

Law and Empire in the Pacific: Fiji and Hawai'i, eds Sally Engle Merry and Donald Brenneis. Advanced Seminar Series, School of American Research Press, Santa Fe & James Curry, Oxford, 2003. 314 pp., 2 figures, notes, references (single list), index. ISBN 1-930618-24-7 (cloth); ISBN 1-930619-25-5 (paper). Recommended price US\$60.00 cloth; US\$24.95 paper.

This volume stems from an advanced seminar held at the School of American Research in Santa Fe, New Mexico in March 2001. The seminar brought together a number of academics with an interest in Fiji and Hawai'i particularly in relation to the anthropology of law and colonial history. As the title implies the collection compares and contrasts the colonial experience in the two polities. However, it goes further and looks at events, movements and developments in post- and neo-colonial times.

The editors set out the central idea of book early (5–6) when they explain: '*This book provides the kind of controlled comparison once popular in anthropology but builds on that approach by analysing societies in a larger sociopolitical context and more historically than much of the comparative work in the discipline.*' Under this wide-ranging brief the essays included offer a comparative examination of anthropological, political, social, legal and historical aspects of the experience in both places from the overture of imperial rule until the present day.

The editors' consummate introduction provides an excellent summary of the factors the states have in common and those where they differ. Both, before the advent of imperial administration, were controlled by powerful chiefs; both became subject to colonial rule in the late nineteenth century; both were dependent on a sugar economy; and both imported indentured labour from Asia. Strikingly, they note that '*By the end of the colonial era, the indigenous population in both places were more or less outnumbered by the people of other nations who had come to work the land*' (1).

The differences are equally marked. British policy was paternalistic and protected Fijian culture and their land rights, so that at independence Fijians held more than 80% of the land. It bolstered traditional chiefly rule through Gordon's creation of the Great Council of Chiefs, a body

still wielding enormous influence, as the events of the last few years testify. The British also established a separate legal regime for Fijians. They kept the indigenous and non-indigenous populations separate and established separate courts and racially based voting rolls.

By way of contrast, in Hawai'i the American intervention was driven by a doctrine of liberal capitalism under which land was quickly privatised and chiefly authority undermined so that within a relatively short period the vast majority of land was owned not by Hawaiians but by whites. A monist legal system based on Anglo-American law was imposed and voting was based on a unified roll. Hawaiian culture was exposed and Hawaiians became economically and politically marginalised. The editors perceptively spotlight the ironic paradox that Native Hawaiians and Indo-Fijians both perceive themselves as vulnerable and pushed to the political fringes.

The introduction gives a useful preview of the content of each paper so the reader can dip into the collection at leisure depending upon his or her personal interests. For a reader with an interest in colonial legal history John Kelly's vivid account of Gordon's 'reign' as the first Governor of Fiji and Sally Merry's description of how Native Hawaiian interests were ignored and overwhelmed as a capitalistic economy was established and political power was entrenched in a powerful largely white elite are highly readable and illuminating. Merry's paper vividly destroys the persistent myth in American self-regard that the United States is not an imperial power. Both Merry and Jonathan Isorio examine modern movements formed with the aim of restoring indigenous Hawaiian rights, sovereignty and culture. Noenoe Silva, in a fascinating essay on the *Hula* tradition, explores a resurgence of indigenous pride in promoting the true meaning and spirit of *Hula*, as a symbol of a cultural re-awakening. She wryly notes that the *Hula* was suppressed as provocative by early missionaries but was then coopted by the billion-dollar tourist industry and turned into an alluring sexual sideshow.

In a compelling account Martha Kaplan explores the history of colonial Fiji and the formal institutions set up by the British, such as the Native Lands Commission and Native Land Trust Board. She then

sees the recent political coups as takeovers based on a deep spiritual claim to power as of right centred purely on being Fijian and Christian, a claim overriding the Constitution and the legal system. She then describes the post-2000 coup action of the Vatulaloko people to take over and occupy the plant of Natural Waters of Viti Limited. The takeover is justified by reference not to any claim to legal title, but to an innate relationship with the land that transcends any alienation of the land consequent upon vesting it in the Native Land Trust Board.

Readers from a non-anthropological background might find the essays by Jane Collier, Annelise Riles and Hirokazu Miyasaki somewhat challenging but they all repay careful reading. In the final essay Brij Lal, in a lament entitled 'Heartbreak Islands', paints a bleak picture of the breakdown of inter-ethnic relations in post-coups Fiji. His incisive summary of a dismal state of affairs is difficult to square with his statement that *'True and enduring reconciliation, which all of the people of Fiji want, will only come when the truth of the past is confronted honestly and dispassionately'* (278; emphasis added).

This is an important work and a considerable addition to scholarship in its field. By throwing a clear light on the colonial history of both places it succeeds in putting present problems and developments into a sharp contemporary context.

Minor quibbles: there are several obvious proofreading errors and some contributions prove the modern American adage that *'there is no noun that cannot be verbed'*. 'Foregrounds' in particular jarred with this English reader.

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