Whose Water Is It?

A Philosophical Exploration of the Water Rights Debate on Maui

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Water is a critical resource for all life on Earth. In all of its forms, liquid, gas, and vapor, it has sustained and enriched our civilizations and ecosystems since time immemorial. In many Western societies, water is regarded with such high value that its conservation and use are legislated and thereby "held in trust by the state for the benefit of the people" (Schenfeld, 2017). In Hawaiian culture, water, or *wai,* is considered sacred and their practice of equally sharing water gave them their word for law, *kānāwai*, and their word for wealth, *waiwai* (Williams, 1997, p.105). As is true with most things that carry value, debates have arisen between fundamentally opposed parties regarding the fair and equal allocation of this precious resource.

In the debate over water rights on Maui, the corporate enterprise of Alexander & Baldwin (A&B) and the citizen and activist groups of Na Moku Aupuni O Ko'olau & Maui Tomorrow are locked in a fundamentally polarized, either-or deliberation that is based upon their respective underlying values and conceptual frameworks. This essay briefly describes the issue itself and then summarizes the underlying origins of Western and Hawaiian worldviews (perceptions based from a specific standpoint or perspective) that illustrate the effects on their respective anthropocentric (human-centered) and non-anthropocentric conceptual frameworks, which have led to the current impasse.

A&B's privately owned East Maui Irrigation system (EMI) has conveyed billions of gallons of water annually for the past 150 years from the steep forested tropical slopes of East Maui to the semi-arid Central Valley for the purpose of agricultural irrigation (Young, 2013). With the 2016 closure of Hawaiian Commercial & Sugar Co., Na Moku Aupuni O Ko'olau and

Maui Tomorrow are calling for a decision on their 2001 petition to the state Commission on Water Resource Management regarding the reestablishment of minimum flow standards for 24 East Maui Streams diverted by EMI (Schenfeld, 2017). Lawrence Miike was appointed the hearing officer in the case and has recommended restoring 26.5 million gallons a day to 12 streams, which according to the petitioners is still considered a "gross imbalance in water allocation in favor of A&B" (Imada, 2017). A&B has argued that their proposed plans for diversified agriculture; including pasture, dairy, forestry, orchard, beverage and row crops, and pongamia, (a biofuel crop), have not been finalized and therefore, "[their] forecasted water requirements continue to evolve and will not become final until every acre has been planted back in another agricultural use" (as cited in Imada, 2017). In opposition, the community groups claimed that more water should be returned to its natural courses in support of cultural in-stream uses, aquifer replenishment, aquatic habitat preservation, and all life that is "supported by and dependent on [the] regions bounty" (Uechi, 2017). The following summaries of the Western and Hawaiian cultures' historical roots will help to clarify their polarized worldviews.

Western Anglo-American environmental worldviews can trace their roots back to the Judeo-Christian tradition that evolved from the creation myth found in Genesis 1:26-28:

> 26 And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.
>
> 27 So God created man in His own image, in the image of God created He him; male and female created He them.

> 28 And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. (as cited in Callicott, 1994)

Callicott (1994) suggested that three interpretations, with respect towards the Judeo-Christian environmental worldview, resulted from a careful analysis of the Bible. The first, the despotic interpretation, argues that since man was given dominion over the Earth, God intended that "man be master and nature slave" (Callicott, p. 15). The second, the stewardship interpretation, argues that because man was created in the image of God, along with those privileges came the responsibilities that "man must wisely and benignly rule his dominion" (Callicott, p. 16). The third interpretation, the citizenship interpretation, argues that anthropocentrism is, in fact, the original sin. With this sin came the knowledge of good and evil and man was then able to "size up the rest of creation as it pertained to himself" (Callicott, p. 19). In other words, the flora and fauna that were useful to him, man deemed "good" and those that were troublesome or dangerous were called "evil." Regardless of the individual interpretation, a common thread binds them together: the idea of man, along with God, as separate from nature. White (1967) stated, "Christianity is the most anthropocentric religion the world has ever seen […] Man shares, in great measure, God's transcendence of nature" (p. 1205).

Out of the darkness came the light and separated the earth from the sky; the land rose from the depths of the sea, individual plants and animals were born, and the Hawaiians celebrated their genealogical connection to nature and the gods through the *Kumulipo*, a Hawaiian Creation Chant:

> At the time when the earth became hot
>
> At the time when the heavens turned about
>
> At the time when the sun was darkened
>
> To cause the moon to shine
>
> The time of the rise of the Pleiades
>
> The slime, this was the source of the earth
>
> The source of the darkness that made darkness
>
> The source of the night that made night
>
> The intense darkness, the deep darkness
>
> Darkness of the sun, darkness of the night
>
> Nothing but night. (*The Kumulipo* as quoted in Beckwith, 1992, p.58)

The chant began in the night at the beginning of time and scrolled through geological, plant, and animal succession to arrive at their societal climax, the Hawaiian royal family. The *Kumulipo*, in part, reflects their cultural knowledge of species creation across the ages or *wā* and highlights the kinship felt between traditional society and the natural environment. Callicott (1994) stated:

> What is most remarkable about the Kumulipo is that it begins beyond the gods, with chaos or night itself, and moves on to "primitive" ancestral life forms, thus linking the royal scion by blood relationship not only with the divine powers above and beyond nature but with the myriads of kinds in the immediate natural environment. (p. 110)

Hawaiians embraced the intimate connections between themselves and the surrounding environment. They believed the environing life forms to be alive with consciousness and viewed them as manifestations, or *kino lau,* of the principal gods Kane, Kanaloa, Ku, and Lono

(Callicott, 1994, p. 111). This continuous connection prompted the Hawaiians to consider themselves *kama'aina,* or children of the land.

A fundamental understanding of divergent worldviews provides us with the necessary foundation from which we may begin to explore the opposing mechanistic and organismic conceptual frameworks that outline the water rights debate. These theoretical models, which represent a collection of entrenched background assumptions and core beliefs, allow us to interpret mankind's ecological interactions with nature from either an anthropocentric or non-anthropocentric perspective.

Hull (2013) suggested that the overall mechanistic framework identifies and emphasizes individual "parts that can be rearranged and exchanged" to create, improve, or replace machines that support a variety of desired outcomes (p. 39). Take, for instance, the example of a clock. Its components, hands, face, and inner gears are part of the greater body that is the clock; any one of those components can be swapped out or upgraded for new ones. When applied towards our understanding of nature, the mechanistic model provides a means by which "human ingenuity, [when] properly applied, can improve upon nature's inefficiencies… [and] produce outcomes valued by humans" (Hull, p. 39). The mechanistic framework is thereby well suited for resource managers whose goal is to maximize the efficiency and profitability of outputs of instrumental value (the value of a resource based on how it can be used) that are required for social stability (Hull, p. 39). It is these underlying assumptions that have contributed towards the perspective of nature as backdrop for human existence.

The organismic framework differs significantly from the mechanistic in that the whole is viewed as greater than the sum of its parts and therefore has intrinsic value (the value of a thing

in and of itself regardless of any other uses) (Hull, 2013, p. 40). Hull further argued, "replacement or damage to the parts damages the integrity of the whole" (p. 40). Much like in the case of the human body, injured or missing parts may be swapped out for new organs or prosthetics, but at what point does the practice create an organism entirely different from its original form? Hull contended "at some point… you stop being human and become something else because of the additions and deletions" (p. 39). In addition to the holistic and integrated perspective, Botkin (1992) viewed the Earth as a living organism and suggested that as an organism, it carried certain characteristics; "it passes through the major life stages: birth, youth, maturation, maturity, reproduction, old age, senility, and death" (p. 92). This process of change and integration shapes the perspective that nature, when viewed as a whole, is subject to human damage when its integrity is compromised.

Alexander & Baldwin's (A&B) interest in Maui's water stems from the anthropocentric historical roots of its Western Anglo-American environmental worldview and the subsequent mechanistic conceptual framework that shaped its perspective. Contrastingly, Na Moku and Maui Tomorrow have based their claim on non-anthropocentric values that originated from their indigenous Hawaiian worldview and correlating holistic or organismic conceptual framework. The two are incompatible and have led us to the underlying fault line in the debate.

A&B is operating from a strongly anthropocentric position, which holds human beings above nature, and thereby contends that the water in question is merely instrumental in value and has no direct moral standing or value outside of its usefulness to irrigate agricultural lands. The humanmade 150-year-old EMI ditch-tunnel-siphon water conveyance system maximizes the yield of their crops and livestock, yet minimizes the value of the water itself. This mechanistic

and capitalistic approach reinforces the perspective of the Earth as "dead and inert" (Merchant, 2003, p. 41).

In direct contrast, the Hawaiian community views equitable water distribution from a non-anthropocentric perspective, which contends that not only does the life that is supported by and dependant upon the water have rights to it, but that the water itself, based upon its intrinsic value, is deserving of moral considerability. Hawaiians believed that all *wai* (water) was sacred. Williams (1997) pointed out that "No one was allowed to tamper with *wai*. Like sunlight, no one owned this water, not even the highest-ranking *ali'i* [chiefs]. The right to use fresh water depended upon the reason for its use" (p. 105). This is not intended to suggest that Hawaiians, both in past and present-day communities, did not utilize water in anthropocentric ways. Rather the point illustrates that, regardless of the community's use of water, they respected it as a living organism and a cultural constraint that was worthy of in-depth consideration.

Merchant (2003) argued that these types of cultural belief systems "guide group behavior towards nature… [and] operate as ethical restraints or ethical sanctions - as subtle 'oughts' or 'ought-nots'" (p. 43). No such cultural restrictions on water existed in the Western environmental worldview. In fact, there exists a distinct difference between indigenous environmental ethics and those of Western origin:

> Ethical or moral limitations, especially in Western cultural traditions, are formulated as behavioral rules or, more generally, as precepts and principles. In non-Western traditions, such limits may be articulated as behavioral expectations, customs, taboos, and rites, or implicitly exemplified in myth, story, and legend. In political cultures, the most vital

> moral limitations on human freedom — those on which the very existence of society rests — are encoded into statutes or laws. (Callicott, 1994, p. 2)

The state Commission on Water Resource Management (the legislative body based on the Western worldview) would do well to consider both sides of the debate from the philosophical and ethical perspectives outlined above. More philosophical reflection of underlying presuppositions is required in the agency's deliberation over how much water is to be released and to whom. However, this essay is a simplified exploration of the dualistic positions and is intended to illuminate one portion of the underlying currents that have shaped this intense and on-going debate.

Na Moku and Maui Tomorrow have demonstrated willingness to compromise with their request for equitable distribution. If the Commission were willing to acknowledge the deeply seated positions and underlying assumptions held between the parties, perhaps they could identify decision-making guidelines that exist within the middle ground of the many natures in this diverse community of life.

For more information on this long-standing and highly controversial topic, I recommend the following sources:

Sugar Water: Hawaii's Plantation Ditches

https://www.amazon.com/Sugar-Water-Hawaiis-Plantation-Ditches/dp/0824820444

Fresh Water in Hawai‘i: Water in Law

https://guides.library.manoa.hawaii.edu/c.php?g=105760&p=686897

Native Hawaiian Rights Handbook

http://nhlchi.org/images/uploads/Native_Hawaiian_Rights_Handbook.pdf

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Hull, R. B. (2013). *Infinite nature*. Chicago: University of Chicago Press.

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White, L., Jr. (1967). The historical roots of our ecological crisis. *Science*, *155*, 1203–1207.

Williams, J. S. (1997). *From the mountains to the sea: a Hawaiian lifestyle*. Honolulu: Kamehameha Schools Press.

Young, P. (2013, May 7). *Ho'okuleana*. Retrieved from http://totakeresponsibility.blogspot.com/2013/05/east-maui-irrigation-system.html