

In Hawai'i, land and natural resources are the source of culture, livelihoods, health, and life itself. The course will examine the indigenous values and principles of land stewardship that initially defined the system of land tenure and use in the Hawaiian islands and was distinct from that of other Pacific Islands. The course will also examine the forces of change which led to the establishment of a system of land ownership that retained rights of access for traditional and customary Native Hawaiian subsistence, cultural, and religious purposes. The concentration of land in the hands of a few large landowners and the government affected the lives of generations of Native Hawaiians, Asian immigrants, and settlers from America. It has also led to the contemporary challenges of Native Hawaiian land rights and the protection of scarce land and natural resources in an island setting. The underlying ethical issues as framed by competing value systems of the peoples who now live in Hawai'i, relative to land and land use will be discussed and acknowledged.

This course has a Contemporary Ethical Issues (E) Focus designation. Contemporary ethical issues are fully integrated into the main course material and constitute at least 30% of the course content. At least 10 hours of class time will be spent discussing ethical issues. Through the use of lectures, discussions, assignments, and a major research project and presentation, students will develop basic competency in recognizing and analyzing ethical issues; how to responsibly deliberate on ethical issues; and making ethically determined judgments.”

This course also has an Oral Communication (O) Focus designation. As such, 75 percent of your grade is based on oral presentations, reports and discussions.

Learning Outcomes:

Through lectures, lab, readings and individual presentations, the following outcomes shall be achieved:

- 1. Demonstrate a grasp of the changes in land use and tenure in Hawai'i as Hawai'i's political economy transformed and the impact this had on the indigenous Native Hawaiian social system, culture and governance.*
- 2. Demonstrate ability to make explicit connections between changes in Hawai'i's land use and tenure and Hawai'i's political economy and ethnic relations in Hawai'i.*
- 3. Demonstrate an understanding of the unique history of Hawai'i's multi-ethnic working and common people and movements for social justice related to land use, tenure and sovereignty.*
- 4. Demonstrate ability to use reading, verbal and written articulation and thinking skills to critically analyze both historic and contemporary patterns and issues of land use and tenure in Hawai'i.*
- 5. Demonstrate ability to link classroom ideas and knowledge to current events and processes in Hawai'i relative to land use and tenure in Hawai'i.*
- 6. Demonstrate, through research of civic engagement around issues of land use and tenure in Hawai'i, the ability to learn those skills demanded by a change-oriented democratic citizenship.*

Office Hours: The office hours for Professor Davianna Pomaika'i McGregor, PhD are Mondays and Wednesdays from 10:00 am to 11:00 am and by appointment, which can be arranged in class, by calling 956-7068 or via email to davianna@hawaii.edu.

Office: The department office is in George 301. Davianna's office is in George 336.

Readings:

ES 340 Land Tenure & Use / McGregor / 1

Jon Van Dyke, *Who Owns the Crown Lands of Hawai'i?* Honolulu: University of Hawai'i Press, 2008.

Davianna Pomaika'i McGregor, *Na Kua'aina: Living Hawaiian Culture.* Honolulu: University of Hawai'i Press, 2007.

Samuel P. King & Randall W. Roth, *Broken Trust: Greed, Mismanagement, & Political Manipulation at America's Largest Charitable Trust.* Honolulu: University of Hawai'i Press, 2006.

Course Requirements and Grading:

Assignment #1	Hawaiian Principles of Land Tenure	25 points
Assignment #2	Analysis of Ka Mahele Within An Ethical Framework Based on lands awarded in a Selected Moku	40 points
Assignment #3	Analysis of Key Points in the Evolution and Control and "Ownership" of the Crown Lands of Hawai'i & Analysis of Cultural Kīpuka	45 points
Assignment #4	An Ethical Analysis of the Hawaiian System of Private Land Ownership	50 points
Assignment #5	Analysis of the Kamehameha Schools Controversy Within An Ethical Framework	40 points
Assignment #6	30 Minute Oral Power Point Presentation Analyzing A Contemporary Issue Involving Land Within an Ethical Framework. Students will need to meet with Professor McGregor in a 30 minute discussion to plan the presentation and review the Oral Focus Rubric Standards	150 points
Weekly Questions on Readings	25 readings x 3 questions	75 points
Feedback on Presentations	20 student presentations x 2 points	40 points
Attendance	10 days x 1 points	10 points
Scale:	475 - 441 = A (93%); 402 - 356 = C (75%);	440 - 403 = B (85%); 355 - 308 = D (65%); 307 and below = F

A - not miss more than 2 classes C - not miss more than 6 classes
B - not miss more than 4 classes D - not miss more than 8 classes

Syllabus

Week #1 January 11

Part I.

- Hawaiian Concepts of and Relation to Land
- Sense of Place; Celebration of Place

Part II.

- Patterns of Indigenous Settlement, Land Use and Tenure in Hawai'i -
Video - 'O Hawai'i
- Land and Governance

Assignments:

* *Distribution and explanation of Assignments #1, #2, #3.*

* *Sign up for Assignments #2 & #3*

Sources:

Jon Van Dyke, *Who Owns the Crown Lands of Hawai'i?* (pp 1-30 and 385-421)

Davianna McGregor, *Na Kua'aina: Living Hawaiian Culture* (pp. 1 - 48)

Week #2 January 18

Part I:

- Pressure to Transform the Traditional System of Land Tenure
- Petitions Opposing the Establishment of Private Property Ownership
- Ka Māhele
- Land Hui

Part II

- Discuss Principles of Hawaiian Land Tenure - Van Dyke pp. 385 - 421
- Discuss Ethics Rubric

Assignments:

Sources: Jon Van Dyke, *Who Owns the Crown Lands of Hawai'i?* (pp 1-30 and 385-421)

Davianna McGregor, *Na Kua'aina: Living Hawaiian Culture* (pp. 1 - 48)

Week #3 January 25 MEET IN HAMILTON LIBRARY - Classroom 113

Part I:

- Sources of information on traditional land tenure and the establishment of private land ownership in Hawai'i
- Indices of Land Awards
- Introduction to the Native Testimony microfilm archive
- Introduction to and how to use the Waihona and the Office of Hawaiian Affairs data bases
- Sources of information on contemporary land issues, including the Hawai'i newspaper and journal indexes

Part II:

- Research for Assignment #2

Assignments:

• *Assignment #1 Due*

• *Research Assignment #2*

Week #4 February 1 -

Part I:

- Reserved Rights of the Maka‘āinana - Crown & Government Lands and Traditional and Customary Gathering Rights

Part II:

- Discussion of Jon Van Dyke (2007) Chapters: 4 – Mahele / 5, 6, 7 - Government Lands & Lands Under Kamehameha IV

Assignments:

- ***3 Questions for Chapters 4 and 5-6- 7***
- ***Distribute Assignment #4***
- ***Reports for Assignment #3 Power Point Presentations***

Week #5 February 8

Part I:

- Discussion of McGregor, 2007, Nā Kua‘āina: Living Hawaiian Culture – Kua‘āina and Cultural Kīpuka
- Discussion of McGregor, 2007, Waipi‘o (49-69 / 69-82)

Part II:

- Oral reports on the distribution of land in a selected moku in comparison with the population in that moku at the time of Ka Mahele. Share a native testimony land claim.

Assignments:

- ***Reports for Assignment #3 Power Point Presentations***
- ***3 Questions Waipi‘o 49-69 and 3 Questions Waipi‘o 69 - 82***
- ***Assignment #2 Due, Begin Oral Reports on Moku and native testimony***
- ***Distribution and explanation of Assignment #5***

Week #6 February 15

Part I:

Discussion of Van Dyke (2008) 8, 9 - Estate of Kamehameha IV and 10, 11, 12, 13 – Lunalilo, Kalākaua & Ke'elikelani;

Part II:

- Oral reports on the distribution of land in a selected moku in comparison with the population in that moku at the time of Ka Mahele. Share a native testimony land claim.

Assignments:

- ***Reports for Assignment #3 Power Point Presentations***
- ***3 Questions Chapters 8-9 and 3 Questions 10-11-12-13***
- ***Assignment #2 Due. Begin Oral Reports on Moku and native testimony***

Week #7 February 22

Part I:

- Chapters: 14 Bayonet Constitution, 15 – Population, Voting, Citizenship; 16 Overthrow 17 – Republic

Part II:

- Discussion of McGregor, 2007, Hāna (83-109; 109 - 142)

Assignments:

- *Reports for Assignment #3 Power Point Presentations*
- *3 Questions Chapters 14-15 and 3 Questions Chapters 16-17*
- *3 Questions Hāna pp. 83 – 109 and 3 Questions Hāna pp. 109 - 142*

Week #8 March 1

Part I

- Discuss the ethics of establishing of a system of private property in Hawai'i from the virtue approach, the utilitarian approach, the rights approach, the fairness approach, and the common good approach. [Assignment #4]

Part II

Discussion of Jon Van Dyke, 2007, Chapters: 18,19 - 1895 Land Act & "Annexation"; 20, 21 - Territory and Crown Lands

Assignments:

- *Continue Assignment #3 Power Point Presentations*
- *3 Questions Chapters 18-19 and 3 Questions Chapters 20-21*
- *Assignment #4 Discussion*

Week #9 March 8

Part I

- Creation of the Hawaiian Homes Lands Trust
- Contemporary Challenges to the beneficiaries of this trust

Part II

- Discussion of Jon Van Dyke, 2007 Chapters 22, 23 - Hawaiian Homes Commission Act & Statehood

Assignments:

- *Continue Assignment #3 Power Point Presentations*
- *3 Questions Chapters 22-23*
- *Assignment #4 Due*

Sources:

"Aina Ho'opulapula: Hawaiian Homesteading," an article reviewing the original goals and purposes of the Hawaiian Homes Commission Act, as envisioned by the Hawaiian men who drafted the legislation, Hawaiian Journal of History, vol. 24 (1990.)

Week #10 March 15

Part I

- Discussion of Jon Van Dyke, 2007, Chapter 26 - Ali'i Trusts

Part II

- Establishment of the Ali'i Trusts
- Contemporary Challenges to beneficiaries of the Ali'i Trusts

Part III

- Discussion of McGregor, 2007 - Puna (pp. 143 - 166; 167 - 190)

Assignments:

- *Continue Assignment #3 Power Point Presentations*
- *3 Questions Chapter 26*
- *3 Questions Puna pp. 143-166 and 3 Questions Puna pp. 167 - 190*

Week #11 March 22

Part I

- Creation of the Ceded Public Lands Trust
- Challenges to the Office of Hawaiian Affairs

Part II

- Discussion of Jon Van Dyke, 2007 Chapter 24 - Rice v Cayetano and Chapter 27 - British Crown Lands

Assignments:

- ***Continue Assignment #3 Power Point Presentations***
- ***3 Questions Chapter 24 (p. 274 -290) and Chapter 24 (290 – 306); 3 Questions Chapter 27***

Spring Break March 27 - 31

Week #12 April 5

Part I

- Discussion of McGregor, 2007 - Moloka'i (pp 191-219)pp 219-248

Part II

- Discussion of Jon Van Dyke, 2007, Chapter 28, 29 - Ali'i Descendants & Summary
- Discussion of McGregor, 2007 - Ha'ina Ia Mai (pp 286 - 304)

Assignments:

- ***Continue Assignment #3 Power Point Presentations***
- ***3 Questions Moloka'i pp. 191 – 219; 3 Questions pp. 219 – 248 and and 3 Questions Ha'ina Ia Mai pp. 286 – 304***
- ***3 Questions Chapter 28-29***

Week #13 April 12

- Discussion of the Kamehameha Schools controversy within an ethical framework.

Assignments:

Assignment #5 Due - Discussion in Class

Week #14 April 19

Assignment #6: Case Studies and Feedback – Posters & Power Points

Week #15 April 26

Assignment #6: Case Studies and Feedback – Posters & Power Points

Week #16 May 3

Assignment #6: Case Studies and Feedback – Posters & Power Points

Week #16 May 5 – Study Day

Assignment #6 Case Studies and Feedback – Posters & Power Points