of the ‘ohana likely refers to its sense as a status associated with households of an ‘ili ‘āina. In any case, Kamakau’s words should dispel the notion that describing maka‘āinana land tenure in terms of the ‘ohana reflects a twentieth-century invention of tradition.

In contrast, there is ample reason to believe that the ambiguity in the description of the *'ohana* was due to the translation of informant testimony for publication. The discipline of anthropology in the first half of the twentieth century—the period during which Handy received his education and carried out fieldwork in Ka'ū—had yet to formulate key concepts required to describe land tenure practices in the Pacific or to settle on precise definitions for others. It wasn't until the second half of the twentieth century that anthropologists restricted the definition of kindred to an egocentric construct; when Handy and Puku'i were working, the term could be applied equally to a descent group defined by reference to a common ancestor and to the kin group reckoned in relation to a living individual (see Davenport 1959). Beyond this potential source of confusion, if Handy and Puku'i had looked to anthropology for a model of the descent group operative in *maka'āinana* land matters, they would have learned that corporate groups were formed along the principle of unilineal descent, reckoned through a line of mothers or a line of fathers, but not through mothers and fathers alike. At the time Handy and Puku'i carried out their work, anthropological theory lacked the concepts required for an unambiguous translation of their informants' testimony on land tenure and the *'ohana*.

Another ambiguity in the ethnographic reconstruction might stem from the same source. The description of the *haku 'āina* as one belonging to “a senior branch of the *'ohana*” (Handy and Puku'i 1958: 6) implies a “model of a ranked lineage associated with—if not the corporate proprietor of—an *'ili 'āina* land segment” (Sahlins 1992: 193). Nevertheless, when the insight from cognatic descent theory that corporate groups can be based on cognatic descent in combination with an additional criterion, such as co-residence, is acknowledged, it opens the possibility that a *haku 'āina* might be considered senior to his peers because his ancestors established membership in the *'ili 'āina* before the ancestors of his peers did so. A priority relationship of this type might be passed from one generation to the next as a simple fact, absent a deep genealogical warrant that, by some accounts, would have been unavailable to *maka'āinana* whose genealogical reckoning stopped at the grandparental generation. Thus, the description of *haku 'āina* as someone from a senior branch can be understood as a plausible reconstruction of social relations that does not refer to a ranked lineage.

Handy and Puku'i's ethnographic reconstruction, augmented by land court records from the Great Māhele, indicates that members of the *maka'āinana* category formed corporate groups through co-residence to steward named and bounded land parcels known as *'ili 'āina*. The term *'ili 'āina* occurs frequently in Māhele records as the locus of ancestral tenure claims that testify to the corporate nature of the groups that stewarded these lands. Nevertheless, proponents of the hypothesis that *maka'āinana* groups had yielded control of land to *ali'i* restrict the definition of *'ili 'āina*

to a subdivision of an ahupua'a and downplay or ignore the functional distinction drawn in the ethnographic reconstruction between the 'ili 'āina as the land worked by a corporate group and the ahupua'a as a tax district (e.g., Hommon 1976; 2013: 14, 225; Kirch 1992: 187; 2010: 49; Linnekin 1990: 88, 117). There is no doubt that the 'ili is defined in post-Māhele legal scholarship as a subdivision of the tax district (Lucas 1995: 40), and this is also how it is portrayed in accounts of the Māhele (Chinen 1958: 3–4). Nevertheless, nothing in this post-Māhele use contradicts the sense of 'ili 'āina as a corporate group associated with a named land parcel with demarcated boundaries. Rather, the post-Māhele use of 'ili 'āina simply focuses on its external relation with the status lineage.

One likely objection to this characterisation of 'ili 'āina as a term that refers to a land parcel and to the corporate group charged with its stewardship originates in the field of historical linguistics. Terms with this composite meaning are present in several West Polynesian languages but appear to be absent from the languages of East Polynesia (Marck 2000: 186). This difference between West and East might be more apparent than real. It is based on the definitions available to linguists, culled primarily from dictionaries that were compiled before anthropologists defined the concepts required to identify corporate cognatic descent groups. Indeed, historical linguists sometimes resort to “ethnographically extended glosses” in an attempt to remedy data quality issues such as these (e.g., Kirch and Green 2001). Nevertheless, the matter need not be left in limbo until it is resolved by historical linguistic analysis. On the contrary, it is the sociological association that distinguishes the specific term 'ili 'āina from the generic term 'āina 'land'. 'Ili 'āina refers indissolubly to the lands and resources of a corporate group charged with their stewardship.

LAND OWNERSHIP

According to the *Hawaiian Dictionary* (Pukui and Elbert 1986), the English word “owner” can be translated into Hawaiian as the English loan word 'ona 'owner', or by two other less specific terms, *mea* 'thing, person, etc.' and *haku* 'lord, master, overseer, etc.'. Ownership in the full western sense is a concept that first required its own word after westerners arrived. Economists define ownership as a bundle of five categories of rights, including access, withdrawal, management, exclusion and alienation (Ostrom 2000). Land matters in old Hawai'i have yet to be analysed according to these distinctions. Instead, scholars have argued that land ownership was vested in one or another of various entities, including the local domestic group, the status lineage and the gods, without explicitly considering which categories of ownership rights were active. The result in each case is a characterisation of traditional land tenure that accords partially with Handy

and Puku‘i’s ethnographic reconstruction. This section focuses on exclusion; it distinguishes property right claims to the exclusive use and enjoyment of a piece of land from right of person claims that one cannot be excluded from use and enjoyment of the land (see Bell 2004: 131–48). It reviews three proposals before advancing a fourth—that the social category of *maka‘āinana* incorporated to advance a property right claim to the productive lands of Hawai‘i to the exclusion of the outcast group known as *kauwā*.

A proposal that locates property right land claims with the local group and its head specifies the *haku ‘āina* as a “corporate proprietor” (Sahlins 1992: 193). If this proposal is correct and claims to an ‘ili ‘āina were indeed structured by claims that other *maka‘āinana* might be excluded from its use and enjoyment, then it is reasonable to conclude that Māhele testimony indicates “ancestral property rights were not shared equally. The domestic estate devolved on certain children only, often only one; others were obliged to affiliate elsewhere—or else ‘to seek a lord’ (*imi haku*)” (p. 178).

In this view, a member who left the ‘ili ‘āina to affiliate elsewhere might be characterised as “disenfranchised”, faced with the prospect of developing “an alternative strategy that allowed him to escape from destitution” (p. 204). The hypothesis of a property right claim to an ‘ili ‘āina, with its entailment of destitution failing inheritance, is illustrated with examples of *maka‘āinana* who moved out of the “ancestral estate”. These include a man, *Kauihou*, who moved away to live with affines, and another man, *Helela*, who moved in and out of the ancestral estate at various times to stay with affines and others for extended periods. *Kauihou* went on to become *haku ‘āina* after his father-in-law passed away, a status that *Helela* appears not to have achieved. Nevertheless, there is no evidence that either *Kauihou* or *Helela* lacked needed or desired possessions or resources that might indicate that moving from one ‘ili ‘āina to another, which according to the hypothesis left them disenfranchised, also left them destitute. A third example of two brothers who initially filed independent claims to approximately equal portions of the ancestral estate, but subsequently consolidated their claims in the name of the older brother, similarly lacks indication that the younger brother was thereby made destitute. When the Land Commission awarded the older brother’s consolidated claim, the younger brother was indeed disenfranchised, but it was the award itself and the imposition of property rights to individual land parcels by way of the Māhele that caused this and not some antecedent property right claim to an ‘ili ‘āina. In the absence of evidence for destitution, the examples cited in support of the hypothesis appear to illustrate, instead, lack of concern for property rights claims by *maka‘āinana*, who were exercising rights in a land tenure system in which mobility was both demonstrably common, as indicated by Māhele testimony, and arguably a feature of the system’s institutional design (Goodenough

1955). The claim that the land tenure system of the *maka'āinana* often resulted in disenfranchisement and destitution appears to be a projection of modern possessive individualism, where “[s]ociety is a series of relations between proprietors” (Macpherson 1962: 269), to a place and time that yields little evidence for it.

Another proposal holds that *maka'āinana* property rights had been replaced with a system of “overarching elite ownership ... [when] all land became the property of the conquering ruler” (Jennings and Earle 2016: 482–83). In this proposal, the “Hawaiian state created what were serfdoms, with farmers bound to land by law and not by lineage ... the bottom-up process of self-organizing was coopted by a top-down system aimed at surplus mobilization” (p. 483). The model for this interpretation of Hawaiian land tenure appears to be medieval Europe, where serfs were typically poor peasants who had subordinated themselves to a lord and upon whose manor they were dependent for access to land. In this context, the reference to farmers bound to land by law evokes a situation often found in Europe where the movement of serfs to the manor of another lord was discouraged and, in England at least, was effectively prevented for a time, and where a serf who desired to marry someone outside the manor required permission from the lord along with payment of a considerable fee (Bloch 1961: 255–74). The personal nature of the bond between serf and lord, the limitations to movement and association and the apparent concern of lords with the reproductive potential of servile women all contrast strongly with the ethnographic reconstruction, which indicates that *maka'āinana* were not serfs (Handy and Handy 1972: 373) but could associate with an *'ili 'āina* of their choice, were related to *ali'i* as members of an *'ili 'āina* and not as individuals, and were free to marry any other *maka'āinana*.

The “top-down system aimed at surplus mobilization” (Jennings and Earle 2016: 483) refers to the collection of surplus by *ali'i 'ai ahupua'a* and *konohiki* from *haku 'āina* as *corvées* and tribute in kind, part of which they sent to the king and another part of which they held back for their own support. This is an arrangement found around the world where the use of money is uncommon or unknown (Haldon 1993: 199–200). In Hawai'i, it appears to coexist with the “bottom-up process of self-organising”, rather than preempting it as the hypothesis predicts. *Māhele* records indicate that *ali'i* did make land tenure decisions that might formerly have been handled by *maka'āinana*—about half of the new tenures at *Kawailoa* were awarded by *ali'i*, rather than *maka'āinana*, as described earlier—but this was during a period of population decline in the second quarter of the nineteenth century, when *'ili 'āina* would have faced labour recruitment difficulties that could have led to eviction for default of tribute obligations. Thus, *Māhele* records might indicate an elevated level of *ali'i* involvement in land tenure

(Linnekin 1990: 127). In addition, when ali‘i exchanged exclusive rights to the surplus product of an ahupua‘a, it was not unusual for lower-level agents to remain behind and settle down as maka‘āinana in order to work the land whose surplus product had supported them. Their lands were subsequently transmitted according to tradition and were not reassigned by an ali‘i (Sahlins 1992: 190). By this evidence, the “top-down system” appears to have had a limited effect on the “bottom-up process”. The serfdom model provides a partial fit to the Hawaiian situation and should be applied cautiously, with full awareness of the many differences between serfs and maka‘āinana.

A third proposal holds that

[I]and ‘ownership’ was a concept directly antithetical to all that the *Mō‘i* [king] represented and all that tradition empowered him to do. In traditional Hawai‘i, ‘Āina [land] was not owned but was held in trust. It was the *Akua*, or Gods, who had made the ‘Āina; if anyone, it was the *Akua* who owned the ‘Āina. (Kame‘eleihiwa 1992: 9–10)

If this proposal is correct that land was held in trust, then the land rights exercised by maka‘āinana were not property rights but were rights of person exercised in the capacity of trust beneficiary. In this view, the ‘ili ‘āina organisation described by the ethnographic reconstruction should exhibit the seven design principles of common-pool resource institutions: (i) clearly defined boundaries; (ii) congruence between appropriation and provision rules and local conditions; (iii) collective-choice arrangements; (iv) monitoring; (v) graduated sanctions; (vi) conflict-resolution mechanisms; and (vii) minimal recognition of rights to organise (Ostrom 1990: 90). The ‘ili ‘āina appears to meet these design criteria: (i) its boundaries were “carefully marked” (Handy and Handy 1972: 49); (ii) due to the mobility inherent in maka‘āinana tenures, the local work group might fluctuate in size and composition to respond to local conditions, and its work under a master with a long history of stewarding the ‘ili āina contributed to efficient allocation of labour and materials; (iii) the haku ‘āina “was no dictator but was subject to the advice and opinion of householders and of all other members ... concerned in or affected by decisions and enterprises” (Handy and Pukui 1958: 7); (iv, v, vi) monitoring, sanctioning and conflict resolution were all carried out within a small group organised as an extended family, which could shed or take on new members as needed; and (vii) ali‘i interacted with ‘ili ‘āina as integral units and appear not to have challenged the right of ‘ili āina to organise as they saw fit, provided tribute obligations were met. The proposal that land was held in trust and managed as a common-pool resource appears to fit well with the ethnographic reconstruction. In this view, a member of the maka‘āinana is a commoner in two senses: as one who has a joint right in common lands, and as one below the social rank of ali‘i.

Nevertheless, the proposal that ownership was vested in the gods for the exclusive use of all the people runs into the problem that kauwā were excluded from use and enjoyment of the land and were actively shunned by maka'āinana, who did use and enjoy it. This observation motivates a fourth proposal, that property right claims to land were exercised at the level of the unrestricted descent group (Goodenough 1955: 75), which in Hawai'i is represented by the social category of maka'āinana. The ethnographic reconstruction characterises kauwā as "outcasts compelled to live in a barren locality apart from the tribesmen or people 'belonging to the land' (*ma-ka-aina-na*)" (Handy and Puku'i 1958: 202) and indicates that maka'āinana members made extraordinary efforts to keep kauwā from exercising land rights associated with shares in the corporation, prescribing distinctive marks and dress for kauwā and prohibiting mating or marriage between maka'āinana and kauwā. The ethnographic reconstruction thus corroborates the proposal that the maka'āinana corporate group exercised a property right claim to land on behalf of its members that excluded kauwā.

* * *

The case for Handy and Puku'i's ethnographic reconstruction in the light of cognatic descent theory identifies two corporate groups associated with land in Hawai'i. The larger of the two is a cognatic descent category known as maka'āinana that exercised a property right claim to land on behalf of its members. This claim was exclusive of kauwā, an outcast group that traditional accounts do not describe in detail. The maka'āinana managed land as a common property resource, the use and enjoyment of which was not denied its members. Members accessed land by associating with a smaller group that was incorporated to steward a named and bounded plot of land known as the 'ili 'āina. The criteria for associating with an 'ili 'āina were flexible and this led to a system capable of allocating labour and resources efficiently with respect to local conditions. Members of the 'ili 'āina typically worked under the direction of a master who was born and raised on the 'ili 'āina and had learned from its previous master how to manage the land. The maka'āinana with its constituent 'ili 'āina was an efficient organisation capable of producing a surplus beyond the subsistence needs of its members to sustain the ali'i status lineage.

Māhele records indicate the ali'i status lineage had made an inroad into maka'āinana management of land tenures, primarily to maintain or augment tribute production. The history of this inroad is obscure, although Hawaiian tradition suggests it expanded during the historic-era reigns of Kahekili and Kamehameha (Kamakau 1992: 376). An ali'i might disenfranchise an underproductive 'ili 'āina, forcing its members to associate with other

‘ili ‘āina and establish a new ‘ili ‘āina in its place. Nevertheless, the new ‘ili ‘āina was then managed and transmitted in the traditional way, *mai nā mākua mai*, provided it was able to produce sufficient tribute. Thus, *ali‘i* desire for tribute served to increase ‘ili ‘āina mobility, particularly during the historic era (Linnekin 1990: 127), but this was a temporary effect that did not fundamentally alter the corporate structure of the ‘ili ‘āina.

The ‘ili ‘āina met its end with the Māhele (Osorio 2002: 44–50). Statistics for a sample of 666 land claims illustrate the transition from the traditional commoner practice of transmitting tenure to ‘ili ‘āina *mai nā mākua mai*, to a newly proposed practice based on individual inheritance of property rights (Linnekin 1990: 193). Before the Māhele, 55 percent of claimants cited the traditional formulas to legitimate their claims. Afterwards, only three percent did so. Handy and Puku‘i recognised, at least in broad outline, that it was this corporation of commoners that the Māhele set out to dissolve and replace with land tenures based on possessive individualism. They speculated on what might have been the outcome of the Māhele had the grants been

as ‘*ili* or sections allocated to ‘*ohana*, represented legally by their respective *haku*, instead of as parcels (*kuleana*) in fee simple to individuals. Probably in most instances the *haku* would have been guided in decisions, planning and action by interest in the welfare of the whole ‘*ohana*: he would at least have been subject to the advice of the family council and of shrewd and hard-headed elders in particular. (Handy and Puku‘i 1958: 17)

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