

THE LAW OF THE SPLINTERED PADDLE
KĀNĀWAI MĀMALAHOE



illustrated by Dietrich Varez
by the Hawai'i Legal Auxiliary

"THE LAW OF THE SPLINTERED PADDLE: KĀNĀWAI MĀMALAHOE"

A very long time ago in old Hawai'i everyone knew his or her place in life. Men and women were generally born to be ali'i (chiefs) or maka'āinana (commoners). Each person followed certain kapu and traditions even though they were not written down. Sacred chants and stories of the brave deeds of men and women and gods and goddesses taught children how to behave. They learned to respect each other, honor their gods and live in harmony with their 'ohana (family). This same oral history also told of punishment by banishment or death, if a person broke a kapu. It was that simple.

The ali'i were men and women descended from the gods and who had great spiritual power (mana). Some historians say that the maka'āinana were related to the ali'i. They worked as planters, fishermen, priests, craftsmen, skilled managers, and laborers. With their mana, the ali'i ruled over everyone and took care of their people. The maka'āinana did the work that made the land fruitful.

Sometimes the ali'i misused their power. If they went to war too often, or were lazy, or used all the taro and all the pigs and fish and other food for themselves, their people would not have enough to eat. The taro would not be planted for the next harvest and people would go hungry. An ali'i who did not look after his people and his land would lose his power. Rival chiefs would see that his people were hungry and weak, and would try to take his lands away from him. His people would desert him to join the stronger chief.

Even though sacred kapu and traditions told a person how to behave toward others, life could still be unexpectedly brutal. When feuding chiefs raided the land of another, innocent people would get caught in the middle and could be hurt or killed.

Kamehameha became mō'i (ruling chief) when he united all islands except Kaua'i under his rule and stopped the fighting among the ali'i. He wanted his reign to be orderly, but other dramatic events were making it very hard for him to do so. When foreigners in tall ships arrived from different parts of the world, they ignored the Hawaiian traditions. Times were changing.

No longer were sacred kapu, chants and stories enough to keep order among Kamehameha's people. When the haole arrived, laws had to be established to end the confusion about what was expected of each person. This was a big step for a society that had survived for centuries without ever needing a word for "law."

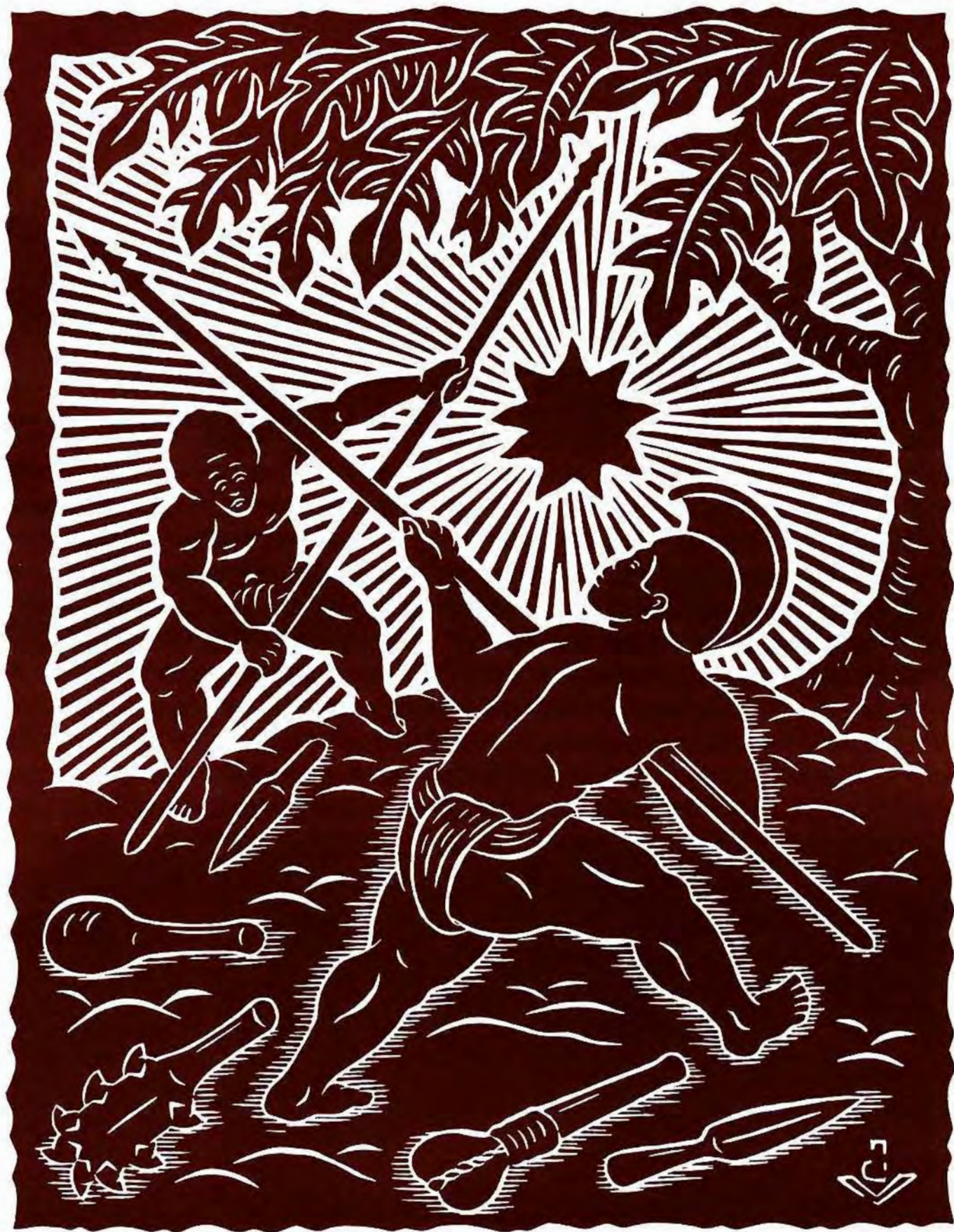
The first edict declared by Kamehameha as mō'i (paramount chief) was the Law of the Splintered Paddle: Kānāwai Māmalahoe. He did so to shield his people from harm as they moved throughout the land under his control. It was actually Kamehameha's way of saying, "You have every right to defend yourself against ali'i like myself and others who may abuse their power."

Māmala means "splintered"; hoe means "paddle." Kānāwai refers to water and the responsibility the Hawaiians had of controlling and conserving their streams. It was the closest word they had to "law."

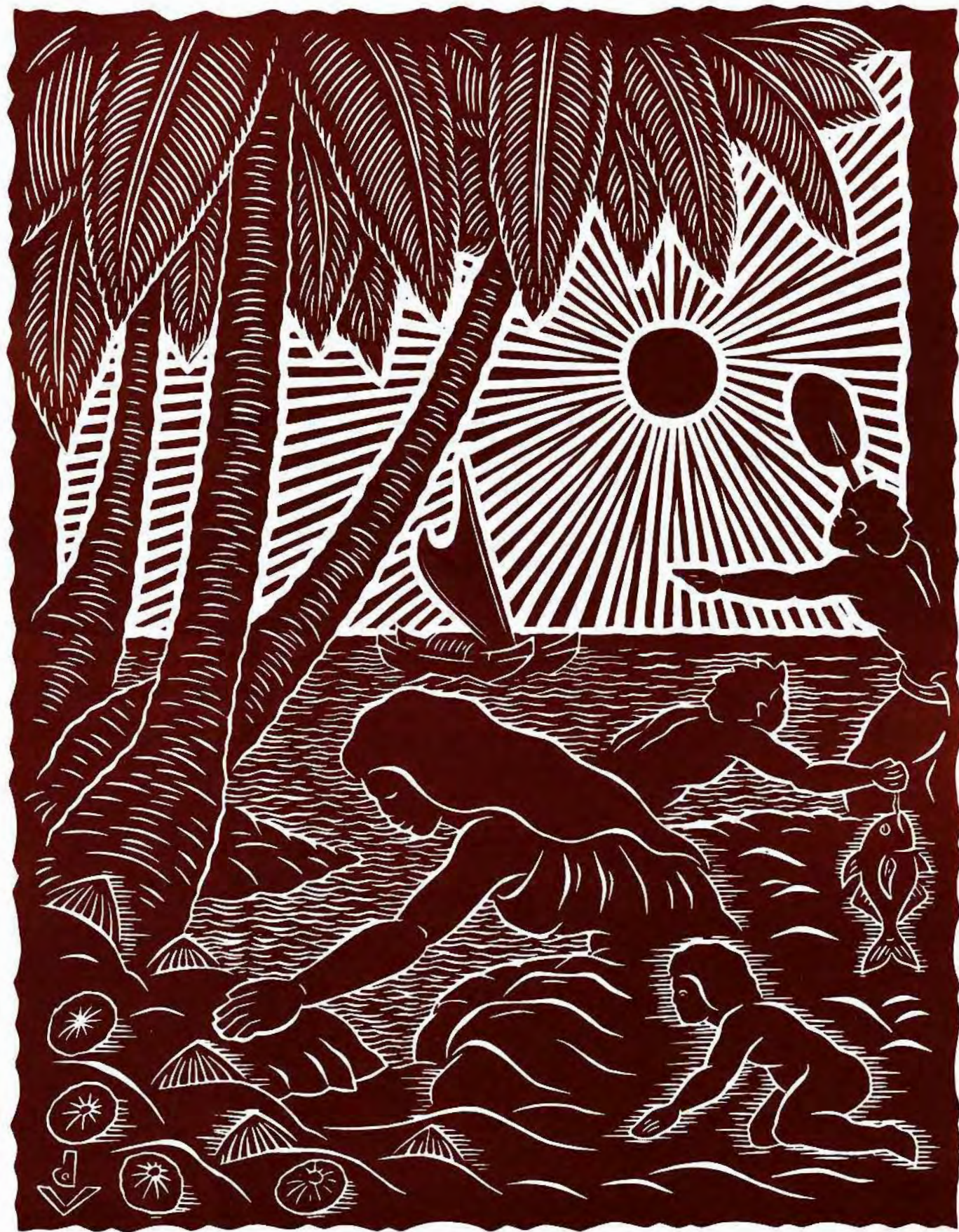
There are many stories of how this law came about. One tells of a maka'āinana who taught Kamehameha that human life—any human life—was precious and deserved respect, and that it was wrong for the powerful to mistreat those who may be weaker.

The teacher was a fisherman. The student was Kamehameha as a warrior before he united the islands. The lesson was not written in a book or on a chalkboard. It was delivered with the whack of a wooden canoe paddle. It was a harsh lesson, but Kamehameha never forgot it, because he later turned that lesson into Hawai'i's first official law.

As a young ali'i, Kamehameha was trained in the skills of warfare. On the island of Hawai'i where he lived, ali'i often raided lands under the control of other chiefs and frequently fought to increase their power. It was under these circumstances, that he grew into a gifted ali'i 'aimoku (warrior chief).

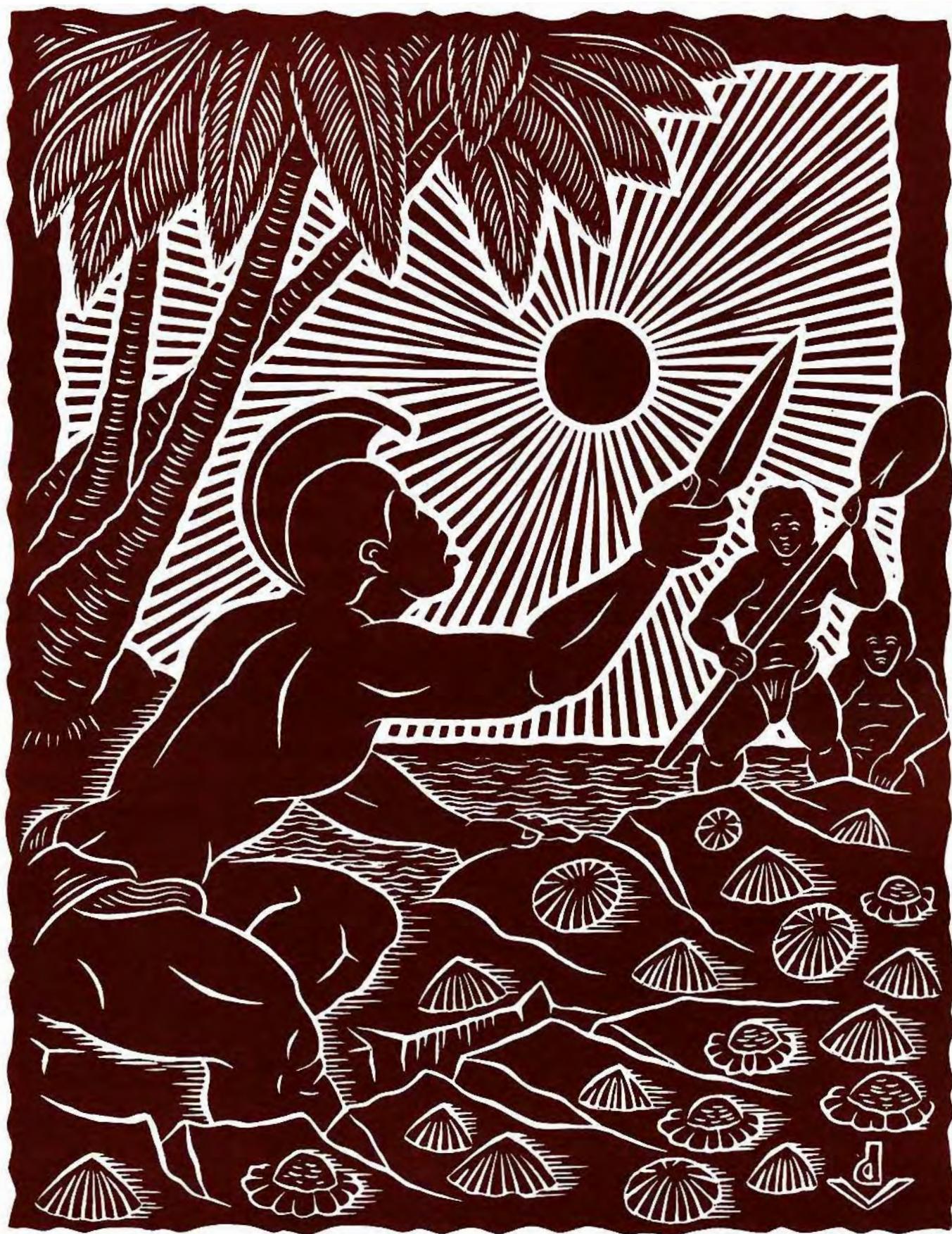


One day on the Puna coast near Hilo, Kamehameha was smarting from a defeat in battle. He had tried to take the Hilo area away from another ali'i and had failed. His pride wounded, he set out in his canoe with his men to get even. His target was a peaceful village on the coast where deep cracks had formed in the hardened lava near the water's edge.



Kamehameha spotted some fishermen and their families on the shore. While his men waited in the canoe, he plunged alone into the surf to attack them. Most of the people ran away in fright, but the menacing chief quickly closed in on two fishermen. Waving his spear, he was about to overtake them when his foot slipped into a crack in the lava.

Auwe! He was stuck! The only prisoner in sight was his own leg, he thought in disgust. How dare the lava catch and hold onto the mighty Kamehameha!

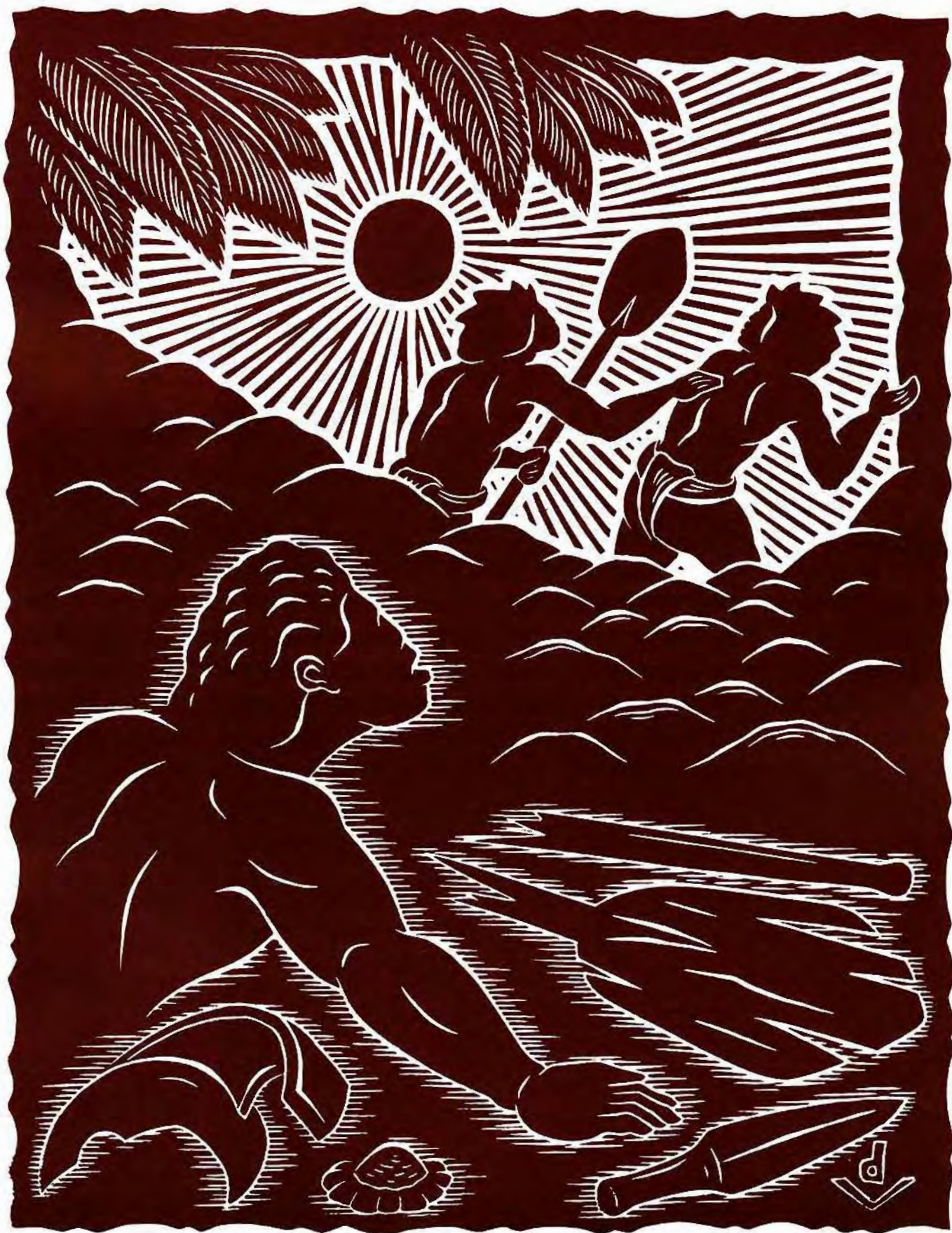


Seeing a chance to protect themselves, the fishermen turned to face the struggling foe. One of them struck Kamehameha over the head with a heavy wooden canoe paddle. The blow was so hard it splintered the paddle and knocked the ali'i unconscious.



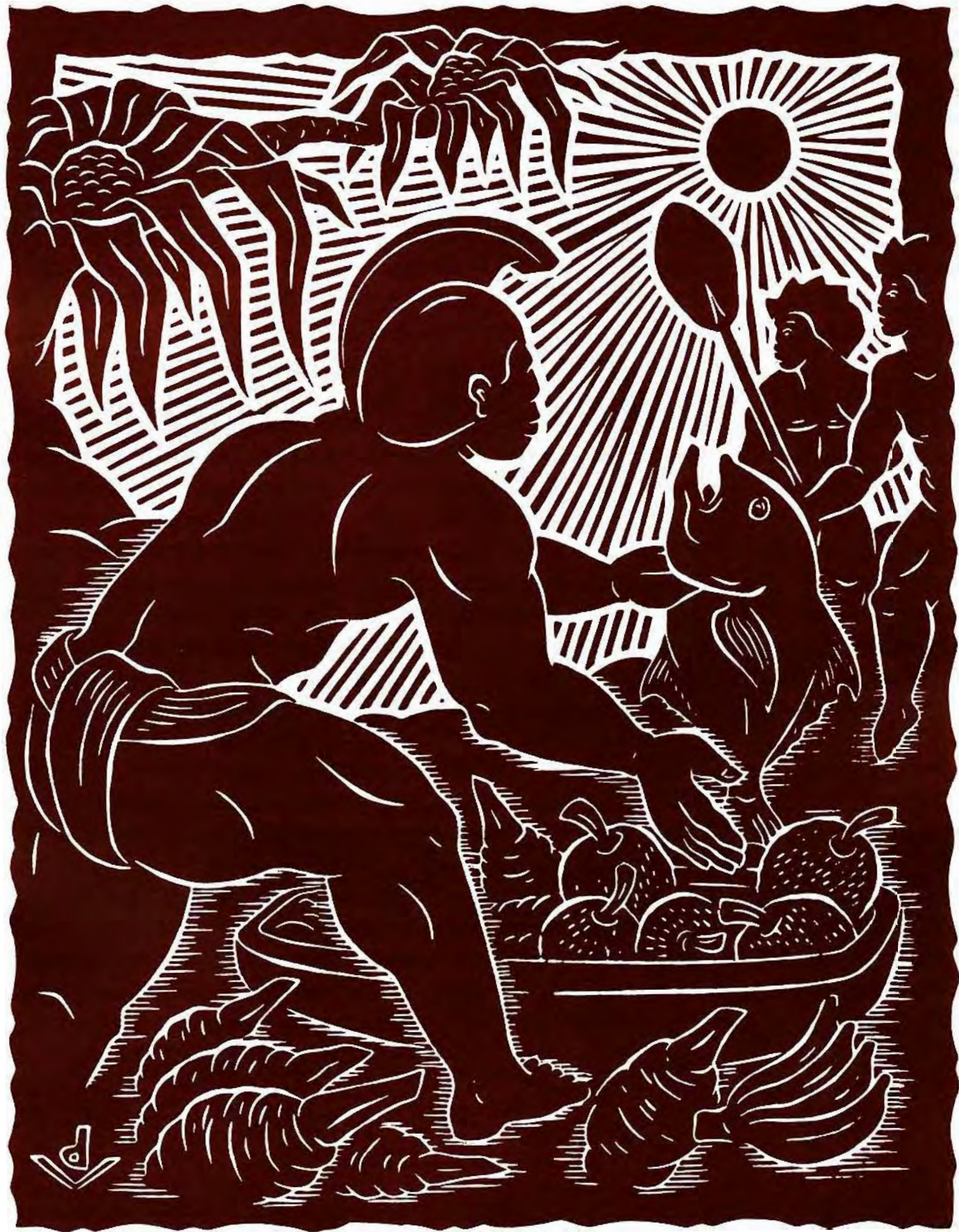
Kamehameha awoke in a daze. The fishermen had fled before finishing the fight. They quit without hitting him again, not knowing that the man they had spared was to be their future mō'i. Kamehameha was rescued by his own men, who wanted to hunt down the fishermen. But Kamehameha said no.

Kamehameha survived the blow and the humiliation, but he also learned something from it. He was lucky to be alive. Two maka'āinana had spared him. They did not know that their attacker was the high chief Kamehameha. Yet they spared him. He would never have done the same for them, he admitted. He also learned that he was wrong to misuse his power by attacking innocent people, even maka'āinana.

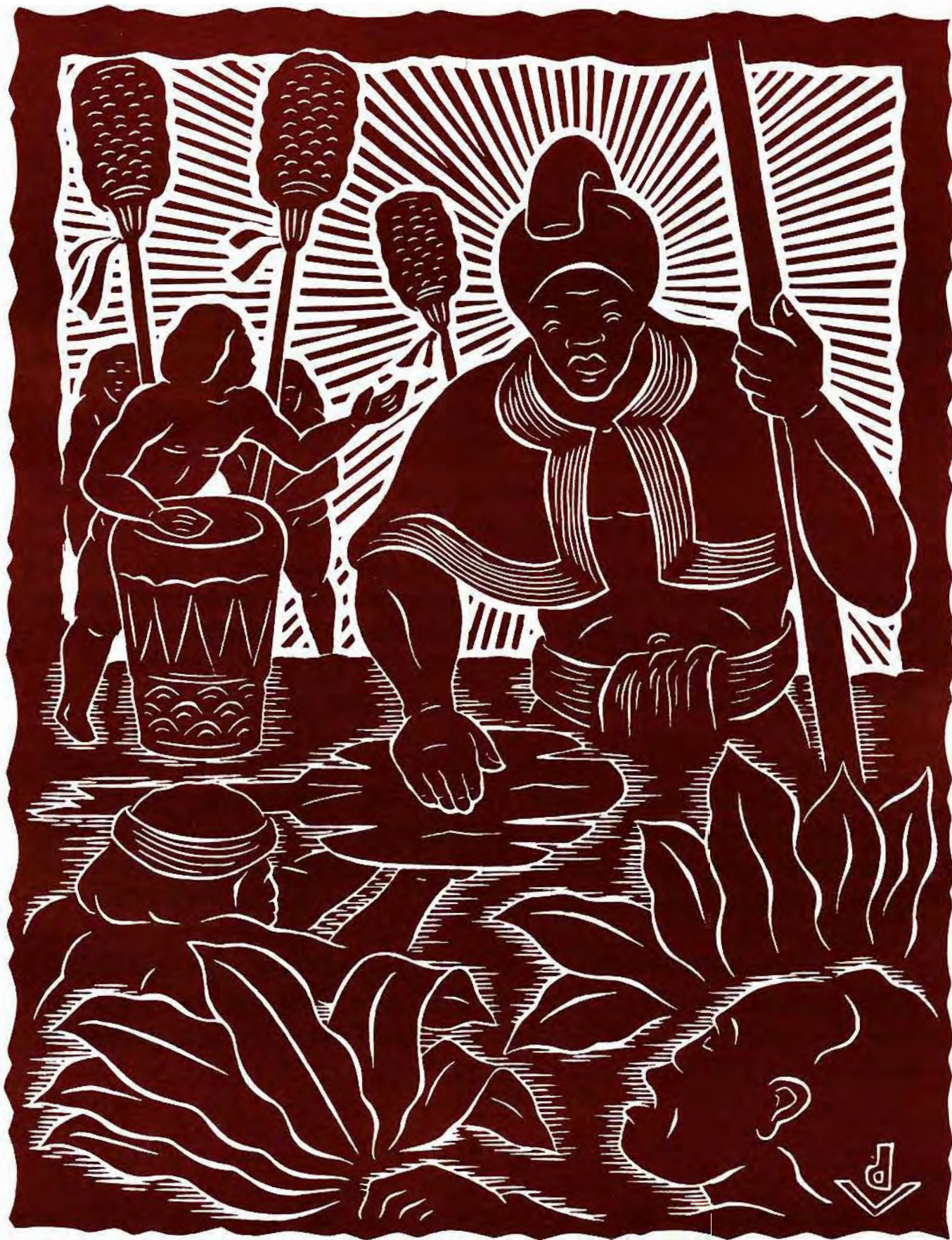


A wise ruler learns from his experiences—even at the hands of a common fisherman. Kamehameha was destined to be a great ruler, and that one act of mercy by a man with a paddle helped him become such a leader for Hawai'i. He understood that as mō'i, he had great power. If he wanted peace in his aupuni (nation), he had to listen to and protect the people within it.

After he achieved a unified island nation, Kamehameha the Great had the chance to tell the fishermen he was sorry. According to one story, he sent word throughout that coastal village to summon the two fishermen. When they crawled into his presence—for that was how maka'āinana approached their mō'i—he told them that he had been wrong to assault them. He pardoned them, gave them gifts of land and admitted his own mistake by proclaiming his now famous law.



It was about 1797, that Kamehameha the Great declared that within his aupuni, the innocent and defenseless shall be safe from unprovoked attack, even from his own chiefs. He pledged that from that moment on, his people shall move freely everywhere that was under his control. His people should feel as safe on the road as they did in their 'ohana. Those who attacked, robbed or murdered his subjects would be put to death.



THE LAW OF THE SPLINTED PADDLE

"O my people,
Honor thy gods;
Respect alike (the rights of)
men great and humble;
See to it that our aged,
our women, and our children
Lie down to sleep by the roadside
Without fear of harm.
Disobey, and die."

KĀNĀWAI MĀMALAHOE

E nā kānaka,
E mālama 'oukou i ke akua
A e mālama ho'i i kānaka nui
a me kānaka iki;
E hele ka 'elemakule,
ka luahine, a me ke kama
A moe i ke ala
'a'ohe mea nāna e ho'opilikia.
Hewa nō, make.

In the time of Kamehameha the Great, few leaders anywhere in the world paid that much attention to the safety of their people. That is one reason why this law is considered the most important royal edict of his reign. The Law of the Splintered Paddle was also included in the 1978 State Constitution to show Hawai'i's concern for the safety and welfare of all its people—especially its youngest and oldest citizens.

Even in a democracy like Hawai'i has today, citizens must always be alert to the abuses of power. Voting does not guarantee good leaders. Sooner than you think, young people like yourselves will be Hawai'i's leaders and you will need to use your skills and intellect to make our islands a better place to live.

Just remember the lesson of the Splintered Paddle: good leaders listen and learn from their maka'āinana; good leaders protect the innocent; good leaders make laws that safeguard the right of the people to work and play in peace and harmony.

GLOSSARY OF HAWAIIAN TERMS

'aina	land
ali'i	old royalty of Hawaii, chief or chiefess
ali'i 'aimoku	a chief who rules a moku (district)
aupuni	nation, government
auwē	alas, too bad!
haole	foreigner
hoe	paddle
Kamehameha the Great	"The Lonely One", the Hawaiian chief who united the islands under one rule in 1795; also called Kamehameha I
kānāwai	law, rule
kapu	taboo, forbidden, sacred, keep out
maka'āinana	citizens, subjects
māmala	splinter, fragment
mana	spiritual power
mō'i	paramount chief, ruler
'ohana	family



Hawaii Legal Auxiliary

The Hawai'i Legal Auxiliary is a non-profit, charitable organization comprised of the spouses of the members of the Hawai'i State Bar Association. Our contributions to our community and to our children include publications of "A Child's Guide to Law," "Being 18-Local Style," and now, "The Law of the Splintered Paddle, Kānāwai Māmalahoe." From these publications, we hope that our children will learn about the ideals of justice and freedom under the law.