

Play by the Rules or Don't Play at All: Space Division and Resource Allocation in a Rural Newfoundland Fishing Community

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This paper explores the ecological and social functions of marine-space management in the traditional Newfoundland inshore cod fishery. A fundamental assumption underlying this work is that resource division among competing fishing units is accomplished by regulations that allocate access to resources with regard to particular technologies.

The regulations function in two interrelated spheres. First, ecologically, they balance the existing fishing space with the number of fishermen. In addition to providing for an equitable internal division of community resources, such regulations also protect local fishermen from modernized and highly mobile fishing operations.

Second, the regulations function to minimize social conflict by codifying the fishing boundaries into formal law and by providing, among other things, the services of a federal fisheries officer. His role is particularly important as enforcer of regulations and as a mediator in disputes between opposing technological interests. Because the fishery officer is not directly involved in the extractive process, he is regarded as an impartial mediator and is commonly sought for adjudication in what are often

The field research, carried out from late April through October, 1972, was funded in part by a graduate fellowship from Memorial University of Newfoundland and a small grant for traveling expenses from the Institute of Social and Economic Research. I am very grateful to members of the faculty at Memorial University, especially Raoul Andersen, Geoffrey Stiles, and Louis Chiaramonte, for their helpful comments and criticisms. This paper is a by-product of my master's thesis (Martin 1973).

highly emotional confrontations which might seriously endanger the social fabric of the community.

THE SETTING

Fermeuse is an inshore fishing community situated on the southern shore of Newfoundland's Avalon Peninsula, the island's eastern-most coastline (Map 1). Actually, Fermeuse Harbour, a deep fiordlike inlet of about three miles length, contains three communities: Fermeuse proper is a community of some eighty-four households located at the inland extremity of the harbor; Kingmans is a small hamlet of eighteen households situated on the south bank of the harbor about one-half mile from Fermeuse; and Port Kirwan (forty-eight households) is located on the north bank in a cove just inside the harbor entrance.

Kingmans appears to be socially and geographically little more than an appendage of Fermeuse proper, whereas Port Kirwan, perhaps because of its geographic isolation, has steadfastly maintained its identity as a separate entity. This is evidenced by, among other things, its repeated refusal to join the Fermeuse community council. In addition, residents of Port Kirwan appear to cultivate a certain self-image of uniqueness, and I was often asked if I noticed that the people 'out here' were more friendly than those in Fermeuse or other neighboring communities.¹

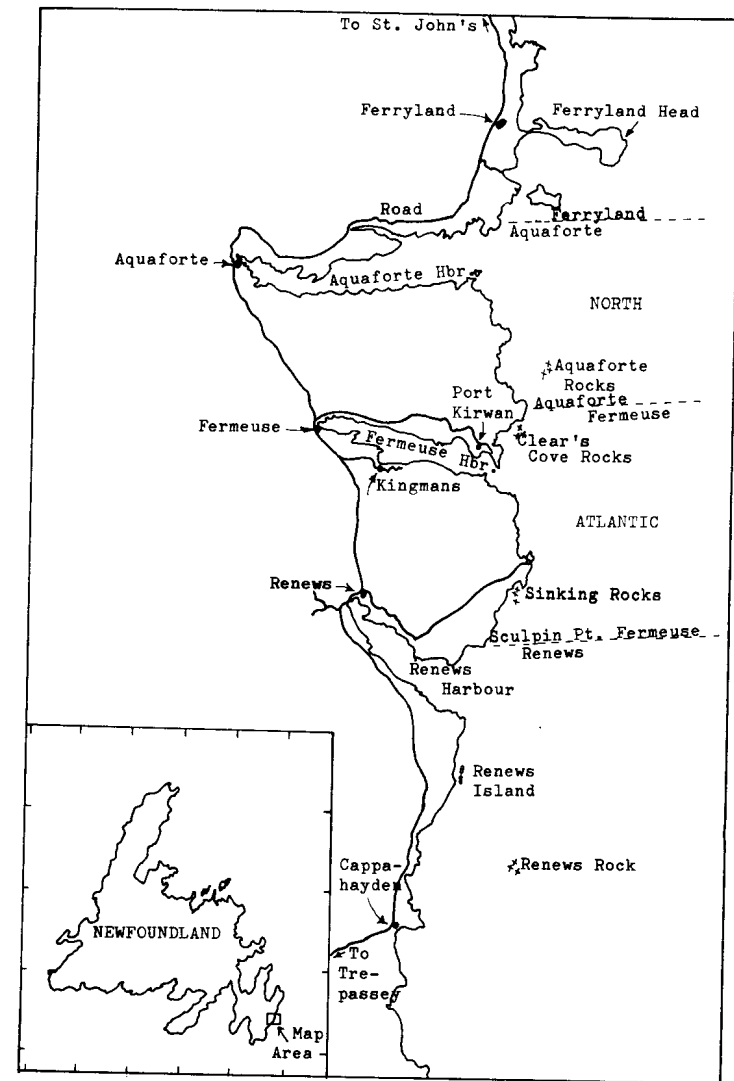
Community identity ends where fishing begins, however, and the three villages share a common set of rules that apply to the Fermeuse fishing area. Indeed, all fifty-six fishermen from the harbor, and their twenty-four fishing units or boats and their crews, are referred to as the 'Fermeuse crowd' both by fishermen from other communities and by themselves.

The fishery is species specific, except for a short salmon season in late spring and early summer and a nominal participation in lobstering. In Fermeuse, as elsewhere in Newfoundland, the mainstay of the inshore fishing adaptation is the cod fishery, which is undertaken from small open motor boats averaging about thirty feet in length.

The Fishing Cycle

The Fermeuse fishing cycle is much longer than that described by Nemec (1972:9-34) to the south and west where only the 'caplin school' is fished for a short but intensive period from mid-June to mid-August. For the Fermeuse fisherman the fishing year begins in late May and continues at a relatively steady pace (six days a week) until late November or early

¹ Following precedents set by Nemec (1972:9-34) single quotation marks are used throughout to indicate local usage.

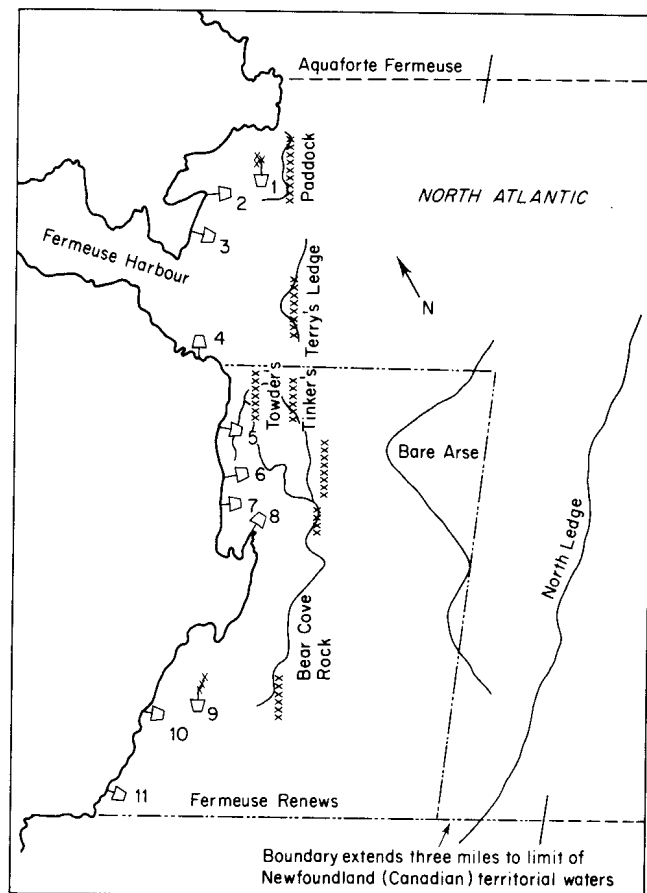


Map 1. Fermeuse coastal area

December, depending on weather conditions. This is made possible by a number of submarine banks or 'ridges a ground' as they are called (Map 2), lying in ten to forty fathoms of water at distances that are easily within reach of the small open boats used by the local fishermen.

The Summer Fishery

About mid-June small bait fish, known as caplin, migrate to the scanty



Map 2. Major Fermeuse fishing locations

Key:

Trap berths: 1. Clear's Cove Rocks; 2. Harriet's Rock; 3. Swimming Pool; 4. Big Holes; 5. Black Rock; 6. Keys; 7. Fanny's Cove; 8. Bear Cove; 9. Sinking Rocks; 10. One Stone; 11. Sweet River. XXXX: cod-net berths; - o - o - o -: handline sanctuaries; major submarine banks or ledges are drawn and named

beaches to spawn, and large numbers of cod fish follow, gorging on the easy prey. It is at this time that the stationary trap (Figure 1) becomes the chief method of extraction. Following the large schools of caplin along the shores, the cod encounter the fence-like trap 'leaders' that guide them into a large room made of netting where they are trapped. Unlike the other technologies, the trap phase of the fishing cycle is regulated by a complicated series of rules and regulations that control the allotment of specific fishing sites for the duration of the fishing season.

Because traps are large and very difficult to move, competition for fishing locations on a daily basis is not feasible as it is in the other more

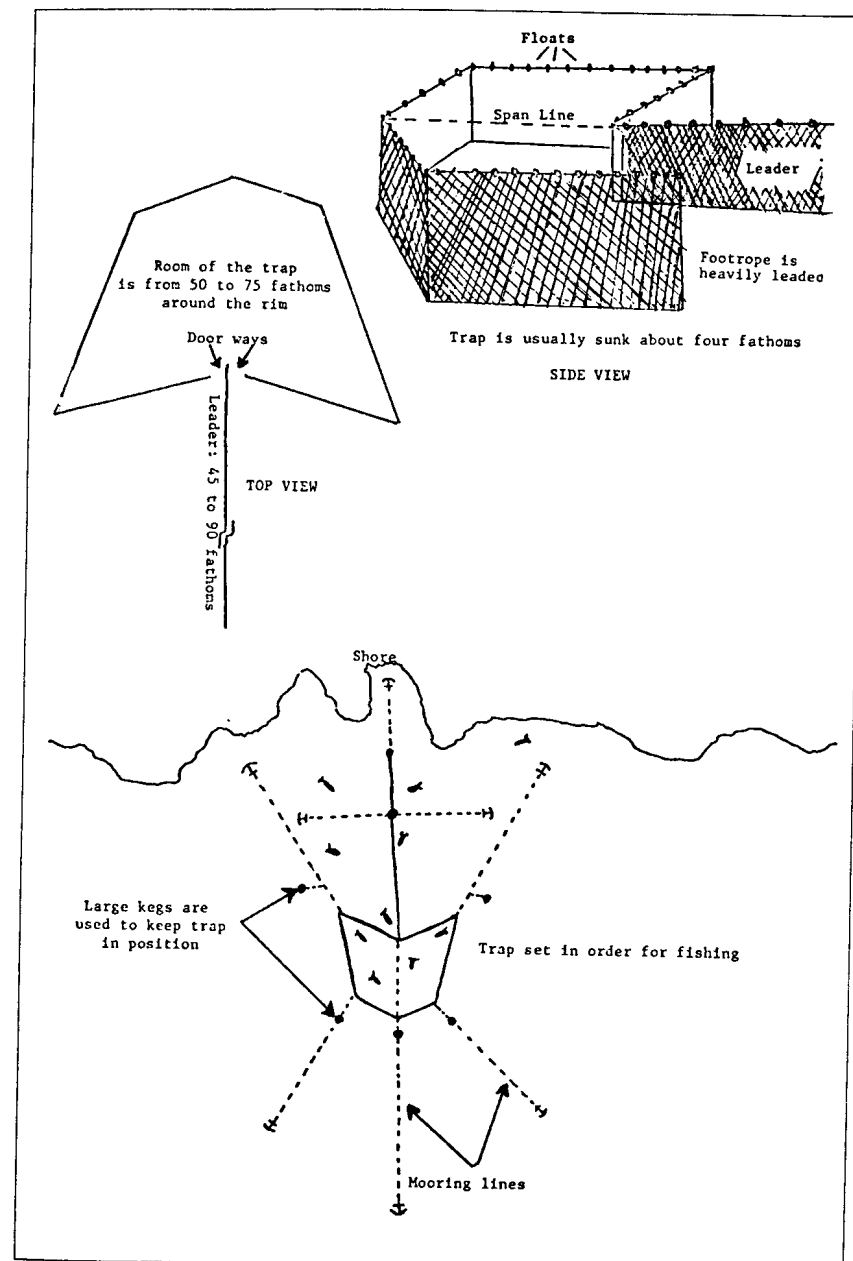


Figure 1. Newfoundland-type cod trap (with apologies to Fermeuse fisherman for any technical oversight)

mobile technologies. Trap locations or 'berths' are assigned by means of a lottery held shortly after the first of each new year and supervised by an elected committee of three or five local trap fishermen. This system was devised in 1919 by the Newfoundland government, ostensibly to minimize the number of disputes that arose in the various communities over the allocation of cod trap locations. Fermeuse adopted the lottery and regulations that govern its operation in 1923. Only fishermen from the local community are allowed to participate in the lottery, although individuals from other communities are permitted to use those locations that are not included in the lottery or have not been occupied by July 1.

Those fishermen who do not follow the summer trap fishery usually rely on the recently introduced cod gill net for their income. For the most part, cod nets are moored in waters offshore and outside the traps in fleets of four or five fifty-fathom nets. There are no assigned berths for cod nets, and positioning gear on the fishing grounds is on a first-come-first-serve basis.

By mid-August, the warming water has caused the fish to move away from the shore and into deeper waters. The larger schools of caplin have dispersed and with them the concentrated migrations of cod fish. At this time there is usually a brief lull in fishing activity, and fishermen take advantage of this period to prepare for the 'fall voyage.'

The Fall Fishery

There are three distinct types of gear used in the fall fishery: the jigger, the handline, and the trawl or longline.² The jigger is nothing more than a piece of lead, weighing about a pound and moulded into the shape of a small bait fish with two large barbed hooks protruding from the head end. A line is fastened through a hole in the tail end of the lure. The procedure is quite simple — the jigger is merely worked up and down in the water (with a particularly swift upward stroke) a few feet above the ocean floor. If a universal fishing method can be said to exist in Fermeuse, then the jigger most closely approximates it. Every fishing unit, no matter what its strategy might be, carries a jigger or two. Its chief value lies in the fact that it also doubles as a makeshift sounding lead that not only indicates where 'you're to,' but stands a fair chance of catching a fish in the bargain.

Moreover, the jigger requires no bait and, in years of critical bait shortages (such as 1972), it has accounted for virtually the entire fall catch of more than one unit. Usually all boats, regardless of basic strategy, go 'jiggin' round' for a few days at the beginning of the fall season to locate the major concentrations of fish. The chief liability of the jigger,

² I use the local terminology of 'trawl' to denote the longline. It is not to be confused with that technology used in deep-sea industrial trawling which is referred to locally as 'dragging.'

however, is that it only catches one fish at a time, and when one has to pull each fish out of perhaps twenty fathoms of water, the fishhold is slow to fill.

By early September squid are usually available in frozen form or at the harbor entrance if one desires to jig his own bait supply, and the fleet turns to the use of the handline or the trawl. The former is simply a heavy monofilament line (approximately 300 lbs. test) with a lead weight attached to one end and several baited hooks fastened at short intervals just above the weight. While jigging is accomplished with the boat drifting over the desired area, the handline method is executed when the boat is anchored. Production is usually much faster with the handline because it is not uncommon to catch several fish at one time.

The final extractive technique is the trawl. This technology consists of a cotton or nylon line or 'groundline,' about seven-thirty seconds of an inch in diameter, to which are attached baited hooks at intervals of about three feet. Each hook is fastened to the groundline by a thirty-inch length of cotton or synthetic cord called a 'sud-line.' The entire trawl is divided into fifty fathom 'lines' of about eighty hooks each. The number of lines in a trawl varies with the fishing context from as little as two or three to perhaps twenty-five or thirty lines in one string. The usual practice is to set two or three trawls, containing from four to six lines, on various ridges or ledges in a given vicinity.

Having elaborated upon the extractive methods used by Fermeuse fishermen, it remains to point out that no Fermeuse fishermen utilize all of the above technologies in any one fishing year. In general, those committed to the summer trap fishery turn to the trawl for the 'fall voyage,' and the cod netters follow the handlining (or jigging) adaptation when cod-net production drops off in mid-August. The result has been the formation of what might be called technopolitical factions. Fishermen who are committed to specific technological adaptations in terms of gear and crew organization have tended to press for regulations that will both regulate competition among units using similar technologies and afford protection from other units employing technologies that might hinder the extractive potential of one's own adaptation. Trap fishermen, for example, have been at odds in recent years with cod netters, who have taken to placing their nets in areas adjacent to trap locations. The manipulation of exploitative space with regard to technological extractive method in this manner, then, is the essence of the Newfoundland Fishery Regulations.

FISHERY REGULATIONS AND SPATIAL ALLOCATION: THE ECOLOGIC FACTOR

The Newfoundland Fishery Regulations are distinctive as a body of law

pertaining to the regulation of a fishery because they were not enacted primarily with a view toward husbanding the resource, i.e., conservation. Rather, they are a political response on the part of the government to the ecologic and social needs of various inshore fishing communities.

Historical documents indicate that inshore fishermen were bringing pressure to bear on elected representatives for government intervention in local fishing disputes considerably before the turn of the century. Judging by the content of the first set of Newfoundland Fishery Regulations which appeared in 1890 (*Acts of the General Assembly of Newfoundland* 1890:197-202) the formation of the first Newfoundland Fisheries Commission was at least in part a response to this pressure.

An indepth examination of the historical concomitants of these regulations is beyond the scope of this paper, but it is worth noting here that the most important reason for government involvement in microregional space-management disputes was that of political patronage. Speaking of the patronage system in general, the 1933 Newfoundland Royal Commission report (1933:82,83) observed:

The politician was caught in his own meshes. As there was no local Government, he was expected to fulfill the functions of a mayor and of every department of public authority. In addition he was the guardian of local interests, the counsellor and friend of every voter in the constituency and their mouthpiece in the legislature of the country. . . . The member on his part knew that unless he gave satisfaction to the people, he stood little chance of re-election.

This, of course, does not entirely explain why the fishermen would want the government to be involved in their local feuding. The answer to this question will become evident in the section on the social function of the regulations. It is sufficient here to note that government involvement in local fishery matters was actively solicited and subsequently received in what was obviously a system of mutual obligation.

Spatial Allocation

Until very recently, Fermeuse fishermen have seldom thought of anyone's fishing activities, perhaps least of all their own, as having an appreciable effect upon fish populations. 'Queer things' happen, as in years when fish do not appear, but this is explained in terms of natural factors (e.g., a change in water temperature) over which man has no control (Andersen and Stiles 1972:3). What is recognized as limited, however, is the population of fish at a given point in space and time.

This recognition is at least in part a product of the fact that, although Fermeuse fishing grounds encompass several miles of coastline, the actual productive fishing areas are in short supply. Fish concentrations

are a function of bottom topography and not randomly distributed over the fishing grounds. As such, large expanses of the Fermeuse fishing area, from the fisherman's point of view, amount to little more than "empty water."

Because of the nonrandom distribution of fish populations and because the inshore fisherman lacks both mobility and sophisticated equipment with which to explore new fishing grounds, he has been forced to become intimately acquainted with local fishing areas. His extremely precise knowledge of local fishing areas, and how to exploit them maximally, is vital to his success as a fisherman. This knowledge, transmitted from father to son, is the result of generations of careful observation of environmental relationships and reflects an intense commitment to a relatively narrow ecological niche.

Since exploitable space is limited, it must be carefully managed if the fishery is to remain the viable economic base of the community. This has been accomplished in two ways. First, symbiotic relationships are established with neighboring communities whose fishing grounds complement the deficiencies in Fermeuse grounds at varying points in the fishing cycle. It must not be imagined from the above that each community's fishing area is for the exclusive use of local fishermen as in the case with Maine lobster fishermen (Acheson 1972:60-79; this volume). Rather, inter-community boundaries represent the formal area over which each community has jurisdiction in matters pertaining to the ordering of extractive techniques. 'Outsiders' are not and cannot be legally excluded but they are forced to observe local fishery regulations. The exception here is with respect to trap locations which are reserved exclusively for local fishermen. Outsiders, however, are permitted to set gear in those locations not being used by local fishermen.

Thus, Fermeuse trap fishermen regularly set their second trap (most crews have two traps) in unused locations belonging to the neighboring community of Aquaforte, and Aquaforte fishermen frequent the Fermeuse offshore banks during the fall fishery to compensate for the virtual nonexistence of such areas in their own territory.

Second, Fermeuse fishermen have divided their own fishing grounds, as have many inshore fishing communities, by setting aside certain fishing areas (usually the most productive) for the exclusive use of certain technologies. Such "sanctuaries" have not been established without dissension. Rather, they are usually the upshot of protracted and often very heated disputes over which technopolitical faction had the "right" to utilize prime fishing areas. The faction that prevailed in these disputes was usually the one to which the bulk of the local fishermen were most heavily committed in terms of gear, crew organization, and exploitative expertise.

The common procedure seems to have been for the most powerful

group of fishermen to circulate a petition requesting that a specific portion, or perhaps the entirety, of local fishing grounds be reserved for, e.g., handlining, jigging, and traps. The other technologies — trawl, and later, in some communities, cod nets — were banned from the area.³ If a majority of the local fishermen signed the petition, it would then be forwarded to government officials in St. John's for consideration and eventual codification into law.

Fishing space division, then, has taken two forms: (1) the outright reservation of specific locations for local residents, i.e., trap berths; (2) the restriction of certain types of technologies from certain areas. In the latter case, units using the prescribed technology within the prescribed area are permitted to move about freely and compete with one another for the more productive locations. Such units, of course, are free to leave the sanctuary and exploit other locations, but in doing so they lose their protection from competing technologies, i.e., cod nets and trawl.

This division of local space with respect to extractive method reflects two crucial factors in the Fermeuse fisherman's ecologic adaptation. First, space division is directly related to the number of fishing units by which local exploitable space must be divided. In situations where there are substantial numbers of fishermen and only limited amounts of exploitable space (as in Fermeuse), we find regulations that limit the majority, if not all, of community grounds to those extractive techniques that permit the highest density of fishing-unit participation. Space-consuming technologies, such as cod nets and trawl, wherein four or five units could effectively control an area that might be exploited by twenty or thirty handline units, are banned.

Thus in 1891, when Fermeuse supported an inshore fishery comprising some ninety-seven units (*Census of Newfoundland and Labrador* 1891:383), local fishermen felt constrained to reserve all of their local grounds for handlining and jigging (traps had not yet been introduced). Trawl fishermen were forced to either take up handlining and jigging themselves or utilize Cape Ballard Bank some fifteen miles distant. Twenty years later when the Fermeuse fleet had increased to 129 units (*Census of Newfoundland and Labrador* 1911:432-438), the pressure on available space had become so great that even certain trap locations, the two most productive in the community, were reserved for handlining and jigging only.

Since World War II, however, fishing-unit participation has dropped off drastically — thirty-four fishing units in 1962 (*Men, boats and gear*

³ Owing to its newness and the fact that several families in Fermeuse rely on it for a substantial portion of their income, the cod net has not as yet stirred up enough controversy to warrant banning it. The neighboring community of Renew, however, has recently taken this action and it constitutes a major bone of contention between Fermeuse and Renew fishermen, in that several Fermeuse fishing units had previously been cod netting on Renew fishing grounds.

1962) — and trawl fishermen have been successful in extracting important concessions from the handline and jigger fishermen. This has happened to the point where the present handline sanctuary has been reduced to less than half of its original size.

An interesting insight into the relationship between numbers of fishermen, exploitable space, and technological extractive restrictions was afforded me in an interview with a fisherman who had resettled from a community whose fishing ground was characterized by wide expanses of level bottom:

In Trepassey Bay where there is twenty mile of level bottom we used to cod net and trawl, and even schooners (deep-sea vessels) used to come there to fish and there was never no 'rackets' (disputes) 'cause there was plenty a ground. Here, where ya got only a few ridges a ground to fish on, it's a different thing. I couldn't understand that when I first come here, but I sees into it now.

Viewed in this light, Fermeuse fishermen could hardly allow the space-consuming technologies with their 'long strings a gear' access to local fishing grounds.

The second factor that has prompted the local division of exploitable space with regard to technology is embraced in the fact that those technologies that require the least amount of space (trap, jigger, and handline) are also the most vulnerable to competing technologies, i.e., cod nets and trawl. The former can operate effectively only under a relatively narrow range of environmental conditions governed largely by water depth and bottom topography. Handline and jigger operations become increasingly marginal as water depths approach thirty fathoms, and traps yield optimum returns when set in depths not greater than sixteen fathoms. Moreover, traps require a smooth sand or gravel bottom in order to avoid extensive damage to the netting. Cod nets and trawls, on the other hand, may be used over a much wider range of depths and bottom conditions.

Because of their technological vulnerability, such fishermen, then, feel entitled to an extra measure of protection from the high-yield, space-expansive technologies. In extreme cases, such as with traps, which not only represent a heavy capital investment but cannot be moved without great difficulty, this extra measure of protection extends to outright reservation of a specific location.

In addition, the local division of space with regard to extractive method affords the inshore fisherman protection from the modernized and highly mobile technological complexes which are becoming increasingly prevalent in Newfoundland waters. Such regulations serve to blunt any move a high-yield operation such as a longliner might make to "blitz" an area. The longliner skipper who wishes to exploit a local fishing area, then, will

have to take his chances along with the small-boat fishermen on the handline ground.

Ecologically, the Newfoundland Fishery Regulations represent a counterforce the Fermeuse fisherman needs for his lack of mobility and sophisticated technology and his intense commitment to a relatively narrow ecological niche which is very vulnerable to competing technologies. This control of local fishing grounds, then, allows the Fermeuse fisherman to plan strategies and make crew commitments and capital outlays for boat and gear and remain secure in the knowledge that he will have at least an equal chance (ideally) to catch his rightful share of the resource.

THE FISHERY REGULATIONS AND COMMUNITY INTERPERSONAL RELATIONSHIPS: THE SOCIAL FACTOR

The Newfoundland Fishery Regulations have other implications; in the following pages it will be argued that they manage social relationships as well as exploitative space. That these two facets — the social and the ecologic — are inextricably bound together as functions of these regulations becomes clear when we realize that the social relationships managed have been ecologically adaptive.

Fermeuse, like many other rural Newfoundland communities (cf., Szwed 1966; Firestone 1967; Chiaramonte 1970), is highly egalitarian in outward appearance. This "public face" (Szwed 1966:9) is maintained by a conspicuous avoidance of overt conflict, and reciprocal obligation networks. I first noticed this phenomenon in Fermeuse when I discovered that what I had perceived to be cordial relationships between certain individuals were merely the manifestations of a social veneer which, in reality, had very little to do with how the individuals felt about one another. Invidious comparisons, when they did occur, were invariably couched in comments extolling the virtues of that person's neighborliness: "Roger is a damn fine neighbor and I'd do anything for him, but I don't like him and he knows it." Theoretically, at least, everybody is a friend of everybody else and the guiding maxim is "We are all equal here."

The phenomenon of avoiding any situation that might produce overt conflict has often been noted in the literature on Newfoundland. One explanation that has been advanced by both Szwed (1966:87) and Chiaramonte (1970:52) is that open hostilities are too costly where relations are intimate and the frequency of interaction high. More to the point, it is simply not practical to be constantly avoiding certain individuals if one is a member of a small community of perhaps fifty households. As Firestone (1967:123) observes, the "avoidance of directness and the

lack of commitment" in interpersonal relations plays down differences of opinion, so that conflict is avoided.

This lack of directness is particularly evident in an all-or-nothing situation, such as a dyadic "craftsman-client" agreement. In what Chiaramonte describes as the "indirect approach" (Chiaramonte 1970:21-22), the client merely describes his need of a craftsman's services, e.g., replacing a plank in a boat. If the craftsman is too busy to do the work or for some reason does not want to do the work, he is spared the embarrassing situation and consequent stigma of refusing a fellow community member in need by remaining noncommittal, i.e., not offering to perform the task. The client, on the other hand, is spared the embarrassment of being refused, because he has not actually asked the craftsman to perform the work.

Moreover, Fermeuse residents stress above all the 'fact' that you *need* your neighbors and their goodwill as an "insurance policy" against the unforeseen. For, in effect, if all community residents are publicly pronounced equal and friends, then one is free to turn to any or all in time of need.⁴ Although petty hostilities and factionalism most definitely exist in Fermeuse, community residents do not give them public acknowledgment because they might create significant barriers to cooperation and reciprocity.

Examples of reciprocity in Fermeuse as in the borrowing and lending of tools and skills are legion. Although *A* deeply resents the presence of *B*'s cod nets near his trap, he will nevertheless assist *B* in hauling up his boat at the season's end because *A* will probably require those services of *B*.

The need for solidarity in the fishing milieu is also constant where calamity in the form of damage to boat and gear or even the loss of life is an omnipresent possibility. As Faris (1972:101-102) notes, the rigors of the environment place a high value on egalitarianism in the form of reciprocal obligations and what he terms "predictable behavior." Certainly a crucial part of that predictable behavior is being able to depend upon the responses of your neighbors in the event of disaster.

But nowhere does this ideal of 'all hands workin' together' digress from the real behavior of distrust, competition, and maneuvering as on the fishing grounds. This is undoubtedly related to the common-property nature of the resource. Unlike the Mesoamerican peasant's corn, most fish are highly mobile creatures that permit no active husbandry by which a fisherman might validate his claim to them. The fisherman's only sure claim to the fish, in the final analysis, becomes their residence in his fish hold. Even though a fish might have been caught by a trawl in a handline sanctuary, no one ever suggests that fish thus caught should be returned to the handline interests. Significantly, retribution takes the

⁴ Fermeuse fishermen do not carry insurance on boats or gear, and only a few have bothered to insure their homes.

form of preventing future incursions (e.g., by reporting the violator(s) to the fishery officer), as opposed to demanding that the "stolen" goods be returned.

However, no matter how intense the competition or how heated the dispute, the public veneer of friendship is maintained as typically manifested in the highly stylized expressions of "Lovely evenin'" or "Fish is scarce today" exchanged by two parties when encountering one another. Given this highly valued and functional ethic, competitive strategies take on a special character.

Non directed Competitiveness

Given that a premium is placed on maintaining ostensibly cordial relationships with competitors (who are also one's neighbors), that fishing space is not in abundance and, further, that the resource belongs to the taker, then what kinds of mechanisms prevent competition from becoming personal? The difference between being a good fisherman ('slippery') and doing your neighbor 'dirt' is purely a matter of execution — the end result may well be the same. The idea is to avoid overtly aggressive competition but nevertheless to maneuver a competitor into 'doin' the job on himself.' For example, if one wanted to set trawl gear in two locations, he might place dummy buoys in one location to hold it while he is setting the first half of his gear in the other. If the competitor who happens along a few minutes later is foolish enough to believe that gear is set in the first location, then that is regarded as his misfortune. Trawl locations once taken in the morning are considered to be the occupant's for the remainder of the day. When one is hauling gear, if someone else comes along and sets his gear in the occupied location, this is viewed as 'dirt,' an overtly aggressive act.

Again, when handlining, if *A* is anchored in a particularly coveted location and *B* anchors directly astern of him (thereby attracting the bulk of the fish away from *A*), it is considered 'dirt.' But if *B* anchors his boat so that, when the tide changes, *A*'s boat swings away from the location and *B* swings into it, that is regarded as good 'slippery' fishing. This type of covert aggression also extends to violation of, or more properly in the fisherman's view, bending, the regulations. Thus, sneaking in on an unused portion of handline ground with trawl is considered to be good fishing, but setting trawl 'right in among 'em' (handliners) is 'dirt' "cause yer hurtin' 'em outright."

The intense competition that takes place on the fishing ground, then, is not allowed public acknowledgement ashore. Aggressive behavior is disguised by intentional maneuvers that leave room for speculation as to whether *A* was aggressive or *B* was incompetent (cf., Andersen 1973). As

one fisherman remarked, "If he is stupid enough to 'cod himself up' [i.e., duped into taking a poor decision] by watchin' you, then that's his hard luck."

This apparent cognitive separation of competitive relations on the fishing ground from community relations is exemplified in a dispute related to me by one fisherman concerning his entry into the trap fishery. A number of years ago this fisherman agreed to fish a neighbor's boat and traps on shares, the neighbor having taken other employment. When it came time to draw for trap berths for the approaching season the committee chairman refused to allow him to draw on the grounds that he did not own the boat and gear. There was no resident fishery officer on the southern shore at that time, so this fisherman had little choice but to take his case to fisheries officials in St. John's for adjudication. Since communications were poor at the time, repeated minor technicalities cited by the committee chairman, who was obviously loath to allow for another participant in the trap fishery, required several trips to St. John's, which caused a protracted delay in the draw.

The dispute apparently became quite heated and, in the absence of the aspiring trap fisherman, the chairman went ahead and held the draw. When the fisherman returned bearing written verification of his right to participate, the committee chairman had little choice but to hold a redraw. When I inquired as to whether the dispute had engendered any hard feelings between himself and the committee chairman, he looked somewhat surprised, "No b'y, he set me anchors for me," i.e., placed his trap for him.

We find, therefore, that the fisherman compartmentalizes his cooperative and competitive behavior in two major spheres. In effect, he subscribes to values that prohibit his competing for prominence on the public scene, but which are largely unworkable on the fishing grounds. The fisherman who expects his neighbor to help him find the major fish concentrations will end up with a poor season indeed.

Because the fishing space is limited and not randomly distributed, the only way a fishing unit can ensure a successful catch is to compete by hoarding information concerning techniques for maximally exploiting fishing locations, by bending fishery regulations when circumstances make it propitious, and by covertly edging competitors out.

A substantial amount of my data lends itself to explanation in terms of what Foster (1967:300–323) has called the "image of limited good."⁵ Contrary to what Faris (1972:101–102) found in Cat Harbour, resources when viewed in terms of points of access are definitely viewed as limited in Fermeuse. Handline units are accused by trawl fishermen of 'not

⁵ Foster (1967:300–323) suggests that a cognitive view of the resources, indeed all "good" things in life, as being limited, and that one individual's gain is another's loss, is related to observed egalitarian behaviour in many "peasant" societies.

wantin' us to live,' and individuals who tend to leave cod nets out when returns are marginal are suspected of 'leavin' 'em out just to shag up the rest of us.' Whether or not these accusations are true is beside the point. What is important here is how these actions are perceived to affect the remainder of the fishing community.

Overtly aggressive competition is believed to be at the expense of the community because aggressive individuals are regarded as attempting to gain more than their rightful share of a limited community resource (exploitable space). This cognitive orientation serves both to deter those who would blatantly seek an exploitative advantage and as a justification for community censure of such individuals.

The Social Function

Given the highly competitive nature of the fishing enterprise and its egalitarian community setting, it remains to consider the specific sociological functions of the Fishery Regulations.

Sociologically, these rules reflect and reinforce the egalitarian public image by recognizing that various types of gear are adapted to a specific or limited range of contexts within the fishing situation. The formal recognition of potential inequalities in extractive capabilities (e.g., the handline *vis-à-vis* the trawl), and the nonrandom distribution of the fish, is embraced in the Fishery Regulations which, in turn, express the community egalitarian ethic by saying in effect that "everyone has a right to catch a fish." The regulations, then, counterbalance the highly competitive nature of fishing.

Inequalities in exploitative opportunity (not actual catches, for they can be rationalized as related to skill) are viewed as a threat to community solidarity because they might engender open conflict and create significant barriers to reciprocal sharing and obligations. Because fishing is highly competitive, this aspect of community life is regarded as potentially extremely volatile and, to preserve community solidarity, it is hedged with rules at those points where individuals or groups are most likely to be at loggerheads.

Moreover, the avoidance of conflict and the maintenance of the egalitarian-relations veneer are the primary reasons why communities have sought codification of their agreements (and disagreements) into law — law which is external to the community. I use the word "external" here because, when the Fishery Regulations become codified into law, the responsibility for administering them, and the legal authority behind them, comes from St. John's via the local fishery officer. Hence, the community becomes involved in formulating and amending its own regulations but *not* in administering them, except to report violators. This

circumvents the need for embarrassing and disruptive dyadic and/or technopolitical confrontations within the community. For, in effect, the individual fishing unit or group that feels it has been wronged can say: 'The law in St. John's says . . .' and avoid being termed 'contrary,' i.e., a troublemaker.

Enter the Fishery Officer

The fishery officer enters the picture here because he is the local extension of that external and impersonal authority — the Canadian Department of Fisheries' provincial office in St. John's. He acts as a communication channel between local fishermen and fisheries authorities on matters pertaining to the management of local fishing grounds. As a civil servant divorced from the decision-making process, he is not free to engage in political advocacy or patronage. Fishermen expect him to present their requests in a favorable light, but beyond that his powers are limited.

The fishery officer is pressured to assume a stance of technopolitical neutrality by departmental policies that allow local fishermen to request another officer from a different district, or even a member of the staff from the St. John's head office, if they feel their interests are being prejudiced. Moreover, the role of the fishery officer is essentially passive. He is an enforcer of existing space-management regulations, but he nevertheless maintains a passive stance with regard to enforcement. He will not (in the study area at any rate) involve himself in any dispute or violation of fishery regulations unless someone lodges a complaint with him.⁶

In addition to enforcing existing regulations, he also serves as an impartial arbitrator in fishing disputes. This is where the contribution of the Fishery Regulations to local stability stands in highest relief. Time and again I was impressed by the reluctance of local fishermen to confront one another over disagreements pertaining to space management. At no time during my six-month stay in Fermeuse did I observe or hear of belligerents discussing their grievances with one another. One fisherman seemed to capture the feeling when he remarked: "If somebody is trawlin' on forbidden ground (i.e., in a handline sanctuary), the best thing to do is tell the fishery officer. If ya goes to talk to him (the violator) yourself, you're gonna have words about it; and if ya gets handy to one another, you might even have strokes."

Many violations of space-management regulations are never reported

⁶ The exception here concerns federal fish and game laws that constitute a different body of legislation in the sense that they were enacted for conservation purposes, e.g., to prevent spearing lobster or fishing for salmon in closed season or in closed waters.

because they are not regarded as a threat to those against whom the violation was committed. Local trawl fishermen will often set gear on grounds that are technically inside the Fermeuse handline sanctuary, and they are seldom reported. But if fishing is poor on the 'inside grounds' and the trawlers are taking substantial catches on the margins of the sanctuary, then some form of action is likely to be taken. Such action is prompted largely by glaring inequalities in catches, and handline fishermen rationalize this with the belief that the trawl with its large amounts of bait is keeping the fish from moving into the shallower areas where they would be more readily accessible to the handline fishery.

When a handliner feels that his interests are being violated, he will often approach other handline fishermen in order to make certain that he has the moral support of his colleagues before taking such a drastic step as to report the violator who, we must remember, is usually a fellow community member. It must be noted here that open leadership or independent advocacy in any activity, whether with the community council or in fishing disputes, is avoided if at all possible. Fishermen are very reluctant to assume any role of responsibility that might affect in any way the fishing activities of other community members. Faris (1972:103) remarks on this phenomenon in Cat Harbour: "Leadership and the exercise of authority involve taking decisions which may be binding to others, and in Cat Harbour anything which in this overt way may infringe on another is considered aggression and a serious breach." As one Fermeuse fisherman remarked, "Most men here would rather not draw trap berths than be the (trap-berth) committee chairman."

If the consensus is clear, he (the aggrieved handliner), and often several others, will approach the fishery officer and lodge a complaint against the offending trawl fisherman. The fishery officer then quietly approaches the offender and informs him that he has received a complaint(s) concerning his fishing activities. The violator, who also desires to avoid conflict, makes the appropriate changes and 'everybody keeps on speakin' terms.' The plaintiff is never officially identified, although gossip networks usually provide tentative identifications.

I indicated above that reporting a violator to the fishery officer is considered a drastic step, and it must be emphasized that blatant incursions into 'forbidden ground' are relatively rare. Usually, handline units will attempt to assert their "ownership" of the ground by merely putting in an appearance. The sanctions implied in the role of the fishery officer are resorted to only with the more 'contrary' violators. In any case, the belligerents never confront one another over the issue. Indeed, there was one incident during my field research when a particularly aggressive trawl fishing unit from a community quite some distance away set gear on forbidden ground within two or three boat lengths of local handline fishermen. Significantly, the handliners completely ignored the violator for the

remainder of the day. That evening, however, he was reported to the fishery officer.

Even in those disputes where there are obviously two sides to the question, the disputants rarely, if ever, directly face each other over the matter. The fishery officer reported to me that in most cases the disputants seemed embarrassed to publicly admit that a disagreement existed, preferring to come to him quietly and present their side of the story before any meeting of the belligerents could take place. By the time a meeting can be arranged between the two factions, the fishery officer has been made aware of '80 percent' of what will be said.

Even on those rare occasions when opposing parties do meet with the fishery officer, grievances are invariably directed toward the fishery officer, *not* each other. Thus, the arranged meeting between the disputants takes on the character of a public ritual for the airing of grievances and resolving of differences, with the fishery officer acting as a neutral communication channel to keep the dialogue going in what might well be an explosive situation. Because of the fishery officer, to whom grievances are directed even though the other disputant is sitting in the same room, direct conflict between the two parties is avoided and friendships are spared.⁷

SUMMARY

The Newfoundland Fishery Regulations, especially that portion dealing with the inshore cod fishery, constitute a response on the part of the government to political pressure exerted by fishermen seeking external involvement in local resource-division problems. That local fishermen have sought government involvement in this realm has significant ecological and social consequences for the fishing community.

Ecologically, the regulations provide an equitable division of exploitative opportunities with respect to extractive method. Moreover, such regulations simultaneously function to keep the modern, high-yield technological complexes out of local fishing grounds, thereby preserving the economic viability of the inshore fisherman's adaptation. In brief, they are a compensation for his lack of mobility and his commitment to a relatively narrow ecological niche.

Sociologically, the regulations preserve highly valued, and ecologically functional, egalitarian interpersonal relations in an economic setting where exploitative opportunities are both limited and potentially

⁷ Unfortunately no such meeting was held during my tenure in Fermeuse, and it is doubtful that I would have been allowed to attend one even if the opportunity had presented itself. Rather, the meeting characterized above is based upon descriptions of such meetings supplied by the fishery officer and interviews with local fishermen.

unequal. Such regulations serve to reinforce the egalitarian ethic by publicly proclaiming that every man has an equal opportunity to catch his share of the resource.

Even more important, the regulations represent a connection with authority that lies outside the community. This again reinforces the egalitarian ethic by depersonalizing conflicts, i.e., "the law is the law and it applies to everyone equally." The fishery officer is particularly important here as the local representative of that outside authority. He is resorted to as a "safe," powerful, and impersonal method for sanctioning those who momentarily "forget" about the law.

When a dispute does arise where there is some doubt as to the outcome, the fishery officer acts as an adjudicator. This saves community members from having to deal themselves with such a "dangerous" situation, one which could degenerate into a personal conflict.

WHAT OF THE FUTURE?

As I have attempted to illustrate, the Newfoundland Fishery Regulations have played, and continued to play, a very important role in the ecologic and social spheres of the Fermeuse fishing community. Recently, however, existing space-management principles, and the equality of exploitative opportunity they imply, have been challenged by government-subsidized technological innovation. The synthetic gill net has proven to be the salvation of those operations that were at the margin of economic viability because of the decline of the spring jigger fishery and a series of lean years in the trap adaptation. But the fact that the cod net is also a space consuming technology in a context of limited fishing space has had serious implications for the other technologies. Four units with twenty nets each could effectively control the major Fermeuse fishing areas to the exclusion of most other technologies. This endangers both the ecologic division of fishing space with regard to extractive method, and violates the equality implied in the regulations, wherein every fishing unit is to have an opportunity to catch a "fair" share of the resource.

Some communities along the southern shore, notably Petty Harbour and Renews, have solved the problem by banning this technology from prime fishing areas. Such easy answers, however, are no longer possible for Fermeuse, where those who have incorporated the cod net into their seasonal round of fishing strategies would be caused severe economic hardship by such a move. Although Fermeuse trap fishermen complain bitterly about the presence of cod nets near their traps, they would nevertheless balk at signing a petition to ban the nets, because it would 'put neighbors out of a livin'.

The problem has been further complicated by the appearance of the

highly mobile, high-yield longliner operations using both gill nets and trawl. Local fishermen are faced with the problem of keeping these operations away from local grounds without precipitating the financial ruin of those small-boat fishermen who also use longliner technologies (gill nets and trawl), but in much smaller quantities. At this writing, the magnitude of the problem is only beginning to be realized, so it is difficult to predict just what defensive strategies will ultimately be adopted, particularly in dealing with the longliner problem. For the present, however, local fishermen are inclined to ban the offending technologies from local grounds, while tacitly permitting extensive, though not flagrant, 'rule bending' by local fishermen. Undoubtedly, further research in this area will yield valuable insights into the impact of technological innovation upon the socioecologic adaptations of traditional fishing communities.

REFERENCES

- ACHESON, J.
1972 The territories of the Maine lobstermen. *Natural History* 81(4):60-69.
Acts of the General Assembly of Newfoundland
1890 *Acts of the General Assembly of Newfoundland*. St. John's: J. W. Withers.
- ANDERSEN, R.
1973 Those fisherman lies. *Ethnos* 38(1-4):153-164.
- ANDERSEN, R., G. STILES
1973 "Resource management and spatial competition in Newfoundland fishing," in *Seafarer and community*. Edited by P. Fricke, 44-66. London: Croom Helm.
- Census of Newfoundland and Labrador*
1891 *Census of Newfoundland and Labrador*. St. John's: Newfoundland Colonial Secretary's Office.
1911 *Census of Newfoundland and Labrador*. St. John's: Newfoundland Colonial Secretary's Office.
- CHIARAMONTE, L.
1970 *Craftsmen-client contracts*. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland. Studies 10.
- FARIS, J.
1972 *Cat Harbour*. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland. Studies 3.
- FIRESTONE, M.
1967 *Brothers and rivals*. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland. Studies 5.
- FOSTER, G. M.
1967 "Peasant society and the image of limited good," in *Peasant society*. Edited by J. M. Potter, M. N. Diaz, and G. M. Foster, 300-323. Boston: Little, Brown and Company.
- MARTIN, K. O.
1973 "The law in St. John's says . . ." Unpublished M.A. thesis, St. John's: Memorial University of Newfoundland.

1962 *Men, boats and gear*. Ottawa: Canadian Department of Fisheries Statistics.

NEMEC, T.

1972 "I fish with my brother: the structure and behavior of agnatic-based fishing crews in a Newfoundland Irish Outport," in *North Atlantic fishermen*. Edited by R. Andersen and C. Wadel, 9-34. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland. Papers 5.

Newfoundland Royal Commission

1933 *Newfoundland Royal Commission*. London: H. M. Stationery Office.

SZWED, J.

1966 *Private cultures and public imagery*. St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland. Studies 2.