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 which initially defined the system of 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 large landed estates and of the rights of Native Hawaiians. The underlying ethical issues as framed by competing value systems of the peoples who now live in Hawai'i relative to land 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.

Office Hours: The office hours for Professor Davianna Pomaika'i McGregor, PhD are Mondays and Wednesdays 9:30am to 10:30am and Tuesdays 3pm to 4pm. Appointments with Davianna can be arranged in lectures, 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.


Course Requirements and Grading:

Assignment #1  Hawaiian Principles of Land Tenure  20 points
Assignment #2  Analysis of Ka Mahele Within An Ethical Framework Based on lands awarded in a Selected Moku  20 points
Assignment #3  Analysis of Key Points in the Evolution and Control and "Ownership" of the Crown Lands of Hawai'i  20 points
Assignment #4  An Ethical Analysis of the Hawaiian System of Private Land Ownership  20 points
Assignment #5  An Ethical Analysis of the Kamehameha Schools Controversy Within An Ethical Framework  20 points
Presentation  25 Minute Oral Presentation Analyzing A Contemporary Issue Involving Land Within an Ethical Framework  100 points
Feedback on Presentations  25 presentations x 1 point  25 points
Attendance  14 days x 1 points  14 points

Scale:  
 239 - 220 = A; 219 - 201 = B; 200 - 178 = C;  
177 - 154 = D; Below 154 = F

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

Week #1 January 12
• Indigenous Settlement and Traditional Patterns of Land Use in Hawai‘i - ‘O Hawai‘i video
• Ka Māhele: Principles of Native Hawaiian Land Use; Petitions Against Ka Māhele and Responses by the King and Chiefs;
• Distribution and explanation of Assignments #1, #2, #3, #4

Sources:

Week #2 January 19
HOLIDAY

Week #3 January 26
• Discussion of Principles Underlying Hawaiian Land Tenure [Assignment #1]
• Meet with Hawaiian curator in Hamilton Library Room and work on Assignment #2 - land awards within a moku.

• Sources of information on traditional land tenure and the establishment of private land ownership in Hawai‘i
• Indices of Land Awards
• Sources of information on contemporary land issues, including the Hawai‘i newspaper and journal indexes
• Introduction to and how to use the Waihona Data base
• Introduction to the Native Testimony microfilm archive

Week #4 February 2
• Students will give an oral report on the distribution of land in a selected moku in comparison with the population in that moku at the time of Ka Mahele and share a native testimony land claim record. [Assignment #2]
Week #5  February 9
- Kuleana: Rights of the Hoa‘aina
- Challenges to Hoa‘aina Rights
- Supreme Court Rulings Upholding Hoa‘aina Rights
- Continued: Reports on Distribution of Lands in Moku [Assignment #2]
- Distribution and explanation of Assignment #5 Samuel P. King & Randall W. Roth, Broken Trust: Greed, Mismanagement & Political Manipulation at America's Largest Charitable Trust, Honolulu: UH Press, 2006

Sources:

Week #6  February 16
Holiday

Week #7  February 23
- Students will 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]

Week #8  March 2
- Evolution and Alienation of the Crown Lands
- Creation of the Ceded Public Lands Trust
- Challenges to the Office of Hawaiian Affairs

Week #9  March 9
- Establishment of the Ali‘i Trusts
- Contemporary Challenges to beneficiaries of the Ali'i Trusts
- Discussion of Who Owns the Crown Lands of Hawai‘i?, pp 307 - 343 [Assignment #3]

Sources:
Mission Statements of the 4 Ali‘i Trusts
Samuel P. King & Randall W. Roth, Broken Trust: Greed, Mismanagement & Political Manipulation at America's Largest Charitable Trust, Honolulu: UH Press, 2006
Week #10 March 16
Creation of the Hawaiian Homes Lands Trust
Contemporary Challenges to the beneficiaries of this trust
• Continued: Discussion of Who Owns the Crown Lands of Hawai‘i?, pp. 237 - 253. [Assignment #3]

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.)

SPRING BREAK: March 23 - 27, 2008

Week #11 March 30
Discussion of the Kamehameha Schools controversy within an ethical framework. Land and Power in Hawai‘i [Assignment #5]
Examination of the intersection of land development and speculation, political decisions and policies, and the accumulated wealth of key politicians and lawyers as an introduction to students' case studies.

Week #12 April 6
Case Studies / Student Presentations
Analyzing a Contemporary Issue Involving Land Within An Ethical Framework

Week #13 April 13
Case Studies / Student Presentations
Analyzing a Contemporary Issue Involving Land Within An Ethical Framework

Week #14 April 20
Case Studies / Student Presentations
Analyzing a Contemporary Issue Involving Land Within An Ethical Framework

Week #15 April 27
Case Studies / Student Presentations
Analyzing a Contemporary Issue Involving Land Within An Ethical Framework

Week #16 May 4
Case Studies / Student Presentations
Analyzing a Contemporary Issue Involving Land Within An Ethical Framework
Topics:

Ali'i Trusts:

Kamehameha Schools
Queen Emma Estate / Foundation
Queen Lili'uokalani Children's Center
Lunalilo Trust

Military Lands  Mass Transit
Stryker  Kakaako
Lana'I  Geothermal Energy
Hawaiian Homelands  Ocean Farming
Ceded Public Lands Trust - Challenges  Hunting

Land Trusts

Coastal Lands

Water Rights Cases

Moloka'i Ranch / La'au

Public Access and Rights of Way

Mauna Kea

Turtle Bay

Hokuli'a

Kaho'olawe

Burials

Conservation Lands

Superferry
Mass Transit