Water and the Law in Hawai‘i

Lawrence H. Miike, M.D., J.D.

Water and the Law in Hawai‘i provides an intellectual and legal framework for understanding both the past and future of Hawai‘i’s freshwater resources. It covers not only the kānāwai (laws) governing the balancing act between preservation and use, but also the science of aquifers and streams and the customs and traditions practiced by ancient and present-day Hawaiians on the ‘āina (land) and in the wai (water).

In placing Hawai‘i water law in the context of its historical development, the author condenses an enormous amount of information on traditional Hawaiian social structure and mythology. His analysis and explanation of the Hawai‘i Supreme Court decisions on water rights pose difficult questions and reveal the Court’s at times defective reasoning by referring readers to original source material. He is the first author to explain fully how water use permits will play out in a variety of circumstances that may arise in the future, and he discusses the interrelationship between the State Water Code and the common law on water rights, which few people understand or are aware of. A key chapter on the controversial Waiahole Ditch, which transports water drawn from streams and aquifers on windward O‘ahu to the arid but fertile agricultural lands on the leeward side of the island, presents a fascinating case study of how water laws are actually made.

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Kahana: How the Land Was Lost

Robert H. Stauffer

“A benchmark book on a subject of paramount importance in Hawai‘i... Stauffer’s work significantly and permanently raises the bar for all future historical study of land in Hawai‘i.”
—Gavan Daws

“Kahana: How the Land Was Lost contains information that is critical to understanding contemporary Hawai‘i and the role of the legal system and government in separating an aboriginal people from their land.”
—Carlos Andrade, University of Hawai‘i-Manoa

This volume is the most detailed case study of land tenure in Hawai‘i. Focusing on kuleana (homestead land) in Kahana, O‘ahu, from 1846 to 1920, the author challenges commonly held views concerning the Great Māhele (Division) of 1846–1855 and its aftermath.

There can be no argument that in the fifty years prior to the 1893 overthrow of the Hawaiian monarchy, ninety percent of all land in the Islands passed into the control or ownership of non-Hawaiians. This land grab is often thought to have begun with the Great Māhele and to have been quickly accomplished because of Hawaiians’ ignorance of Western law and the sharp practices of Haole (White) capitalists. Kahana: How the Land Was Lost explains how Hawaiians of a century ago were divested of their land—and how the past continues to shape the Island’s present as Hawaiians today debate the structure of land-claim settlements.

University of Hawai‘i Press

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