# "THE LAW IN ST. JOHN'S SAYS...."
## SPACE DIVISION AND RESOURCE ALLOCATION IN THE NEWFOUNDLAND FISHING COMMUNITY OF FERMEUSE



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# "THE LAW IN ST. JOHN'S SAYS. . . ."

## Space Division and Resource Allocation in the Newfoundland Fishing Community of Fermeuse

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ABSTRACT

This thesis explores the ecologic and social functions and implications of marine space management as embraced in the Newfoundland Fishery Regulations.

The Newfoundland Fishery Regulations constitute a particularly interesting body of legislation in that those regulations which apply to the inshore cod fishery were not, in the main, enacted with a view toward husbanding the resource. Rather, they represent a response on the part of government officials to political pressure exerted by inshore fishermen for the legal codification of regulations which allocate access to resources with respect to particular technologies.

This need to regulate the extractive process is largely a product of the non-random distribution of fish concentrations over the fishing grounds and the varying productive potentials of the technologies used. Those technologies which can operate only under a relatively narrow range of environmental conditions (e.g. trap and handline) are afforded protection from competing technologies (gill net and trawl) by setting aside specific locations and/or areas for the exclusive use of the former.

Ecologically, the Newfoundland Fishery Regulations function to provide for an equitable division of resources for local fishermen. This division is in turn related to the numbers of fishermen exploiting a given area and the amount of exploitable space available. In an area such as Fermeuse where there are substantial numbers of fishermen and only limited amounts of exploitable space I found relatively stringent restrictions

which limited the bulk of exploitative opportunities to those technologies which required the least amount of operating space thereby permitting the maximum density of fishing unit participation. Space consuming technologies such as trawl wherein three or four units could control an area which might be profitably exploited by twenty or thirty handline units are banned from large expanses of the community's fishing grounds. The Newfoundland Fishery Regulations then emerge as a major force in balancing the available space with the number of fishing units.

In addition, the Regulations function to protect local fishermen from the modernized and highly mobile fishing operations which are becoming increasingly prevalent in Newfoundland waters.

Sociologically, the Regulations function to minimize social conflict in an intensely competitive fishing milieu where the rewards fall to those who prove to be the shrewdest in getting their share of a scarce commodity (exploitative opportunity). Because the Regulations are codified into formal law (which is external to the community) disputes engendered on the fishing grounds tend to be less personalized. This depersonalizing effect is further reinforced by the presence of a federal fishery officer. His role is particularly important as an 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 impartial and is commonly sought for adjudication in what are often highly emotional confrontations which could degenerate into a personal encounter that might seriously endanger the social fabric of the community.

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# CHAPTER I.

## NEWFOUNDLAND FISHERY REGULATIONS: THE SETTING AND HISTORICAL BACKGROUND

The study that follows is not a typical anthropological community study where one attempts to present something of a smorgasbord of land tenure and inheritances, interpersonal relations and kinship networks, economics, cosmology, etc. in an effort to articulate the various facets of community life with one another. Rather, my scope is much narrower, for this study concentrates on one aspect of a small community, which is, in this case, the reason for its very existence -- past, present and future -- its fishery. This is not to imply that I ignore the above-mentioned cultural patterns, but that I will be dealing with them only as they relate to the fishing milieu and not the community as a whole. My reasons for this particular interpretation of the field data are two-fold: a) I have a special interest in fishing peoples and, particularly, problems relating to concepts of territoriality and space management and b) because in an era of growing conflicts over marine resources, some of which have achieved international implications, it would seem that the cultural-ecologic mechanisms for space division which fishing communities have developed in response to their own needs should be thoroughly explored.

Specifically, I address the questions of how and why rules which function to divide the local marine resources of a given community by dividing up the available fishing space, i.e. "space management" principles

affect and reflect the social and ecological climate of the home village as well as that of neighboring communities whose fishermen often share their fishing grounds.

## THE SETTING

The field research was carried out from late April through October 1972, on the southern shore of Newfoundland's Avalon Peninsula, the island's eastern-most coastline. The community I chose was Fermeuse, a settlement of some eighty-four households about an hour and twenty minutes south of St. John's by automobile (see Map No. 1, Appendix C). In certain respects Fermeuse is somewhat atypical as Newfoundland fishing communities go in that since 1952 it has had a large fresh-frozen fish plant which is currently operated by the Bonavista Cold Storage Company. In addition to processing much of the regional summer inshore catch the plant also receives fish from four modern stern trawlers engaged in the deep sea fishery on the Grand Banks. Plant employment runs between two and three hundred depending upon the time of year. Peak employment is invariably in the summer months, especially July, when the inshore trap fishery produces large catches of cod fish, the mainstay of the Newfoundland inshore fishery.

As indicated on Map No. 2 (Appendix C), Fermeuse or 'Riverhead'[1] as it is called locally, is situated at the inland extremity of a long deep, fiord-like inlet about three miles from the Atlantic Ocean. Actually, however, Fermeuse Harbour contains two other communities -- Kingmans, a small hamlet of eighteen households situated on the south bank of the

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[1] Following the precedents set by Faris (1966a) and Nemec (1972) single quotation marks are used throughout to indicate local usage.

harbor and about one-half mile from Riverhead and the somewhat larger settlement of Port Kirwan (forty-eight households) situated on the north bank of the harbor in a cove just inside the entrance. Kingmans appears to be socially and geographically little more than an appendage of Fermeuse proper, whereas Port Kirwan, perhaps in part 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 fact, Port Kirwan's Community Council antedates that of its larger neighbor by two years.

In addition, residents of Port Kirwan appear to cultivate a certain self-image of uniqueness, and I was often asked if I didn't notice that people 'out here' were more friendly than those in Riverhead or other neighboring communities. Community identity ends where fishing begins, however, and the three villages share a common fishing area and lottery for drawing cod trap berths as well as a common set of rules which apply to the Fermeuse fishing area. Indeed, all fishermen from the harbor are known as the 'Fermeuse crowd' whether being referred to by fishermen from other communities or in referring to themselves. This phenomenon is at least in part a spatial constraint for Fermeuse is hemmed in on the north by territory 'belonging' to Aquaforte and to the south by Renews fishing grounds, so that further division of the available space among the three communities of Fermeuse Harbor would be virtually impossible (see Map No. 2, Appendix C).

In addition to researching the Fermeuse area I have drawn substantially on data supplied by fishermen from the neighboring communities of Aquaforte, some five miles to the north, and Renews, which lies about the same distance to the south. The reasons are threefold: 1) to broaden the

scope of my study with regard to the relationships between marine space management and geographic features, since there are considerable differences with respect to the natural character of the three fishing areas; 2) to allow for the fact that there is considerable movement by the fishermen of the three communities of Aquaforte, Fermeuse and Renews in and out of one another's grounds as the season progresses; 3) to analyze a dispute between the fishermen of Fermeuse and Renews over a particularly choice fishing area in Renews territory which is frequented by Fermeuse fishermen.

Map No. 2 reveals that all three of the communities have well-protected harbors. Aquaforte Harbor, like Fermeuse, is a deepwater port able to accommodate large vessels. Although Aquaforte currently has no other industry besides fishing, it was, until the demise of the banking schooner industry, a substantial service port for said vessels, supplying them with ice and bait. The Renews Harbor is, unfortunately, no longer navigable for vessels much larger than the small open inshore variety commonly used in Newfoundland. Renews residents are quick to note that such was not always the case and that the shoaling of the harbor has developed within living memory. A violent storm in the 1930's known as the 'August Breeze' is commonly regarded as the precipitating factor in altering certain landforms so that the harbor is now filling. To what extent this is true or false is obviously beyond the scope of this study, but it is interesting to note that up until the post war period Renews Harbor, as well as that of Fermeuse, supported a substantial fleet of ten to twenty-ton schooners (which draw in excess of six feet of water) for prosecuting the Cape Ballard Bank fishery some six miles distant.

Because of its natural harbors the region was probably first used by Portuguese and French (Guerin n.d.) fishing fleets not only to weather

out the frequent and often violent storms but as a fish curing and holding station. Although evidence is scanty, the fact that both Aquaforte and Fermeuse are Portuguese names and that Renews is an anglicized version of "rogneuse" a French word meaning "rough" or "scabby" (Hanley n.d.) lends credence to such theories. Indeed, an early account (1506) specifically mentions Renews Harbour in connection with French fishing operations (Guerin n.d.).

The earliest settlers along the southern shore were of English origin, largely due to a number of somewhat less than successful attempts to colonize the area in the seventeenth century (Prowse 1971:201). Today, owing to Irish immigration in the late eighteenth and early nineteenth centuries, the population of Fermeuse -- indeed, of the entire region -- is overwhelmingly Irish Roman Catholic, the only exception in the Fermeuse setting being three Protestant families whose male heads are in managerial positions at the fish plant.

The economic base of the region is the fishery, its only economic asset except for scenic beauty which might encourage the development of tourism in the future. The land is marginal with respect to agricultural potential -- adequate for subsistence gardening or grazing sheep but little more. There appear to be no commercially valuable mineral deposits (Project Planning Associates 1967:41) and any merchantable timber has long since been removed to build houses, wharves and boats. The region in general bears testimony to heavy glacial action and the heads of both Renews and Fermeuse Harbours have the gently sloping shores formed by thick glacial outwash in marked contrast to the rugged headlands which commonly drop abruptly into the sea (Newfoundland Settlement Survey 1954:2). The lower ground is largely bog interspersed with innumerable lakes and ponds

(Newfoundland Settlement Survey 1954:2).

The geographic proximity of Fermeuse to the meeting point of the Labrador Current and the Gulf Stream makes for generally unstable weather conditions, characterized by high precipitation of about 55 inches annually, sudden and violent storms and long sieges of fog in the spring and early summer. January temperatures run in the low to mid-twenties and July temperatures average in the high fifties (Newfoundland Settlement Survey 1954).

## INTER-COMMUNITY RELATIONS

Relations between the three communities (Fermeuse, Renews, Aquaforte) are maintained, but extensive visiting patterns outside the home community were not observed, no doubt largely because of the lack of transportation. Few fishermen own automobiles, and, in fact, they are usually too busy during the summer fishing season to do much socializing anyway, save for that carried on at day's end while gutting their catch on the fish plant wharf. The Fermeuse-Renews parish headquarters are located in Renews along with the elementary school, convent and priest's residence, but Fermeuse has its own church with regular services. 'Garden parties' are held in Renews in late summer and the annual 'fair' in November to raise funds for the parish.

Despite the obvious church ties between the two communities the fishermen at least appear to maintain noticeably warmer relations with the fishermen of Aquaforte which is in the Ferryland parish. I have been able to discover three basic reasons for this phenomenon. First, community rivalry between Fermeuse and Renews is often quite heated, especially as the annual parish fund-raising events approach. Fermeuse residents are

prone to point out that they nearly always raise more money and that Fermeuse should merit more parish consideration especially with regard to such things as construction of their own assembly hall.

Second, the past two years have witnessed the emergence of a dispute over a particularly choice fishing area within the Renews fishing grounds that has been traditionally used heavily by Fermeuse fishermen (I shall discuss this extensively in later chapters). Aquaforte fishermen, by contrast, regularly use Fermeuse fishing grounds, with no evidence of ill will on either side, during the late summer and fall fishing period to compensate for a lack of offshore fishing areas in their own territory and Fermeuse fishermen commonly set extra traps on Aquaforte ground during the early summer to compensate for the shortage on their own ground of usable trap berths. Two of the six Fermeuse trap crews, for example, each had a trap in Aquaforte during the 1972 summer season.

In the third place, Fermeuse is geographically much nearer to the Aquaforte fishing area than to the Renews area. Although Aquaforte has its own fish receiving facilities, from which fish are trucked to the Fermeuse plant, the Aquaforte fishermen often deliver directly to the Fermeuse plant along with the local fishermen, so that there are more opportunities for social interaction than with the Renews fishermen, who almost never come directly to the Fermeuse plant with their catches.

## HISTORICAL PERSPECTIVE ON THE FISHERY REGULATIONS

Since I have been speaking of fishing grounds 'belonging' to one community or another, it is necessary to explain here briefly their history and nature. Map No. 2 (Appendix C) illustrates the situation as it stands

today. The boundaries between communities are not defended in the sense of the lobstering territories which Acheson (1972:60-69) encountered along the Maine coast, where groups of individuals ("harbor gangs") controlled fishing areas to the exclusion of all others. Rather, community fishing boundaries are codified into federal law under the general heading of the Newfoundland Fishery Regulations. Such boundaries are fixed ostensibly for the purpose of drawing for cod trap locations or 'berths' by lottery. Such a lottery is under the control of a local cod trap committee of three or five men, elected from the body of cod trap fishermen in the community. The boundaries then formalize the area over which the cod trap committee has jurisdiction. However, the literature indicates that community fishing grounds had been agreed upon long before the then Colonial Government encouraged the formation of cod trap committees. Indeed, reports of the Department of Marine Fisheries and subsequent Regulations indicate that fishermen were bringing pressure to bear on elected representatives for laws to regulate technological extractive methods and settle disputes considerably before the turn of the century.

The year 1889 saw the second report of a commission (specially appointed) to investigate matters of current concern to the Newfoundland fishery. Subsequent recommendations by this commission in March of that year led to the formal establishment of The Newfoundland Fisheries Commission and the formulation of the first set of Newfoundland Fishery Regulations. The report of the special commission states:

> To one other matter the Commission are desirous of drawing the attention of the Government. It will happen at times that some special provision will be found necessary for the protection of a particular fishery, or for guarding certain fisheries from injurious practices or for establishing a close time. To have to wait for the action of the legislature in such cases might prove to be very injurious to the interests of such fisheries.

> The Commission are of the opinion that the difficulty might be met by a single enactment vesting in the Government in Council the power to issue by Proclamation whatever regulations may be deemed necessary for the protection of any special fishery, and giving the force of law to such regulations.
>
> (Second Report of the Fisheries Commission: submitted March 15, 1889: House of Assembly Journals 1889:614-622)

Judging by the content of the first set of Newfoundland Fishery Regulations, it would appear that they were largely a response to increasing demands by fishermen for legal sanctions in dealing with space management problems. Such demands were usually expressed in the form of petitions presented to the Legislature by the community or communities concerned. Since these petitions were becoming ever more frequent (eight in the 1889 session alone) and since they invariably related to the relatively small areas with which the petitioners were concerned, the advantages of creating a branch of government and empowering it with a "catch-all" law to deal with the situation (thereby obviating the need for legislative action) becomes obvious.

Hence the Legislature enacted in 1889,

> An act to provide for the formation of Fisheries Commission and other purposes
>
> (Acts of the General Assembly of Newfoundland 1889:63)

> Sec. XVI
>
> The Commission shall have power to make and prescribe rules and regulations in relation to the prosecution of the several fisheries of the colony; to the fixing of close seasons, to the methods, appliances and contrivances to be used and adopted in and for the taking of fish, and the times, seasons, and manner for and in which the same or any of them may apply to such Districts or places and for such periods and under such limitations as may therein be stated or defined, and to fix and impose penalties for the violation or non performance of such rules and regulations and the mode of prosecution therefore, and from time to time alter and repeal the same.
>
> (Acts of the General Assembly of Newfoundland 1889:66)

What is particularly interesting in this context is the patronizing

attitude of the government toward protecting the local inshore fishing areas of the local residents from international fleets as well as each other. This contrasts sharply with areas on the Pacific Coast where the fisheries departments are regarded as primarily restrictive bodies by the local fishermen and are subsequently looked upon with considerable hostility (see, for example, Cove's study of Canadian salmon purse seiners 1970). In the latter case fishermen are primarily left alone to thrash out their own disputes. Drift rights on the Columbia River, for example, have no legal codification (Martin 1970).

The above and a general perusal of related literature suggests several reasons as to why the government would have seen fit to become involved in marine space management and resource division squabbles of a highly local nature. Undoubtedly, local fish merchants were in favor of legislation that would protect areas used by their client-fishermen from international fleets. In addition, domestic feuding over fishing grounds, both inter and intra village, amounted to wasted fishing time and effort which in turn affected fish catches and, ultimately, Newfoundland's ability to compete with other countries on the world fish market (see, for example, Newfoundland Government Economic Bulletins 1937). Hence, the government attitude appears to have been that it was in the best interests of the Colony to rationalize the fishery by taking an active part in adjudicating disputes over fishing areas, and by codifying the more important decisions into formal law.

The various Reports of the Department of Marine and Fisheries are punctuated with entries like the following:

> During the season we were kept busy on preventative service, and in June and July especially so, hearing and adjusting fishery complaints mostly over cod trap berths, all of which were dealt

with to the satisfaction of both sides without reference to the court.

(Annual Report, Department of Marine and Fisheries 1919, House of Assembly Journals: 696-729)

The "preventative service" here refers to the actions of the Fisheries Protection Service which, with the help of several steam vessels, patrolled the coast in an effort to prevent illegal intrusions by foreign fishing fleets into territorial waters, either for the purpose of fishing or to illegally purchase bait, chiefly for resale in St. Pierre. That keeping foreign fishing vessels at bay was only a small part of their duties is evidenced by the frequent recommendations made for the institution or modification of local rules in the rambling reports which the officers filed with the minister each year. Obviously, such fishery officials were also acting substantially as a liaison between fishermen and the government.

However, undoubtedly the most important reason for government involvement in micro-regional space management disputes was that of political patronage. This patronage extended to matters of concern to local fishermen which might lend themselves to legal codification. Speaking of the patronage system in general the 1933 Newfoundland Royal Commission Report observes:

> 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. Finally, under the peculiar system of administration adopted in Newfoundland, he was not only the liaison between the people and the Government but the channel through which the money voted by the Legislature for public purposes within his constituency was allocated and spent.
>
> (Great Britain. Newfoundland Royal Commission 1933:82)

and

> The member on his part knew that unless he gave satisfaction to the people, he stood little chance of re-election:. . . .
> (Great Britain. Newfoundland Royal Commission 1933:83)

As Szwed (1966:159) observes in commenting upon the above and related passages, ". . . what was operating was a system of patron-client relations in which voters exchanged their votes for certain governmental favors and the politicians were equally bound by the system to do likewise in order to remain in office."

Copes (1970:579-604) in analyzing the voting patterns of Newfoundland fishermen has argued that this political patronage has played a significant role in the political history of the Island (as did the Royal Commission Report).

> In view of the overwhelming presence of the fishing industry in the economic life of nineteenth century Newfoundland -- and the overwhelming presence of fishermen in the electorate -- no government and no political party could fail to pledge support for the fishery and for fishermen.
> (Copes 1970:583)

Political patronage, then, was a major factor in the involvement of government in fishery questions which were, to a very large extent, purely local inter and/or intra community rifts. This, of course, does not entirely explain why the fishermen would want the government to be involved in their local feuding, and the answer to that question will be discussed in Chapter III. It is sufficient here, I believe, to note that government involvement in local fishery matters was actively solicited and subsequently received in what was obviously a system of mutual obligation.

Several important conclusions derive from the foregoing: First; the formal recognition by the government of the need to restrict access of certain space-consuming and/or highly efficient technologies, both foreign and domestic, had the effect of delivering the lion's share of political

and economic control in deciding which technologies were to be restricted, and of local fishing grounds in general, into the hands of local fishermen.

Second, government interest in the fishery (sparked, no doubt, by pressure from the electorate) led to fishery officers assuming the role of a communications channel between government and fishermen on questions of space management, and as an adjudicator in fishing disputes. This historical precedent, as we shall see later, is largely responsible for the adjudicating duties of present-day federal fishery officers.

Third, the government philosophy of patronage toward inshore fishermen has fostered an attitude of dependence on the part of fishermen that continues to this day.[2] I was somewhat surprised one day to hear a fisherman remark that he would just as soon see the salmon fishing season, which had, to that point, been very poor, closed entirely. 'We'd at least get two or three hundred dollars out of it from the government.'

The fisheries agency then is cast in the role of protector of the fisherman's rights both individually and collectively. For example, should an incoming deep sea 'dragger' run over and severely damage an inshore fisherman's salmon nets, the man to see is not a lawyer or the local constable, but the fishery officer.[3]

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[2]Copes (1970:579-604) argues convincingly that this dependence was in actuality cultivated and "mobilized" by the twenty-two year marathon administration of J. R. Smallwood and that it contributed significantly to his repeated electoral victories.

[3]Significantly, the Canadian Department of Fisheries, which assumed control of Newfoundland's fishery after Confederation with Canada in 1949, has given issues concerning the price of fish or the attempts of fishermen to organize into bargaining groups a wide berth. That the Canadian Government has shown itself to be very patronizing on matters regarding inshore fishing space management and fisheries development, but has nevertheless been mute with regard to the former issues strikes me as being somewhat

The year 1919 saw important changes in the Fisheries Regulations due to the change of government. Previous to this, the selection of cod trap berths for each summer's fishing had been on a first-come-first-served basis, or on traditional occupation. With the new rules (which have never been mandatory for any community to adopt) the various fishermen of a community were allowed to draw for the berths by lottery. This change was particularly important in the Fermeuse context because there are only a very limited number of locations where one can set a trap without incurring severe gear damage. Add to this the fact that, of the seven or eight serviceable berths only two or three were considered fairly consistent in terms of fish production from one year to the next, and one has a highly competitive situation. Indeed, older fishermen often speak of the 'old days' when one had to 'mark' his intended berth by March or April by anchoring large wooden barrels ('buoys') in the exact location or, in some cases, put an old worn-out trap into the berth just to be assured of a place to set one's gear. But even this was no guarantee that a fisherman would be able to keep his berth if, for example, he were forced to take in his trap for mending during the season. The standardized rules of 1919, which acted as something of a constitution for the management of marine space, did not solve the problems of spatial competition entirely, but they did insure the fisherman of a place to put his gear and remain secure in the knowledge that no one could legally take it away from him (note inclusion of rules pertaining to cod trap berths in Appendix A).

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incongruous. No doubt it would make an interesting research topic, viz. the boundaries of fisheries department authority and involvement with fishermen vis-a-vis the fish processing industry particularly with regard to concepts of fisheries development.

The first area to organize under the new rules was St. John's, which took in that section of coast between Sugarloaf and the northern head of Petty Harbour, excluding the ground between Black Head and Deadman's Bay (Royal Gazette June 10, 1919). Pouch Cove, Outer Cove, Middle Cove and Bay Bulls followed in 1920 (Royal Gazette May 4, 1920). Fermeuse organized in 1923 (Royal Gazette April 10, 1923), considerably before its two neighbors, Aquaforte (1931) and Renews (1943). In addition to providing for an orderly division of the fishing ground between competing units, the very organization of a trap berth committee puts the principal berths and that section of coast line in which they are contained under the political control of the community. The 1931 listing of trap berths for Aquaforte provides an interesting example of this control in that there were five trap crews drawing for berths (or at least five draws listed) and no less than twelve berths registered (Newfoundland Gazette April 28, 1931). Such a system protects the local prime berths for local fishermen and allows the fisherman to decide on his own time which of the available berths he will utilize, without fear of outside competition until the July 1 deadline when all unused berths become open to anyone, including members of other communities. However, it goes much beyond this in that when boundaries of jurisdiction are formulated for the cod trap committee they are, in effect, establishing community boundaries which apply to other technological methods of extraction as well. The point here then is that the organization of cod trap committees since 1919 has legally codified the boundaries of the fishing space over which a community has political jurisdiction.

## THE FISHING CYCLE

For the most part in this thesis I will speak of the fifty-six

fishermen of Fermeuse in terms of their twenty-four fishing units or boats and their crews. This most nearly approximates the thinking of the fishermen themselves. When formulating competitive strategies, or inquiring of the catches of others, remarks are almost invariably centered about the fishing unit or boat -- usually with reference to the skipper's name. The twenty-four fishing craft currently operating out of Fermeuse are crewed by complements ranging from one to five men, depending upon strategies followed and the particular phase of the season.

Crew recruitment is primarily along kinship lines with brother-brother and father-son relationships predominating. The once fairly standard pattern of immediate patrikin organization of fishing crews has been substantially diminished in recent years, however, by the opening up of other job opportunities in connection with the fish plant, and the vast improvement of transportation and communication networks which have conditioned the present and older generations into thinking in terms of the wider society. This "disintegration of cooperative and contractual ties within the extended family" (Nemec 1972:13) began with the tremendous increase in military activity, which provided many-civilian job opportunites, with the onset of World War II. For example, the trap crew, because of the considerable investment required both in terms of capital and manpower, has traditionally been composed of a "stable core of patrikin" (cf. Faris 1972, Nemec 1972, and others). Such is not the case today in Fermeuse, however, where only two of the six crews preserve the extended family owner-operator ideal. Of the remaining four, three are owned by one individual, and one bears no kinship ties of any description. The smaller two and three-man operations seem to have fared somewhat better, but only eleven of the twenty-four fishing crews, including trap crews, contain immediate patrikin

in any capacity. The above is admittedly somewhat misleading for, of the twenty-four fishing units, seven are essentially one-man operations at some point in the fishing cycle. But four of the seven one-man operations combine fishing with fish-plant or other outside work on a regular basis.

## DURATION AND NOMENCLATURE

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 full-time Fermeuse fisherman, who begins his fishing year in May with the salmon and/or lobster, the fishing continues at a relatively steady pace until late November or even early December, depending on weather conditions. This is made possible by a number of banks or 'ridges a ground,' as they are called, lying in ten to forty fathoms of water at distances which are easily within reach of the small motor boats used by the local fishermen.

The fishery (with one exception) is prosecuted entirely out of open wooden-hulled boats ranging in length from about sixteen to thirty-four feet. Aside from two motor dories, large dories equipped with an outboard motor, and an occasional speedboat, the vessels fall into two readily discernible categories. The 'punt,' usually smaller, narrower and decked over in varying degrees, is primarily used in connection with the hand-lining adaptation by those who do not participate in the trap fishery unless as a shareman in someone else's boat. The other variant is the 'trap skiff,' a slightly larger vessel which is entirely open, save for a small box or house which protects the engine from the elements. The major portion of the trap skiff is taken up by the fish hold, which runs from just forward of the engine house up to, but not including, the forepeak --

the latter being a storage space for oil clothing, spare line and the like. The average trap skiff will carry, besides the crew, something in excess of 10,000 pounds of fish -- a must in view of the heavy catches not uncommonly encountered by the traps. Both variants were formerly powered by single cylinder gasoline engines, but these are being supplanted by the larger two cylinder diesels, mostly of British manufacture.

## SALMON FISHING

The salmon season begins around the middle of May, along the southern shore, and, although returns from it are usually quite small, there were seven units using a total of fifty-nine nets participating. The method of extraction is with fifty-fathom gill nets of six inch mesh by twenty-five meshes deep. The nets are moored in fleets of two, the legal maximum being 100 fathoms in any one 'string of gear.' Only one fisherman makes any regular substantial investments in gear for this fishery. The remainder use web originally purchased for cod nets. Even now, however, fishermen who are purchasing new web for salmon nets usually order their gear under the general heading and specifications of cod nets to take advantage of government subsidies which are not paid for salmon nets.[4]

Fermeuse has not, as yet, organized a salmon berth committee for drawing salmon net locations by lot.[5] At present, it does not appear that

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[4]The chief difference between the cod net and salmon net is that the former is sunk to the bottom, while the latter is provided with many more floats on the headline so that it is suspended vertically in the water from the surface down.

[5]The procedure for drawing salmon berths is virtually identical to that used for cod traps.

there is any pressure in this direction, even though Aquaforte has had a salmon berth committee for several years. The reason is largely related to the behavior patterns of the fish. The best salmon fishing on the Aquaforte ground appears to be immediately proximate to the shore, whereas Fermeuse fishermen have found that they do just as well perhaps three or four hundred fathoms off the shore as they do adjacent to it. I suspect that this phenomenon may be related to the greater number of submarine banks in the Fermeuse area.

In any event, since Fermeuse fishermen can fish both 'inside' and 'outside,' i.e. several hundred fathoms off the shore, they have much more actual fishing area which can be profitably exploited. There is no appreciable competition for berths, and the men who fish salmon regularly usually get the same berths from one year to the next. One man was mildly miffed last spring when someone else set gear in 'his' berth, but nothing came of the incident. Nevertheless, the various units intending to participate are out early -- perhaps late April -- to mark their intended sites with a pair of large wooden barrels anchored and held at the proper distance apart by a span line, 'just to make sure.' This behavior touches on an important concept that will be discussed extensively later, but I will briefly elaborate on it here because it relates to the present context. Specifically, I am speaking of what I shall term "validation"; that is, one cannot expect to hold privileged access to a marine resource for long without using it or giving some concrete proof that one intends to use it. The man who attempts to hold a cod trap berth, for example, without setting his gear, is soon caustically criticized for 'wasting fish' at what is conceived to be the expense of the rest. Similarly, the man who does not mark his berths two or three weeks in advance is not likely to have any

reserved for him. Regardless of what he might announce concerning his intentions, those berths not marked within a reasonable time are considered to be 'up for grabs.'

Once set, the fleets of nets are checked morning and evening (except Sunday), weather permitting. Salmon nets are never hauled as such, as the clarity of the water obviates the need for this. Rather, the boat runs along the head or float line and the men watch for the fish. When a fish, or perhaps a tangle, is encountered, one or two men will get into a dory towed along behind for this purpose and proceed to the spot where the fish (or tangle) was observed. Their work completed, they return to the boat and continue. Perhaps twice during the season the nets will be taken in and cleaned and spread on the meadow to dry. This seems to kill the various forms of marine plant life which attach themselves to the twine and interfere with the fishing capabilities of the net. Usually, spare nets are set in their place. As mentioned earlier, returns from the salmon fishery in Fermeuse are small, perhaps 200 dollars per man, but the fishermen participating nevertheless regard it as worth the effort, both for the extra cash earned and as an opportunity to correct any difficulties with boat or engine which have been sitting on the beach all winter.

## THE COD TRAP FISHERY

About the second week in June, some of the salmon nets are taken in for the year because the anchors are needed in the now fast approaching trap fishery. (Five of the seven units who fished salmon in 1972 were also committed to the trap fishery.) At this time the units who will be 'trapping' take on extra men to bring up the complement to between four and six members. About the twentieth of June a small bait fish, known as

caplin, migrate to the scanty beaches to spawn, and large numbers of cod fish follow, gorging on the easy prey. It is at this time that the stationary trap becomes the chief method of extraction. Following the large schools of caplin along the shores, the cod encounter the fence-like trap 'leaders' which guide them into a large room where they cannot find their way out (see Diagram No. 1, Appendix D).

Unlike the salmon fishery, the cod trap phase of the fishing cycle is regulated by a complicated series of rules and regulations (discussed earlier) which control the allotment of specific fishing sites for the duration of the fishing season. (See Map No. 4, Appendix C for a detailed map of the major trap berths in Fermeuse. Not all berths are used, for a number are characterized by jagged rocky bottoms which severely damage gear to the point where these berths are not regarded as being worth-while to use. Still others are blocked off by existing trap berths so that production would be nominal. See Appendix B for the list of Fermeuse trap berths and their characteristics.) Such sites are known intimately by all trap crew skippers; indeed, they must be to minimize gear damage as well as maximize production.

As mentioned earlier, the berths are drawn for by lottery some time before the last day of February of each year as stipulated in the fishery rules. Reports from Faris (1972) and Schwartz (1972, personal communication) indicate that the procedure for drawing the cod trap berths is somewhat different in the communities to the north, where the crew captains draw for a number (numbers) which then determines the order in which each skipper will have an opportunity to choose his preferred berth(s). The individual who draws the number "one" will have his choice of any berth, the number "two" will be eligible for any berth excepting that chosen by his predecessor

and so on (Schwartz, personal communication, 1972). This, however, is not the situation in Fermeuse, nor in any other community on the southern shore. Rather, the named berths are placed in one receptacle and the names of the crew skippers are placed in another. Usually, two disinterested individuals are asked to execute the drawing -- first a trap berth and subsequently a name to match it.[6] I have no conclusive explanation as to why the procedure differs, but I suspect it is related to the availability of berths. Faris (1970:29) seems to suggest that there was a more than ample supply of trap berths in Cat Harbour, and Schwartz (personal communication, 1972) has observed that the trap men in the northern peninsula community he studied usually chose their traditional berths so that the drawing for berths was little more than a formality.

By contrast, the Fermeuse situation is one of a chronic shortage of good or even usable trap berths, and this has been the source of more than one heated dispute. I suggest that, because of the shortage of berths, there exists no possibility of anyone becoming associated with a traditional site, especially with regard to the more coveted locations. Because of the potentially explosive situation, fishermen, under the guidance of the Department of Fisheries, have gone to considerable lengths to ensure that trap berth assignment is left to the vagaries of chance.

Diagram No. 1 (Appendix D) indicates the general nomenclature of the traditional cod trap as it is adapted for use on the southern shore with particular reference to Fermeuse. Once set, the trap(s) are inspected

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[6] Those individuals who have more than one trap to be set (five of the six units) participate in a second draw, identical to the first except that there are only three 'second berths' that are worth using. The other two amount to empty names, and the recipients must look for unused berths in the neighboring communities.

shortly after daylight in the morning and again about 3:00 p.m. Since hauling a trap is no small operation, the men often 'have a jig in it first'; that is, lower a jigger into the trap in order to see if it contains enough fish to justify hauling it. This practice is particularly prevalent if fishing has been slow.

The normal procedure in hauling a trap is to begin by lifting the footrope or bottom of the doorway (entrance to trap) to the surface of the water, and attaching it to an extra keg carried for this purpose. This denies the fish an exit through the front of the trap. This accomplished, the men follow the web toward the back of the trap, keeping a bight of web across the trap (parallel to the front and back of the trap) at all times above the water, thereby forcing the fish ahead of them. When the fish have been forced into a small pocket in one of the back corners -- known in the trade as 'drying up' -- one man takes up a station in a dory and holds the head rope above the water (the weight of the fish could sink the pocket whereby the fish would escape) and the remainder of the crew assist in scooping the fish out of the pocket and into the boat by means of a large dipnet. With the fish safely aboard, the 'doorway keg' is untied and the trap sinks back into fishing position. The entire operation takes scarcely more than forty-five minutes for a skilled crew to execute.

By the tenth of August the caplin have dispersed and, as water temperatures warm, the cod begin to move away from the land and into deeper water seeking other sources of food. Some of the 'outside berths,' that is, trap locations which are proximate to a point of land which juts out into the ocean or to the outcroppings of rock which are perhaps several hundred yards from land, continue to yield substantial catches through much of the month of August, ostensibly because they are nearer to other sources

of food. Indeed, August often proves to be the most profitable month for these 'late berths,' but many fishermen are reluctant to leave their traps beyond mid-month because of the increasing frequency and violence of late summer storms. My records indicate that one individual who had such a berth did not take in his trap until the twenty-third of August in the summer of 1972. His catches, which had been substantial for the previous two weeks running were still profitable, but, as he remarked to me, 'I'm afraid to push me luck any further.'

The constant problem of gear damage can scarcely be overstated from the fisherman's point of view. It is directly proportional to the weather conditions, bottom characteristics of the berth being used, degree of exposure to storms, and, lastly, the frequency of whales who, in their eagerness to gorge on the caplin, often become entangled in the traps. In an attempt to minimize damage, local fishermen have taken to using very heavy gear -- usually large anchors salvaged from banking schooners -- to keep traps from drifting in heavy seas. But even this is often not enough. All trap units in Fermeuse received gear damage in 1972, although some suffered much more than others.

## COD NET FISHERY[7]

Those fishermen who do not follow the summer trap fishery usually rely on the recently introduced cod net for economic sustenance. For the most part, cod nets are moored in waters offshore and outside of the traps in fleets of four or five fifty-fathom nets. There were six fishing units

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[7]The cod net is a gill net which is specifically adapted for cod fishing. The terms cod net and gill net will be used interchangeably in this thesis to refer to the cod gill net.

with thirteen men occupied in the 1972 summer cod net fishery. Fortunately, or unfortunately, depending on one's vantage point, the physical size and number of submarine banks located around Fermeuse are relatively limited, and I suspect that this has limited to a considerable extent the adoption of the gill net by the local fishermen. Of the six fishing units, only four take the cod netting with any degree of seriousness by employing between ten and twenty nets. Apparently, the use of cod nets enjoyed a brief flurry of popularity during the early sixties with the introduction of nylon twine, which greatly improved fishing capabilities over the older cotton type. Due, in part, to the shortage of usable space, many fishermen soon abandoned them and returned to the traditional trapping adaptation.

The nylon gill net was originally introduced by the provincial government, in conjunction with a program to upgrade the fishery, which included the construction of larger, intermediate range longliners. Such vessels were designed to utilize areas and stocks of fish which had been unavailable to the shorter range open boats (Fleming 1963). Because the new longliners required heavy capital investments, skippers soon found that local stocks were unable to sustain the large catches needed to keep their operations on a paying basis. (The carrying capacity of the fifty-five foot government-approved models was 25,000 pounds, about twice what the average trap-skiff will carry. Billard 1966.) In many areas of Newfoundland, the old patterns of waiting for the fish to come to you became absolutely unworkable, and had to be abandoned in favor of more mobile strategies. Not unexpectedly, the roving activities of the new longliners have taken them into areas long considered by the indigenous fishermen to be theirs. The result has been a number of bitter confrontations (cf. Dean n.d.) between the two interests, with the gill net being the chief object of

vilification. Indeed, I was treated to numerous dissertations on the inherent evils of the gill net with regard to damaging the bottom, monopolizing of space, ghost nets[8] and the decimation of the larger adults in the local spawning stock. I shall have much more to say in subsequent chapters on the social and ecological implications of this relatively new innovation, but suffice it to say here that the cod net is a very controversial issue on the southern shore.

There are no assigned berths for cod nets. The available ground is on a first-come-first-serve basis. The concerned fishing units are usually prepared and the gill nets set well in advance merely to get and hold a good berth.[9] If the cod net fisherman is successful in claiming a particularly good berth by being the first to set his gear there in the spring (perhaps as early as mid-April), he will probably leave his nets there for the duration of the productive season, i.e. until late August.

Nets are normally hauled once a day by 'under-running.' In this procedure, the nets are taken in over one side and the fish extracted as the net passes across the boat. The empty nets are then allowed to pass over the other side of the boat and back into the water so that the empty gear goes back to its original position. When fishing is slow and/or the weather inclement, especially at the beginning and end of the season, the

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[8]The disconcerting problem of ghost nets has manifested itself since the introduction of synthetic twines, especially monofilament, wherein gear which has been lost, due to storms or whatever, continues to catch fish for long periods of time because the twine is rot resistant.

[9]The term 'berth' is used rather loosely by the local fishermen to denote any specific site or area which is the proper place for setting or using the particular type of gear customarily used there, whether drawn for by lot or open to anyone. The term, then, has both a legal connotation and a marine biome one.

nets may be hauled only once or twice a week. Those fishermen who have the poorer berths (i.e. where there is little fish movement in and out of the area) must move their nets more often -- perhaps once a week in order to maintain production.

By mid-August, the warming water has caused the fish to move away from land and into deeper waters. The larger schools of caplin have dispersed and with them the concentrated migrations of cod fish. At this time, even though the fish[10] are to be found in areas readily accessible to the nets, the net production nevertheless drops off markedly, apparently because the fish show little inclination toward moving enough to go into the nets. Some of the nets will be left out for the marginal catches that they afford, but the emphasis now turns to other extractive techniques.

## THE 'FALL VOYAGE'

As August wanes, there is usually a brief lull in fishing activity and fishermen take advantage of this period to prepare for the 'fall voyage.' Trap skiffs are decked over and fitted with a small house over the forepeak ('cuddy') to afford some semblance of protection from the elements and the summer fishery equipment is dried and stored for the winter. At this time there is also a general shuffle of crew membership, especially with regard to the trap crews where the extra manpower is no longer needed. Most of the extra members have their own boats and equipment for the fall fishery, and those who do not return to school, or seek work at the fish plant. It is worth noting in this context that the extra

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[10]The word 'fish' in Fermeuse is synonymous with cod fish. All other species are referred to by their common names, e.g. sculpin, salmon, haddock, etc.

manpower pool varies considerably from year to year as employment sources outside the fishery wax and wane, but the regular 'crowd' of one or two owner-operators, plus one or two regular sharemen, who participate in all phases of the fishery, remains relatively stable from one year to the next.

There are three distinct types of gear used in the fall fishery: the jigger and the handline, the trawl or longline. 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. Surprisingly enough, not many fish actually bite on the jigger. Most of the fish caught are snagged in the stomach, through the back or in the head. The fishermen are quite aware of this phenomenon and often speak of fish 'running at' their jigger. If there be any such thing as a universal fishing method in Fermeuse, then the jigger most closely approximates this. Every fishing unit, no matter what the present strategy might be, carries a jigger or two. Perhaps its chief value lies in the fact that it also doubles as a makeshift sounding lead which not only indicates where 'you're to,' but stands a fair chance of catching a fish in the bargain.

The jigger requires no bait, and in summers of critical bait shortages, such as 1972, the jigger accounted for virtually the entire 'fall voyage' of more than one fishing unit. Usually all boats, regardless of basic strategy, go 'jiggin' round' for a few days at the beginning of the season to locate the major fish concentrations. The chief liability with the jigger, 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 can be somewhat slow to fill. Even so, under ideal conditions, one fisherman can easily jig 1,000 pounds of fish in a day.

By early September squid are usually available in frozen form at the fish plant and/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 lb. 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 with the boat anchored. Production is much faster with the handline under ideal conditions because, even though one may be fishing in twenty fathoms of water, the fisherman is not uncommonly pulling in two, three, four, even five fish each time. Here again, there are no regularly assigned berths, even though the art of being in the right place at the right time is a very exacting one with this type of fishing.

The final extractive technique is the trawl[11] or longline. This type of technology consists of a cotton or nylon line of about 7/32" diameter (called a 'groundline') 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 or gangion (pronounced in Fermeuse as 'gan-jin'). 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

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[11] The trawl or longline as described here bears no resemblance to the modern method of deep sea trawling. In the latter case the type of gear used is technically known as an otter trawl. In this thesis I have adopted local usage where 'trawl' refers to the traditional longline method and deep sea trawlers are referred to as 'draggers.'

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. By setting gear in several locations, the risk of 'missing the fish' is somewhat reduced.

A further maximizing strategy is to be noted in the Fermeuse use of 'double hook gear.' This is purely a product of the uneven distribution of the fish. Were one to use the 'single hook' type of trawl, with hooks spaced about six feet apart, as do fishermen in many parts of Newfoundland, one would be covering the same amount of ground with about half as much fish-catching potential. The latter type of gear is adapted for those areas in Newfoundland where there are large expanses of level bottom, a situation which is not the case in Fermeuse. When the gear is not in the water it is at all times kept coiled in large wooden tubs, each of which will hold between four and six lines of baited trawl. Gear is either set from the main fishing craft or from a dory, depending on the situation and type of boat being used. Sometimes a dory is preferred because the gear can be placed more accurately than with the larger, less maneuverable punt or trap skiff.

The trawls are moored in place by small homemade anchors called 'killicks.' It should be noted that the trawl sinks to the bottom and that the precise placing of the gear is extremely important. Firestone (1967: 93) describes and illustrates a trawl of a different variety known as the 'floating trawl' which is baited with caplin and fished during the early summer season at some distance from the ocean floor. Although this type of gear is well known to Fermeuse fishermen it is not in common use and has not been for many years.

The daily routine of the trawl fisherman varies a good deal with

the location of the fish. If catches have been good 'up the shore' (south of Fermeuse) in an area containing a fair amount of level bottom, he may elect to set all of his gear, perhaps thirty lines, in one string. After setting, the usual practice is to go 'jiggin' round a while' to let the gear fish for an hour or two. When the gear is taken back, one man hauls and removes the fish, another coils the empty trawl back into the tub, and a third runs the boat. Should the fisherman elect to fish some of the small ridges of ground, he may set only two relatively short trawls. This being the case, the trawls are hauled around mid-morning and rebaited for another set either in the original berth or perhaps in another location. The fewer lines one has in the water, the more often one can haul and 'bait back.' The trawls are usually rebaited again at the end of the day and stored, tub and all, in the freezer room at the fish plant to keep the bait as fresh as possible.

The autumn of 1972 saw six Fermeuse units actively fishing trawl in the study area, in addition to two from Renews and two or three more from Aquaforte. The average number of lines used was around twenty-eight, about as much as the three-man crews can handle so far as baiting and general upkeep are concerned. Trawls are rarely left out overnight for the fishermen have found that the struggling fish tend to twist the sud-line into hopeless knots.

## TECHNOLOGIES IN SPATIAL COMPETITION

Like its more recent counterpart, the cod net, the trawl has had a rather stormy history in the Fermeuse vicinity. Much of the opposition to the trawl has come from handline and jigger interests who were much more numerous in previous years. These men deeply resented the high yield

operations with their 'long strings of gear' encroaching upon the established handline and jigger areas. Indeed, much of local oral tradition, aside from the trapping adaptation which spawned a number of rather colorful disputes, is taken up with an endless chronicle of disputes, maneuvering and even court adjudications between the trawlmen and the handliners over certain choice fishing areas. The end result has been to restrict the trawls from certain prime fishing areas frequented by the less versatile handline adaptations. I will have much more to say about the sociological and ecological functions of such regulations in subsequent chapters, but at this point some historical perspective is relevant.

Ironically, the first rules concerning technological restrictions with regard to certain areas were the outcome of feuding between competing trawl fishermen. This seems largely to have been a function of the ever-present shortage of productive fishing space. In this connection it cannot be emphasized enough that the bottom topography is the key variable with regard to fishing space. Map No. 3 (Appendix C) may suggest that ample room exists for large numbers of fishing units, but it does not reveal that much of the area is little more than 'empty water' from the fisherman's point of view. The result, then, has often been a scramble for the available prime fishing areas, with fishermen stealing out of the harbor in the dead of the night to acquire a good berth for the following day's fishing (cf. Andersen and Stiles 1973). The situation appears to have reached a head around 1890, when individuals who had set gear 'afoul' of one another began cutting, instead of untangling, each other's trawls, as well as stealing fish. An elderly fisherman recalls his father saying that 'they was fightin' steady over trawls out here and ended up goin' at it with everything but guns.' Retrieving their sanity somewhat, the local

fishermen reached something of a gentleman's agreement to the effect that no trawls were to be set within three miles of the shore on Fermeuse ground. Sporadic violations of the agreement continued until the winter of 1891-92, when two local fishermen went around with a petition to have the agreement codified into law.[12] This was accomplished, and the law recorded in the Newfoundland Legislative Acts of 1892 along with Bay Bulls which had also requested a handline sanctuary. Renews followed suit in 1893, and 1896 saw the entire coastline from Bay Bulls to Cape Ballard (just above Cape Race) closed to trawls.

Although the original rule was formulated with the approval of the trawlmen, indeed, by them, it soon became the handline fishermen who were to defend it against would-be poachers. Both Renews and Fermeuse at this time supported a substantial fleet of small banking schooners who prosecuted the Cape Ballard Bank fishery some six miles distant from the Renews shore. Such vessels were not averse to setting their gear on the much nearer inside grounds if the opportunity presented itself. The power of the handline interests apparently waxed considerably in the years following the original rule, for, in 1912, two prime trap berths, i.e. Clear's Cove Rocks and the Sinking Rocks were restricted even for traps (Newfoundland Fisheries Regulations 1912). My informants indicated that part of the impetus for this move was that Clear's Cove Rocks, in particular, was being monopolized by a wealthy and much resented merchant. The main justification, however,

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[12] Obviously, petitioning the government for legal codification of local agreements between techno-political factions is no guarantee that there will not be future violations of said agreements. However, local rules, when legally codified, provide for sanctions to be used against violators which the local community cannot or is not prepared to use. I deal with this problem in depth in Chapter III.

was that both locations were also excellent handlining areas. The rule which appears in the Fishery Regulations states:

> Sec. 59. No person shall set any cod trap within 300 fathoms of Clears Cove Rocks on the N.E. of Fermeuse or the Sunken Rocks on the S. W. of Fermeuse.

Evidence indicates that the handline interests were becoming increasingly militant in their stand against competing technologies from any quarter. Indeed, one elderly trap fisherman recalled that he was once forced to move his trap (no small operation!), the northeast corner of which was set one fathom inside the 300 fathom deadline! This state of affairs continued until 1923, when Fermeuse organized a trap berth committee for the drawing of berths. Apparently tempers had cooled a bit, for the committee succeeded in sneaking the two berths onto the draw, and fishery records indicate that both berths were registered as being on the draw berth list (along with the law forbidding anyone to set his gear there!) from then on.

Part of the reason that the trapmen were allowed to use the two berths again on a continuing basis was due to the establishment of sharing patterns which gave excess fish that the trapmen could not handle (a not uncommon occurrence) to any handliners who happened to be in the area. The contradiction appears on the books until the late 1930's when the trapmen were forced to go around with a petition to legalize the use of traps in the two berths. Interestingly enough, the contradictory laws might still be on the books were it not for a breach of the sharing etiquette which so enraged one handline man that he attempted to have the traps removed on the basis of the existing law. The event is celebrated in song and has achieved something of the status of a fairy tale.

The adoption of the diesel engine, which idles down to very slow

speeds, the increasing reliability of bait supplies in the late fifties, plus the decline of the Cape Ballard Bank fishery, long a favorite of trawlmen, tended to encourage the latter to think in terms of fishing grounds closer to home. Of course, such grounds had long been the domain of the handline, but their numbers were steadily declining. Part of the reason no doubt is that the ground around Fermeuse, because of the water depth (twenty-five to forty-five fathoms), is more suited to trawling than handlining, as opposed to Renews, where the situation is reversed. The reasons are no doubt many, but the point is that the political power of trawling interests has increased considerably. An excellent index of this political shift is seen in the revised handline sanctuary which was formulated some eleven years ago. It seems that many of the old colonial (pre-Confederation) fishery regulations were abolished with the "house-cleaning" that took place when the Canadian Department of Fisheries assumed management of Newfoundland's fisheries in 1949. The original trawl ("bultow")[13] restriction law of 1892 was one such casualty. The situation apparently simmered for about ten years when the handline interests again felt constrained to protect their territorial interests. Finding that their numbers had shrunk considerably, the handliners found they could no longer justify the vast sanctuary they had once claimed and were obliged to make large concessions to the trawlmen. The new handline sanctuary, or 'forbidden ground,' as the local fishermen are prone to call it, was reduced by more than fifty percent (see Map No. 3, Appendix C) and it seems likely that were such a petition circulated today, the handliners would be

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[13]The word "bultow" appears in many of the earlier copies of the Newfoundland Fisheries Regulations. It is an archaic name for trawl.

forced to make even more concessions in order to get any appreciable number of signatures from the trawlmen. Perhaps it is worth nothing, in this connection, that locations which are actually inside the sanctuary as revised in 1961 were frequently used by Fermeuse trawlmen in 1972.

The central thrust of this thesis, then, is concerned with the functions, social and ecological, of the Newfoundland Fishery Regulations. It has been pointed out in this chapter that said Regulations are largely a legal codification of rules and agreements formulated by the local communities in response to their own needs for regulating the available fishing space with respect to extractive method. In tracing the historical roots of the Newfoundland Fishery Regulations, I have pointed out that the government was deeply involved in local space management problems as early as the 1890's, and that it was largely a result of political patronage. As we shall see in Chapter III, this intimate contact between government and fishermen persists to this day, and serves a highly valued function within the community. The following chapter will deal with the Fishery Regulations as they function to facilitate ecologic adaptation.

## CHAPTER II

## ECOLOGIC ADAPTATION AND THE NEWFOUNDLAND FISHERY REGULATIONS

This chapter and the next deal primarily with the role of the Newfoundland Fishery Regulations and the associated legal machinery by which they are enforced and dispute management in Fermeuse. In order to accomplish this I have divided the functional aspects of the Fishery Regulations into two categories: the ecological, which is the essential thrust of this chapter, and the social which will be the primary treatment in the next. This is a somewhat arbitrary division on my part, executed primarily for convenience in analysis. Fermeuse fishermen make no such distinctions. The reason, I suspect, is because the two facets (ecological vis a vis social) are, in fact, opposite sides of the same coin. One cannot adequately understand how the rules function to facilitate ecologic adaptation without considering the social setting in which they originated and continue to operate.

Interesting comparative data on ecologic relationships comes from a Swiss Alpine community where Mc C. Netting (1972:132-144) classifies strategies of ecologic adaptation in the village of Törbel into three categories, Expansion, Intensification, and Regulation. Mc C. Netting refers to expansion as the "acquisition of resources not originally present in the village territory, or, in the case of an individual, the increase in the share of resources to which he can claim rights within or outside

his village" (Mc C. Netting 1972:135). Intensification is ". . . the achievement of increased production from existing resources . . ." (Mc C. Netting 1972:137). Regulation becomes the artificial manipulation of the ecosystem whereby exploitation of local resources is ordered and controlled. Because the primary focus of this thesis is in fact regulation this strategy will be implied in most of the forthcoming discussion. I will, however, return to this model late in the chapter and attempt to analyze the ecologic strategies of Fermeuse fishermen in terms of the above mentioned categories.

## THE ECOLOGIC FACTOR

As is characteristic in most Newfoundland fisheries, Fermeuse fishermen do not "manage the resource" in the way biologists or conservationists might in order to control a faunal or floral population. In fact, the fishermen have seldom thought, until perhaps very recently, in terms of anyone's fishing activities, perhaps least of all their own, 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 1972:6).

One fisherman recalled that he had seen the best fishermen in the harbour go berry picking 'in the finest kinda July weather 'cause they wasn't a fish to be had that year. Was no such thing as a dragger them days. The fish always came back and I know them draggers is takin' a lot a fish but I can't imagine the day when there won't be enough fish to make it pay here.'

What is recognized as limited, however, is the population of fish

at a given point in space and time. I have often heard bitter comments about the government sponsored longliners and the nocturnal intrusions of deep sea draggers, but these were almost invariably in relation to local incidents -- what happens 'down north in Bonavista Bay' receives little more than passing commentary. After all, 'they has to make a livin' too.' With the appearance of two or three deep sea trawlers or elements of the Portuguese White Fleet, even though they are several miles off the coast, the complexion changes. Fishermen become overtly aggressive about local grounds and conversations often chronicle long lists of territorial violations in which the fisheries officials in St. John's have ostensibly taken little interest.

Fishing space is largely a function of bottom topography (cf. Chapter I and Map No. 4, Appendix C) and, in the Fermeuse setting, the more desirable areas are in short supply. These areas are keenly competed for and expertise which focuses on not only their precise locations but how to maximally exploit them is hoarded both for the higher catches afforded and as an index of prestige. Information gleaned through years of watchful experience and passed on from father to son is considered the most important single ingredient in the fisherman's tool kit.

## COMPETITION AND SPATIAL ACCESS: INDIVIDUAL FISHING UNIT STRATEGIES OF ECOLOGIC ADAPTATION

During fishing operations I noted a continuous surveillance kept upon everyone by everyone else with regard to general area being fished and any movements between fishing locations. Speculation on how much fish a given unit has aboard by the way the boat rides in the water is never ending. Because of the highly local character of the fishery, information management

with regard to catch size (cf. Andersen 1972) was not observed to any appreciable extent. Indeed, it would be very difficult to distort information on the size of one's catches since everyone delivers to one of two fish receiving facilities each evening at about the same time. What is distorted is the exact where and how. As one fisherman remarked: 'I knows better than to ask most men (precisely where and how they were fishing) 'cause they won't tell you and I wouldn't tell them either. Roger is bad for that; never told the truth in his life.'

The point here is that the resource in terms of fish is not managed, but access to it with respect to specific fishing locations is manipulated and forms the central focus of competitive strategies. The trap fishery is a partial exception to the above. Here, if one draws a berth with which he is not completely familiar, it is common to secure the assistance of some other trap crew skipper in placing his trap mooring anchors. This assistance is readily given upon request as is advice if someone feels his trap is not functioning properly.[1]

Competitive strategies do exist in the trap fishery but, since the lottery obviates the opportunity for spatial competition, such maneuverings take on a much more subtle character. These strategies fall into two categories: a) refining the productive efficiency of one's gear and b) manipulating the rules concerned with the lottery to one's advantage. This latter tactic, in particular, has spawned a number of rather interesting disputes. The situation today seems somewhat less acute than it was ten

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[1] In Chapter III, I deal extensively with the nature of competitive strategies, but it is worth noting here that advice concerning the proper way to set a trap in a given berth or information on how to correct a difficulty in the productive efficiency of a trap is not distorted but honestly given.

or twelve years ago when one berth, Clear's Cove Rocks, produced such astronomically high catches with such regularity that it was dubbed the 'cheque on the bank.' Indeed, the history of the cod trap in Fermeuse, as expressed in the oral tradition, emerges as little more than a series of court adjudications, intrigues, and disputes over who was going to get to set his trap there. One example will suffice here.

About fifteen years ago there were eight trap crews and only seven berths that were regarded as being worth the risk of using. One of the trap crew skippers had taken outside wage work and had contracted a local fisherman to skipper his trap crew for him. When the trap berth committee and other trap crew skippers met in February to draw berths for the coming season, it was decided that since there were only seven berths and eight crews, the lottery would include one blank slip of paper, the recipient of which would have to find an unused berth in a neighboring community. When the draw was completed, the individual who had contracted to fish his friend's trap had drawn the blank slip of paper.

The following weekend, when the owner returned and heard of the situation, he immediately went to the fisheries authorities and demanded a redraw of berths on the technicality that the rules state that a named berth shall be placed in the lottery for each participant (see rule no. 6, Appendix A). Hence, the blank piece of paper which his contracted crew skipper had drawn was grounds for a disqualification. Now the committee chairman, at whose instigation the blank slip of paper had been inserted into the draw (with the approval of the other trap men), had had the fortune of drawing the coveted Clear's Cove Rocks and was in no mood to surrender it for a redraw. As one fisherman commented, 'If everybody would have stood by the chairman's decision he (the man calling for disqualification)

probably wouldn't have gotten away with forcing the redraw. But then everybody else was thinking that a redraw would give them another chance at Clear's Cove Rocks.'

In any event, the redraw was taken, and, perhaps as an indicator that such strategies can be worth the bother, the belligerent who forced the redraw succeeded in drawing the coveted berth! Returning to the original point, it should be clear from the above that the community marine resources include both fish, a virtually unmanaged common property, and exploitative space, which is manageable.

## THE ECOLOGICAL NICHE

Observations made by anthropologists who have studied levels of socio-cultural integration ranging from primitive hunting and gathering to post-peasant often refer to an intimate and very delicate relationship between the culture and the natural surroundings. Contrary to what popular literature might have one believe, man's strategies when confronted with nature "in the raw" center around attempts to coordinate activities with the environment rather than meet it head on. Diaz notes this phenomenon with respect to peasant cultures in general:

> The store of folklore, calendar customs, weather omens, proverbs and rituals which are part of peasant cultures in all parts of the world attests to this awareness of participating in an ecology.
>
> (Diaz 1967:50)

and specifically in the Newfoundland setting:

> The household is delicately balanced to its environment and the present balance between household and resources is largely the result of generations of continuous work and adaptation.[2]
>
> (Dyke 1968:57)

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[2]The presence of alternate sources of employment, unemployment

This ecological balance is one which fishing peoples are particularly aware of because the fisherman is separated from his quarry by an impenetrable medium which seldom gives any direct evidence of its presence (Martin 1972:4). The fisherman must depend upon relationships in the environment, e.g. wind direction, tidal currents, presence of bait species, as well as the past behavior of his quarry, to serve as the basis for his fishing strategy in the immediate future.

The Fermeuse fisherman who rarely strays more than ten miles from home then, becomes intimately familiar with the probable range of possibilities, given any particular fishing situation. The topography of the ocean floor and the above mentioned relations of natural phenomena have been observed and codified over many generations. The importance of this marine ecologic awareness cannot be stressed enough from the fisherman's point of view. Time and again I have been impressed with the extremely precise knowledge needed to maximally exploit a fishing ground, so that by the end of my field research I was decidedly of the opinion that the fisherman who once remarked that 'codfish is shockin' particular where they hangs to' was communicating something of an understatement.

Because local areas are so well known, the Fermeuse fisherman does not need an electronic depth finder on his boat. He has learned, typically from his father or an elder brother, the 'marks' (a visual system of aligning land forms, cf. Foreman 1970:65-74 for a more concise treatment

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compensation and, of course, the demise of the credit system has largely eradicated the family unit ecological balance of which Dyke was speaking. Fewer than ten families in Fermeuse Harbour cultivated their own gardens in 1972, and perhaps only twice that many made any attempts to cut firewood for the winter. The fishing milieu, however, does not seem to have been substantially affected, in large part, I suspect, because there have been few real pressures or incentives as yet to change.

of this method) of every signif cant fishing area and how it relates to the type of technology being used. As one individual commented, 'We don't do much sounding (to find the banks); we just uses the marks that we learned from our father and uncle when they was fishin'. That has to be born with ya, comes down in families.'

## PATRILINEAL TRANSMISSION OF KNOWLEDGE AND THE ECOLOGICAL NICHE

The patrilineal transmission of knowledge of local fishing areas is intimately related to technological adaptation. Interviews with local fishermen indicated that, of the fifty-seven Fermeuse fishermen, forty-four, or about seventy-seven percent, learned the primary knowledge of their present fishing adaptation from immediate patrikin. Of the thirteen, or twenty-three percent, who did not, five, or thirty-four percent, have resettled from other communities.

Moreover, because techno-political factions (e.g. trapmen, handliners) have sought to protect their interests by reserving exploitative space for the exclusive use of those technologies, the various extractive sectors have tended to become discrete with regard to the knowledge required to maximally exploit them. Thus, handline fishermen tend to be much more intimately acquainted with those areas inside of handline sanctuaries than trawl fishermen, who frequent the 'outside' grounds such as the North Ledge, Fermeuse Bantams or Cape Ballard Bank.

The point is that when an aspiring fisherman "learns the grounds" he tends to learn them with reference to specific technological adaptations (e.g. trapping in the summer and trawling during the 'fall voyage') and this will probably influence his ultimate choice of fishing strategies.

When I inquired of specific fishermen as to why they had not taken up alternative strategies, i.e. trapped or trawled, the answer was invariably, 'I never done much of that. Handlinin' is a nice way to get a fish.' Significantly, the handliners often remarked that trawling was too much of a bother or too much work, and the trawlmen usually expressed similar opinions about handlining.

The table below lists numbers and the percentage of fishermen who followed technological methods used by immediate patrikin in the summer and fall of 1972.[3]

TABLE I

THE PATRILINEAL ASSOCIATION OF FISHING TECHNOLOGY

| | Method | | |
|---|---|---|---|
| | Handline (and Jigger) | Trap | Trawl* |
| Number of Individuals | 19 of 29 or 65.5% | 19 of 30 or 63.3% | 9 of 18 or 50% |
| Number of Skippers | 13 of 18 or 75.5% | 5 of 6 or 83.3% | 3 of 6 or 50% |

*I believe the statistics relating to trawl were prejudiced somewhat by the shortage of bait during the 1972 season in that several units, which were equipped to use trawl, did not follow that adaptation.

[3] I have not included cod nets in these statistics because the cod gill net is a relatively new innovation in Fermeuse. It is noteworthy, however, that those using cod nets seem to have had their traditional adaptation disturbed either by the failure of the spring jigger fishery, in the early fifties, or by a series of lean years in the trapping adaptation during the mid-fifties which forced at least two local trap crews to take up other strategies.

## PATRIOLOCALITY AND THE ECOLOGICAL NICHE

The delicateness of the balance between fishing units and scarce resources, (exploitable space), which is underscored by the intense competition between fishing units, makes the Fermeuse fishing skipper's knowledge of local fishing grounds and how local topographic features articulate with his mode of extraction crucial to his success as a fisherman.

Firestone explains patrilocal residence patterns almost entirely in terms of the male extended family economic unit.

> Patrilocality is related to women not inheriting capital goods and of a man's economic security lying only with his natal family.[4] (Firestone 1967:58)

But a closely related dimension, and one which Firestone fails to consider, is the "ecologic security" which derives from access to generations of aggregate knowledge of local fishing situations. The extremely narrow range of the local fisherman's expertise is, I suggest, an important additional factor in making patrilocal residence patterns highly desirable. Moreover, it would seem that an important factor in reinforcing kinship patterns of crew organization would be that brothers were probably taught the trade by their father or a common relative (e.g. a paternal uncle), so that fishing philosophies with regard to gear preferences and knowledge of specific fishing areas are probably very similar.

## THE ECOLOGICAL NICHE AND MODERNIZATION

Interesting insight into this ecological awareness is often afforded

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[4] By contrast, daughters in Fermeuse do inherit capital goods, though not usually in the form of fishing gear, so long as there are sons who desire to continue fishing.

by observing fisherman reactions to a new technology. Goodlad (1972) reports that the introduction of the herring purse seine in the Shetlands was resisted by many because, among other things, they felt that it would deplete local stocks -- which it ultimately did. The Fermeuse counterpart of this situation has been with the introduction of the cod net. The most immediate conflicts were related to the shortage of usable space (which, as we shall see, has ecologic implications for the entire community). Subsequent objections, however, have a decidedly ecological overtone. For instance, many fishermen are prone to point out that the trawl and handline complement the habits of the codfish by putting bait on the ground ('baitin' 'em off') which tends to keep the fish in the area. Gill nets, on the other hand, have no such properties. 'That fish won't hang around to get twine.' Further charges are that gill nets take only 'mother fish' (spawning stock) and that they damage the bottom.

Given this very specialized niche which produces an adequate living when supplemented with off-season unemployment benefits, part-time wage work and/or subsistence activities, the inshore fisherman sees no need to change his fishing adaptation. I recall being particularly struck with this realization one afternoon when a fisherman turned to me after seeing a new longliner pass up the harbor. 'Shockin' the amount of money them things cost . . . . man have that kinda money to build a boat like that should be livin' on it (the money). That's what I'd be doin'.' Other fishermen repeatedly remarked to me how foolish it seemed to go deeply into debt to modernize. For, with the conventional adaptation, fishing is merely a part of the seasonal round -- a cycle that allows for unproductive years by spreading one's commitments thinly.

The longliner skipper, on the other hand, has placed all of his

economic eggs in one basket by depending entirely upon what the inshore fisherman conceives to be the most unreliable part of the economic cycle. To the Fermeuse fisherman, such a move borders on economic insanity. Wadel encountered similar patterns in studying the fishing economies of rural Newfoundland communities.

> A further feature that seems to characterize fishermen investors is that few changed to longlining from successful or even fair trap fishing. Most fishermen investing in longliners have had their traditional adaptation disturbed in one way or another. In one case a crew of a father and his son changed to longlining immediately after a very unsuccessful trap season.

and

> Thus, contrary to what one might have expected, it is not 'the best' fishermen who have acquired longliners. As one informant put it, 'good fishermen get along without longliners.'
> (Wadel 1969:26)

An interesting index of the insularity of local fishermen is seen in their responses to questions as to whether they had ever considered acquiring a longliner. Their replies often centered around observations to the effect that a longliner would be too large and ungainly for exploiting the smaller but often highly productive locations. The notion of leaving the area in search of grounds more suitable to a longliner seemed unworthy of serious consideration.

But if the detailed knowledge afforded the Fermeuse fisherman of his grounds from generations of experience has made him a highly efficient exploiter of his environment, it has also made him very vulnerable to the sophisticated and highly mobile technologies which are becoming increasingly prevalent in Newfoundland waters. As we shall see in this and later chapters, a central paradox of the Fishery Regulations is that they effectively reinforce the fisherman's insularity because the fisheries agencies have proved responsive to political pressures from fishermen to ban certain

high yield technologies (trawl and gill net) from community fishing grounds. This has had the effect of significantly blunting attempts by the Newfoundland Fisheries Development Authority to "modernize" the fishery by introducing the aforementioned longliners with gill nets and trawl on a large scale. Hence, in effect we have the Newfoundland Fishery Regulations, which are administered by the Canadian Department of Fisheries, significantly reducing the effectiveness, in some seasons, of the policies developed on the provincial level to modernize the fishery.[5]

## COMMUNITY STRATEGIES OF ECOLOGIC ADAPTATION: FISHING BOUNDARIES AND THE ECOLOGICAL NICHE

Since government documents are neither ecologically nor sociologically oriented, the motivating factors behind the historical formation of community boundaries before the establishment of the trap berth committee is subject to some speculation. Two obvious reasons have been suggested by Acheson (n.d.:12) in connection with Maine lobstering territories. Essentially, Acheson postulates that established and maintained fishing territories (in Maine at any rate) were a function of the absence of modern technologies, e.g. the gasoline engine and the depth meter. He reports (Acheson n.d.:13) that once fishing units became highly mobile and able, with the aid of electronic sounding devices, to explore new grounds, the small, privately owned lobstering territories began to break down. Most areas now have apparently fallen under the control of groups of lobstermen called "harbor gangs" (Acheson n.d.:3).

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[5]This observation is not to be interpreted as an opinion on my part as to the desirability of present fisheries modernization programs.

At this writing, boundary breakdown has not been the case with the inshore fishery of Newfoundland, except, perhaps, in those areas where the fishery itself has collapsed. In a nutshell, the prime reason why boundaries have not been altered substantially along the southern shore is because fishermen see no need to change present technological strategies. As I have observed, those views have been "subsidized" by the continuation of fisheries department policies which have served to protect the traditional inshore adaptation from the modern high-yield technologies.

## COMPENSATING STRATEGIES AND TERRITORIAL SYMBIOSIS

Although the inshore fisherman pursues both passive strategies which involve waiting for the fish to come to him (i.e. the trap) and active strategies, where he plays the role of hunter in seeking out the fish with trawl or gill net, his lack of mobility in relation to the dragger or longliner fisheries make him a "hunter of fish" only in the micro-environmental sense. If the fish do not appear in significant numbers, the fisherman has little choice but to accept it. He cannot follow the fish as with the more mobile operations. This vulnerability is compensated for by the exclusion of the high yield technologies from local prime fishing areas, and by establishing symbiotic relationships with neighboring communities whose territories have marine topographic features which complement those found in Fermeuse and Aquaforte. Fermeuse has a shortage of trap berths, and Aquaforte a surplus of same, so that Fermeuse fishermen often relieve the pressure on their own ground by setting their second traps in Aquaforte. When the caplin disperse and the trap season draws to a close, Aquaforte fishermen frequent the Fermeuse offshore areas to compensate for the virtual non-existence of autumn fishing grounds in

their territory.

A somewhat different atmosphere surrounds relations between Fermeuse and Renews. The area between Renews and Cape Race, a distance of some fifteen miles, is uninhabited so that Renews, in addition to having Renews Rock, one of the best fishing grounds on the southern shore, is not crowded for fishing space on its southern border. This seems to have given rise to a marked attitude of exclusiveness on the part of the Renews fishermen, and the substantial numbers of Fermeuse fishing units who frequent the Renews Rock area are resented as outsiders. I suspect that at least part of this resentment is due to the fact that there exists no symbiotic relationship between Fermeuse and Renews as is evidenced with Fermeuse and Aquaforte. In brief, Fermeuse has nothing that Renews needs in the prosecution of its fishery.

Related phenomena have been noted by Acheson (n.d.) with regard to the territorial patterns of the Maine lobster fishermen. In characterizing those lobstering territories which are most vigorously defended, Acheson remarks:

> They do not go fishing outside of this boundary at any time of the year and they will not permit anyone to fish inside it.
> (Acheson n.d.:5)

Unfortunately, he does not deal specifically with the problem of symbiotic relationships in the context of territorial sharing but he does include fishing unit pressure on existing space as a major factor in boundary movement. His remarks and my own research indicate that a relationship exists between the degree to which a given territory will support a fishery and the amount of space sharing with units from other areas that is permitted. Interestingly enough, a similar course has been charted by fishermen on the Columbia River who have compensated for seasonal variations

in production by declaring certain areas 'open' to anyone (Martin 1970:10).

In support of this point it seems worth noting that anthropologists, chiefly those investigating hunting and gathering peoples, have encountered similar mechanisms of resource sharing in contexts where resources were scarce and/or unpredictable. Steward notes of the Great Basin Shoshone:

> Owing to the erratic and local occurrence of foods, the arbitrary exclusion of territorially delimited groups of families from utilization of other territories would have caused starvation and death.
>
> (Steward 1968:73)

In the same article Steward notes that the opposite (i.e. relatively strong concepts of territoriality) obtains among a group of the same people who occupied a much more stable and fruitful habitat, that of the Owens valley in eastern California. Here the resource was consistent and bountiful to the point of permitting residence in large sedentary villages. Such villages or groups of villages would control hunting areas to the exclusion of the other villages within "bounded areas" (see Steward 1968:73).

But there is another variable that Acheson does not encounter in the Maine lobstering situation. Specifically, this is embraced in the implied, but not stated, philosophy behind the Fishery Regulations, that local villages shall have primary access to existing fishing space but not to the exclusion of fishing interests from other communities.

Granted, the common property resource philosophy also seems to have been espoused by Maine fisheries authorities (Acheson n.d.:3), but when the Newfoundland inshore fishermen sought government involvement in disputes and legal codification of fishing boundaries, they effectively blocked the possibility of establishing the informal sanctions which would provide for the total exclusion of outsiders that Acheson encountered in Maine lobstering.

Nevertheless, even if it were possible for Fermeuse to close its fishing grounds to outsiders, such action would not likely be taken. For, in effect, it would invite neighboring communities to do likewise and this is something Fermeuse can ill afford to do.

## TECHNO-POLITICAL FACTORS IN ECOLOGICAL ADAPTATION: REGULATION OF COMPETITION AND SPATIAL ALLOCATION

Although exclusive territoriality, as regards inter-community fishery movements, is neither desirable from an ecologic point of view, nor legal in accordance with current fishery regulations, the communities do control entrance into their respective fisheries in two ways:

1) By the outright reservation of specific fishing locations for local residents to the exclusion of all others.
2) By restricting certain types of space expansive, high yield, technologies from certain areas.

These two controlling mechanisms function to regulate fishing activities in two ways:

a) To regulate fishing unit pressure from outside interests, either by providing <u>first access</u> to the resource for local fishing units, e.g. trap berths, or to force outside fishing units to compete on local terms in, say, the utilization of a handline area.
b) To divide the available exploitative space between competing domestic units.

The lottery and associated machinery which pertains to trap berths provides for the outright reservation of such locations to the exclusion of all competitors. Only local residents are allowed to participate in the

lottery, so that 'prime' trap berths, the most reliable locations, are reserved for local trap crews. But any trap berths that are not on the lottery or which have not been used by July 1 are open to all comers, whether community residents or otherwise.

Indeed, fishery regulations even restrict the minimum distance at which a competing trap may be placed (eighty fathoms), whether drawn for or not. This undoubtedly compensates for a trap's vulnerability to competing technologies. For, in effect, the trap fisherman, more than any other, has forsaken the strategy of following the fish and opted to wait for them to come to him. This vulnerability is underscored by the fact that 1) traps will fit into only a very narrow range of geographic settings, 2) they are difficult to move and reset in a new location, 3) they are extremely expensive in terms of the amount of capital a fisherman has available for investment,[6] and, finally 4) a trap requires a much larger commitment in terms of the manpower required to handle them -- four to six men -- as opposed to two or three for the other technologies. Because of these limitations, and because the trap must produce over a relatively short period of time, i.e. when the fish are in the immediate vicinity, the trap fisherman requires an extra measure of protection to insure viability.

This extra measure of protection also extends to the general vicinity of the trap, so that the trap fisherman has what might be termed an "option" on the fish in his area, until they are either caught or move

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[6] Fermeuse trap skippers reported to me that they spent sums varying from $300 to $3,000 on their gear (not including boat expenses) in preparation for the 1972 summer season. Estimates for a completely new trap including anchors, which are becoming very difficult to acquire, averaged about $3,500.

onto other ground.[7] Such protection, however, does not extend to the handline and jigger fishermen (jigging is often used in place of handlining when bait is scarce) who are not regarded as having any appreciable effect upon trap catches. Recently, the sanctity of trap protection has been challenged somewhat by cod net fishermen who, being hard put for space in which to set their gear, have taken to placing gill nets in areas near the traps and on ground over which the fish are thought to pass in their shoreward migrations. This controversy has yet to be resolved and it seems likely that it will again surface when the trapping season commences in June 1973 (see Map No. 4, Appendix C).

On the local scene, the lottery for trap berths provides for an equitable distribution of locations over a period of years in a context where exploitable space is less than adequate to satisfy the needs of all units concerned. Because a trap is difficult to move and reset in a different location, it is obviously not feasible to compete for locations on a daily basis as is done with the more mobile technologies. Moreover, some locations yield much higher catches than others, and, since these would undoubtedly be the source of competition which could become socially disruptive (see Chapter III) fishermen have opted for the lottery, which permits all units to compete for the more coveted sites on a seasonal basis. Undoubtedly, the lottery has an ecologic function in that it allows all units to remain viable by ensuring participants of the opportunity to exploit the more productive locations over a period of years. Even in those situations where a trap crew "finds" a new berth, pressure soon

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[7] See Brelsford (1946:73) for an interesting treatment of this phenomenon among the fishing peoples of the Bangweulu Swamp in Africa.

mounts to include it in the lottery.

The other method of restriction which also serves both to control participation of outside interests and to divide available space applies to all other extractive technologies excepting the gill net.[8] Essentially, the mobile and versatile high yield technologies which consume large amounts of space are restricted from certain areas -- usually the most productive and thereby the most heavily used. Precisely what areas and to what extent appears to be a function of the local political-ecologic climate, as expressed in terms of amount of space, numbers of fishermen, and type of technology to which they are committed. Thus, nearly all of the more productive territory in Renews has been reserved for handlining and trapping -- trawls and gill nets are strictly taboo. This reflects the overwhelming preponderance of handline units (only one unit trawls to any extent) within the community. This was also the case in Fermeuse until the years immediately preceding 1961 (see Chapter I), when the trawlmen succeeded in gaining enough political strength to force a reduction in the size of the handline sanctuary. Today, the handlining area in Fermeuse is considerably less than half of the total fishing area (see Map. No. 3, Appendix C).

The striking difference between the two communities in present day extractive methods, which is reflected in the size of their respective handline sanctuaries (compare Map. No. 3 with Map. No. 5, both in Appendix C), is largely a product of bottom topography. The area south of the

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[8] On the Fermeuse scene the gill net has not as yet stirred up enough controversy to warrant legislation owing to its newness and the fact that several families are depending upon it for a substantial portion of their income.

entrance to Renews Harbour is characterized by a broad shelf which runs for perhaps four miles N.E. to S.W. along the shore and lies in depths of eight to thirty fathoms -- an ideal area for handlining. Fermeuse, on the other hand, has perhaps only a half dozen isolated ledges or 'ridges a ground,' most of which lie in depths in excess of twenty-five fathoms. At one time these were used quite extensively by those who were dependent entirely upon jigging and handlining. The earlier complete control of the area by handlining interests reflects this. The failure of the spring jigger fishery in the early fifties, combined with increasing wage work alternatives, evidently forced many handline units to take up other strategies (e.g. codetting or trapping) or give up fishing entirely. Hence, the number of fishing units operating out of Fermeuse dropped from seventy in 1945 to thirty-four in 1962.

Renews experienced similar difficulties but the particularly favorable nature of the handline grounds there, i.e. shoal water and immense concentrations of fish, has encouraged a substantial number of semi-retired fishermen to continue fishing operations as a supplement to their pensions. Due largely to the advent of the fresh fish industry, which relieves one of the burden of curing the catch, the numbers of the part-time fisherman have been increased by various other individuals who fish during their vactions from school or wage work.[9]

Understandably, such individuals are not willing to undertake the substantial investment required in terms of capital and manpower to parti-

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[9]My August 31 tally indicated that nearly sixty-seven percent of the Renews fishing units were largely part-time operations, as compared to twenty-five percent for Fermeuse. Criteria: Anyone who was fishing and had no other visible means of income aside from unemployment insurance or wage work during the off season was classed as a full time fisherman. Those who fished as a supplement to (e.g. old age) pensions or simultaneously pursued other business interests were classed as part-time.

cipate in any of the other adaptations, and, as such, do not own gill nets or trawl. In addition, most of the older men, in particular, have never participated in the other adaptations, largely because handlining always sufficed on local grounds, and consequently, they do not possess the expertise. The result is that a major percentage of Renews fishermen are individuals who are not heavily committed to its fishery, but who are nevertheless quite vocal in their desire to maintain the status quo. As mentioned earlier, they have clashed head-on with Fermeuse trawl and cod net fishermen -- most of whom are full-time fishermen.

From the foregoing, one can draw several important conclusions. The division of the indigenous fishing grounds reflects the type of adaptation to which the bulk of the fishermen in that community are most heavily committed. Moreover, there is a direct correlation between the type of technology used with the available space when measured in terms of fishing unit pressure on that space. The greater the number of fishing units and the more limited the space, the more thinly the space "pie" must be sliced. Handlining and jigging are the two methods which occupy the least amount of space and, in situations where there are considerable numbers of fishermen and only limited amounts of space, we can expect to find correspondingly large areas which restrict extractive technologies to these methods.

The census data on the following page, when correlated with the history of the Fisheries Regulations in Fermeuse, are somewhat sketchy, but suggest a definite relationship between the amount of fishing unit pressure on available space and space management regulations.

Observe in the table that the first space management regulations pertaining to Fermeuse were enacted in 1893, three years after the govern-

TABLE II

FISHING UNIT PRESSURE AND TECHNO-SPATIAL REGULATIONS

| Date | No. Fishing Units* | Space Regulations |
|---|---|---|
| 1889 | | Formation of first Fisheries Commission |
| 1890 | | First set of Newfoundland Fishery Regulations |
| 1891 | 97 | -- |
| 1893 | -- | Fermeuse institutes its first handline sanctuary; includes all of Fermeuse territory |
| 1901 | 78 | -- |
| 1911 | 129 | -- |
| 1912 | -- | Two prime trap berths reserved for handlining only |
| 1921 | 69 | -- |
| 1923 | -- | Fermeuse organizes trap berth lottery. Two prime trap berths taken away from trapmen in 1912 allowed to be placed on the draw but only informally. |
| 1935 | 112 | -- |
| c. 1937 | -- | Trap fishermen forced to petition government for formal legalization of the two berths outlawed in 1912 |
| 1945 | 70 | -- |
| 1961 | -- | Original handline sanctuary reduced by over half |
| 1962 | 34 | -- |

*I have no direct way of knowing how many units followed any specific technological strategy, but the fact that most of the space regulations were directed against trawls and traps would seem to indicate that the bulk of the local fishermen were heavily committed to the handline/jigger adaptation. Moreover, trawling before 1945 was carried out almost entirely from small schooners, and their numbers never exceeded the 1901 figure of seventeen.

ment first involved itself with localized inshore fishing disputes. All of that territory "belonging" to Fermeuse was reserved for handlining -- the least space consuming of those technologies used by Fermeuse fishermen. The number of fishing units according to the 1891 census was ninety-seven. This was down from the all-time high of 149 in 1884 but it nevertheless represents nearly four times the number of fishing units extant today. Space regulations are recorded again in 1912, when the two most productive trap berths in the area, Clear's Cove Rocks and Sinking Rocks, were reserved for handlining only. The number of fishing units listed for the previous year, when the census was taken, was 129, the second highest in the eighty-eight year period. The two trap berths were permitted, informally, to be placed on the draw when Fermeuse organized a trap berth lottery in 1923, and the total number of fishing units had dropped to sixty-nine, the lowest since 1869.[10] The problem recurred around 1937 with one of the two contested berths, Clear's Cove Rocks, during a period of increased fishing unit participation -- 112 fishing units according to the 1935 census. Lastly, witness the decline in numbers of fishing units since 1945 and the subsequent loss by handliners of a large portion of their sanctuary.

Viewed in this light, the handline adaptation and restrictions placing handline grounds inside sanctuaries is a response to the number of fishing units by which the amount of available space had to be divided. Under these circumstances the local fishermen could scarcely allow trawl

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[10] Whether or not the success of Fermeuse trap fishermen in retrieving their two confiscated trap berths is related to the increasing importance of the trap fishery is difficult to say, but the very fact that Fermeuse organized a draw for trap berths relatively early (vis a vis Aquaforte, 1930, and Renews, 1943) would tend to indicate that space management was a problem in this fishery very early.

fishermen, with their 'long strings of gear,' access to their grounds. Fishermen with this more versatile and space consuming technology were forced to exploit areas outside of the village domain, or take up handlining themselves.

As mentioned earlier, such restrictions do not exclude outsiders but they protect the viability of the local fishery by forcing outsiders to compete with local residents on their own terms. This blunts any move a high yield operation, such as a longliner, or, in former days, a banking schooner, might make to "blitz" an area.

When the community of Renews extended its handline sanctuary in 1971 to an area much larger than it actually uses, Fermeuse trawl and cod net fishermen complained bitterly that 'a crowd a pensioners and cripples is takin' away our livin'.' However, the trawl fishermen at least softened their stand somewhat when they realized that the systematic "rule bending" permitted (see Chapter IV) was easier to live with than the prospect of having the area taken over by longliners, who also use trawl but in much larger quantities.

Although the handliner is not afforded the extra measure of protection given the trap fisherman, the fact that his technology is considerably less versatile than that of trawl or cod net units is justification for some form of protection. A Fermeuse fishing ground known as the North Ledge, for instance, is quite productive for the trawls but, because it lies in water depths of thirty-five to forty-five fathoms, handlining is extremely difficult. The water depths and tidal current simply will not permit one's handline gear to 'hold the bottom.' The point here is that handline grounds are excellent for trawls and cod nets but cod net and trawl areas are not productive for handlining. The provision of handline

sanctuaries, or 'forbidden ground,' as it is called, solves this problem.

## AN ALTERNATIVE ANALYSIS OF STRATEGIES

Returning to the model taken from Mc C. Netting's Alpine community we can now proceed to analyze the ecologic function of the Fishery Regulations using the three basic strategies of "expansion," "intensification," and "regulation" (Mc C. Netting 1972:132-144) as a basic frame of reference.

Before doing so, however, it must be pointed out that the model has limitations which require elaboration. First among such limitations is the problem of classification. Given the establishment of a handline sanctuary, then, in what context should it be analyzed? Does it represent the expansion of one technology at the expense of others, or is it a form of regulation to balance the existing space against the number of fishermen? The answer is that there are elements of both strategies in such a move on the part of fishermen. Therefore, these three strategies are not discrete and any particular move by a local techno-political faction probably has more than one motive and may validly be placed in more than one category of strategems.

Hence, I have opted to classify those examples where there was more than one strategy implied into what seemed to me the most immediate reason, by using the very scanty census data and those justifications given by the fishermen themselves as expressed in the oral tradition and current behavior patterns.

Another limitation of which one must beware when transferring this land-based model to a marine environmental setting is that the ecosystem in Mc C. Netting's Törbel is relatively stable in that the resources are not subject to predation by competing interests. The Alpine agrarian

villager, even though to a considerable extent at the mercy of the elements, nevertheless has a much firmer hold on the ecosystem because he can manipulate, indeed husband the environment (e.g. crop rotation, fertilizing, etc.) to improve his productivity. Now, while the fisherman can manipulate exploitative space to improve his productivity, he nevertheless has no control over the harvesting of the "crop" that takes place before that crop reaches him. The point to be made here, then, is that while one of the chief motivations for the three above-mentioned strategies in Törbel has been an increasing population, Fermeuse has had another variable (in addition to fluctuations in fishing unit pressure) with which to deal, i.e. competition from industrial trawling ('dragging') on the high seas. As a result, exploitable space has in effect been reduced.

## SPACE SHRINKAGE

A factor of paramount import that must be considered in any analysis of space management in the study area is that of space shrinkage. As stocks have declined over the past decade and a half, areas which once yielded profitable returns are not now worth exploiting, other than sporadically, because of their lack of reliability.

Cape Ballard Bank will provide an interesting example. In former years the saving grace of this area was that the small schooners who exploited it could usually rely on catching as much in one day as the smaller inside operations could secure in three or four. This acted as a compensation for the larger investment required in terms of capital and manpower, and for the fact that weather conditions did not always permit fishing operations there. The weather need not be stormy to preclude fishing, only foggy or hazy enough to obscure the landmarks, some of which

were as much as fifteen miles distant. When catches became increasingly unreliable, and transportation networks on shore improved so that the small vessels could no longer find employment coasting during the off-season the fishery was abandoned.[11]

Space shrinkage is also undoubtedly related to the revised handline sanctuary of 1961 as is mobility shrinkage in that more pressure was being exerted on existing space from the trawlmen who were finding their traditional haunts increasingly marginal. Similarly, many once heavily used handlining areas now stand idle. The area between Sleepers Point and Bald Head, especially that ground called the Paddock, is a case in point. The point here is that when fish stocks are plentiful many marginal areas become profitable, but when stocks decline only the choice areas continue to produce heavily year after year. The Fermeuse Bantams, which were once a bone of contention between handline and trawl fishermen, have not produced any substantial catches for about six years now. This, not unexpectedly, has brought increased pressure to bear on those areas which are still producing, which, coincidentally, are the prime handlining areas. Having taken these factors into consideration, we will now proceed with a discussion based on Mc C. Netting's model.

## EXPANSION

Reexamining Table II in the context of Mc C. Netting's model we

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[11] A factor closely related to space shrinkage, and one that is the outcome of it, might be termed "mobility shrinkage" in that inshore fishermen often migrated to areas in the general vicinity in years when their own grounds were yielding nominal returns. Fermeuse schooners, for example, not uncommonly ventured as far as St. Shott's in search of fish. The present day fisherman operating from his conventional motorized trap skiff has no such mobility.

find that it provides additional insight into the dynamics of space management and ecologic adaptation. Indeed, the entire table could be interpreted in terms of the expansion and contraction of techno-politically controlled exploitative opportunities. For example, note how the large number of fishing units corresponded to the almost absolute control of Fermeuse fishing grounds in 1893. This trend was to continue until well into the twentieth century, when finally even the trap fishermen were forced to make important concessions to handlining interests. Note, also, that by the time Fermeuse organized a trap berth lottery in the early 1920's the total fishing unit participation had dropped by nearly forty-six percent and that the trap fishermen were able to regain (though not formally) the two locations which had been taken from them in 1912. Finally, the decline in fishing unit participation in the post World War II era has precipitated a drastic reduction in the size of the Fermeuse handline grounds. This last occurrence is at least in part the result of declining yields in trawl fishing areas (space shrinkage) and the subsequent expansion of said interests into the now weakly defended handline sanctuaries.

Thus, expansion in the Fermeuse context has not amounted to wresting fishing territories from other communities. Rather, it has been an internal struggle between competing technological interests. For example, the original handline sanctuary extended to the edge of Newfoundland territorial waters (three miles) and the Fermeuse Bantams, a series of shoals some two and one-half miles distant, were vigorously defended against trawlmen.

Inter-community conflict over boundaries seems to have arisen only in situations where fishing space was extremely limited or prime fishing locations, such as trap berths, were located in the disputed area. The long standing battle between Ferryland and Calvert over Goose Island is a

case in point, and one which has not been resolved at this writing. In the Fermeuse context the inter-village expansion which has occurred has taken the form of utilizing the territory of a neighboring community, theoretically, at least, on their terms.

## INTENSIFICATION

Any statistics other than those already presented are of little help in our analysis of the intensification strategy. Catches often fluctuate wildly from one year to the next, and the statistics for the numbers of fishing vessels are too few and far between to present any meaningful picture.

Nevertheless, one can make some interesting and relevant inferences as to the nature of some of the intensification strategies on the basis of observed behavior and the oral tradition. Given that the existing resources within the range of Fermeuse fishermen were being exploited heavily, and that further expansion was either impossible or not economically feasible, short of leaving the fishery, what sort of options are open?

A particularly interesting example occurred in connection with trap berths, of which by now it should be clear that Fermeuse has suffered from a chronic shortage. The Keys is a berth that has usually produced good catches of fish but the rewards from such catches were prejudiced by the 'hard bottom' which resulted in recurrent gear damage. This is particularly the case in heavy seas, when trap mooring anchors are most likely to drag. Since the berth is located on a stretch of coastline that is largely open, the aforementioned was a fairly common occurrence. The problem was alleviated somewhat a number of years ago when a fisherman who drew the berth and had little alternative but to set his gear there decided to try covering

the jagged bottom with gravel.[12] Countless boatloads of gravel from nearby beaches were hauled to the location and dumped into the water over the precise site where the trap was to be set. This is the only case of "berth improvement" with which I am familiar, but "new" berths have been found in recent years (in one case this amounted to placing the trap in a different manner in the existing berth) by fishermen seeking to minimize gear damage. Indeed, several fishermen said they wished they could have the services of a diver for a few days in order to assist them in reconnoitering the coastline for new trap berths. This is particularly true in locations which would obviously provide substantial catches. One berth, Sweet River, has long been known as an excellent site with respect to catches, but, as one fisherman remarked, 'Ya mend yer leader when ya haul yer trap.' Other intensification strategies on the individual unit level are to be seen in the various competitive maneuverings of which the earlier mentioned episode concerning the blank slip of paper in the trap berth lottery is but one example. I will discuss this further in the next chapter.

Strategies of intensification are also found in the handline fishery which comprised the overwhelming majority of Fermeuse fishermen until the early 1950's. In questioning these fishermen, I found that large numbers of very small one and two boat locations for handlining are known, some of which will only produce under a very narrow range of weather and

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[12] The shortage of trap berths until the early 1950's was exacerbated considerably by the presence of 'Northern Men' who prosecuted the trap fishery out of schooners in the manner of the Labrador 'floater fishery.' Although prime berths were, of course, reserved for local fishermen, their presence naturally reduced the chances of acquiring an unused berth in a neighboring community.

tidal conditions. One berth, 'Gobbeldy,' yields significant catches only with the combination of a western wind and a western tide. Others are so miniscule that a change in tidal current or wind will swing the boat 'outa the berth and ya won't get either one 'til she swings back again.' The fact that such small berths are known and were formerly heavily utilized testifies to such strategies of intensification. Again, marginal areas such as the earlier mentioned North Ledge, which lies in thirty-five to forty-five fathoms, too deep for very efficient handlining, were exploited and hotly defended against trawlmen.

Recently, the remaining fishermen again have been forced to intensify their fishing efforts by increasing gear commitments in the face of declining catches to maintain production. This is ostensibly the result of the greatly intensified foreign and domestic deep sea fishing since the late 1950's. Whereas in the years between 1901 and 1945 the number of cod traps varied between five and six (except for a brief surge up to ten in 1911), the number since the early sixties, at least, has been eleven (Census Tracts and Canadian Department of Fisheries Reports, "Men, Boats and Gear," 1962 to 1968). As noted earlier, five of the six trap crews in Fermeuse had two traps during 1972. Previously, one trap had been the norm especially since the catch had to be split and salted. Similarly, most trawl fishermen other than those prosecuting the Cape Ballard Bank fishery relied primarily on two four-line trawls. The norm now is twenty-five to thirty lines.

A more spectacular example has been with the veritable explosion of the salmon fishery which has been checked only recently by federal regulations restricting participation to full-time fishermen and the amount of gear to that used in 1971. The number of nets used in 1962, for example,

was about twenty, but by 1972 that number had risen to fifty-nine. I have no statistics for the numbers of fishing units, but the number of men participating in the two years was five and sixteen respectively (Canadian Department of Fisheries Reports, "Men, Boats and Gear," 1962). All fishermen I interviewed agreed that the larger amounts of gear per unit is a relatively new phenomenon, and most gave as a reason the declining catches both in size of fish and numbers of fish.

## REGULATION

The implications of regulations on space utilization and how they operate is, of course, the subject of this thesis so that much of what could be said here already has been said, or will be in subsequent chapters. Essentially, the regulations function ecologically to guarantee local fishermen points of access to the resource. The scope of regulation is directly proportional to the degree of vulnerability to competing technologies and to the range of fishing situations under which the local fisherman's technology is viable. The more delicate the balance between the environment and the viability of that technology, the more it is protected with regulations which limit the access of other technologies to that area.

But there are other dimensions to the strategy of regulation relating to the current shortage of space on the southern shore which require elaboration here for the insight they offer into the entire problem. Speaking of the agricultural and herding peoples of North East Baluchistan, Fredrik Barth observes that ecological ". . . niches whose exploitation has been highly profitable will lose their importance unless there are culturally determined processes of exclusion of persons from their exploitation" (Barth 1964:17, emphasis in original).

Such "culturally determined processes of exclusion" are the Fishery Regulations, which deny access by any high yield operation to local fishing grounds, thereby permitting resource division among local units. An even more precise mechanism for exclusion is the residence requirement for those participating in the trap berth lottery. Fermeuse fishermen have given considerable attention to this aspect of their fishery. For example, a rather enterprising fishing family from a community some twenty-five miles to the north recently approached a local resident with an offer to provide him with a trap skiff and two traps to be operated on shares (thereby circumventing the residence requirement). The individual did not accept the offer, but local fishermen were anything but pleased with such a prospect. 'Them people is tryin' to take over the whole damn shore -- there's not enough berths here now. I dunno, we'd a stopped 'em somehow.' This is a prime example of one of the earlier mentioned weaknesses of having the regulations codified into law, i.e. they can function to protect outsiders as well as yourself.

Another fisherman felt that the trap committee should petition the Department of Fisheries for a residence minimum of five years. Fermeuse, because of its fish plant is considered by the government to be a "growth center," that is, a receiving community for families being resettled from other more isolated communities. As this fisherman pointed out, several families with traps moving into the harbor could seriously upset the balance between available berths and fishing units. 'At best, I'm takin' a fair chance of gettin' a decent berth, but if it got much worse it wouldn't be worth fittin' out gear for.' In a word, the more limited the exploitable space, the more fishermen seek ways to restrict participation.

Seeking ways to limit participation is definitely the mood along

the southern shore today where alternate sources of employment, rising prices for fish, the fresh-frozen fish industry, and the availability of pensions have combined to make for a substantial number of semi-retired and/or part-time fishermen in some sectors. In the view of many full-time fishermen, this endangers the balance between available space (which has shrunk) and fishing units because it impedes what might be termed the natural "weeding out" of less viable fishing units.

## 'MOONLIGHTERS'

To make matters worse, the 'moonlighters,' as they are sometimes called locally, have achieved considerable political power. This situation is particularly acute in Renews where the outnumbered full-time fishermen feel that their fishery is controlled by people who do not have to be fishing to make a living. As we shall see in the next chapter, much of this resentment is caused by what is perceived by local fishermen to be a violation of the egalitarian ethic, but from a purely ecological perspective the problem is a very real one. This is particularly evident with regard to the trap fishery, where full-time fishermen deeply resent having to draw for berths against someone who is not a full-time fisherman. As one individual remarked, 'What does someone workin' for the Highway Department give a damn about me fishin' and with a crowd a kids?'

Fermeuse has not yet had any part-time fishermen participating in their trap berth lottery. This is due, in part, to the limited number of berths and the heavy investment required to put a trap in the water, but the trapmen are also painfully aware of the situation in Renews, where

three of the five trap crews were part-time operations.[13] Local fishermen talk increasingly of requiring that a man be a 'bona fide fisherman' and/or that the trap crew skipper own the boat and gear before being allowed to draw for a trap berth. Exactly what constitutes a part-time fisherman as opposed to a 'bona fide' one is an interesting question on which fishermen are characteristically vague. The fisherman who takes fish plant work or who does carpentry during the winter, but who fishes the regular season of May through October, is generally regarded as a full-time fisherman. An essential criteria seems to be a rough rule of thumb as to whether an individual 'needs' to be fishing and this is applied by determining whether or not fishing is a man's most important source of income.

The ability of part-time fishermen to 'cause a racket' appears to be bringing the situation to a head.[14] This is reflected in the dispute over Renews Rock, where part-time fishermen played an important role in banning trawls and gill nets, most of which, significantly, were being used by full-time fishermen. Moreover, those moonlighters who trap often have difficulty in recruiting a crew, and are prone to retain their berths until the July 1 deadline in hopes that men will be available at the last minute. If the part-timer must surrender his berth and has drawn a coveted site, then any other fishermen who desire to set gear there will have to hold another drawing. The individual who draws the berth then will have to move

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[13] I include two crews in the part-time category here that were let out on a share basis by a local businessman who has other financial interests.

[14] Acheson (n.d.) also suggests that part-time fishermen, ostensibly because they are not dependent upon fishing, have a propensity to cause trouble with respect to territorial boundaries in Maine lobstering. "The willingness of a man to engage in 'trouble' appears to depend in large part on his having an alternate source of income" (Acheson n.d.:26, footnote).

his trap (no minor operation) to the new location. Hence, in addition to losing the day's fishing when the trap was moved, he has also "lost" perhaps the first three weeks of the trap season when the berth stood empty. This can be particularly prejudicial if the berth was an 'early' location where the highest catches are produced during the first month of the season. A proposed move to remedy this has been to advance the setting deadline to June 10, but the Canadian Department of Fisheries has yet to allow this change in regulations.

## VALIDATION

Beyond the obvious inconvenience of having to move one's trap during the season, or not being allowed to exploit a favorite area because of part-time handliners, there is another attitude deeply rooted in the minds of most full-time fishermen which makes such situations particularly reprehensible. This is the belief that neither the community as a whole, nor individuals therein, can afford to 'waste' precious fishing time and space for any reason. Similar attitudes are prevalent in other contexts where resources are scarce and/or subject to seasonal fluctuations. Thus Petersen (1963:274-275) reports that Eskimo families in West Greenland commonly had prescriptive rights to fishing sites at spring and summer camps <u>contingent upon use</u>.

Viewed against the problem of diminishing space discussed above, a careful husbanding of remaining use opportunities becomes all the more important. Those whose actions monopolize a trap berth until the last moment in the hope of obtaining a crew, or who move to ban gill nets and trawl during a period when that area is not being used, are committing an act which many full-time fishermen view as bordering on ecologic (and

social) blasphemy. Not unexpectedly, such individuals are often accused of 'wasting fish,' at what is conceived to be the expense of the rest. Since there are no appreciable notions of husbanding or conserving the fish, extractive opportunities which are missed are considered permanently lost. This philosophy was encapsulated by a fisherman who once remarked, 'The idea is to get a fish where ya can and how ya can and let tomorrow take care of itself.'

Indeed the folk concept of validating one's right of access to a resource by utilizing it to the extent of your ability has at least in one instance been codified into a formal treaty having international implications.

> The North Pacific Fisheries Treaty was ratified on June 12, 1953. It establishes as one of its provisions the unique principle of abstention. According to this principle when a country has fully developed a fishery and as a result of continuing scientific study is regulating it so as to obtain the maximum sustained yield, newcomers who are parties to the treaty agree to abstain from fishing the stocks concerned.
>
> (Van Cleve and Johnson 1963:1)

## SUMMARY

In summary, the Regulations function ecologically to insure the security of the community and its active fishermen by allocating points of access to the resource primarily with regard to extractive method. This assists in balancing the available space against the total number of fishing units (from both within and outside of the community) that are likely to be exploiting a local fishing ground. Hence the greater the numbers of fishermen exploiting a community's fishing territory, and the more limited the fishing space the more likely it is that fishermen will favor restrictions on technological extractive methods. Moreover, such regulations recognize the fact that the different technologies are suited to varying conditions which are governed largely by water depth and bottom topography.

Because some methods are highly vulnerable to competing technologies due to the relatively narrow range of conditions under which they can operate, they may be allowed exclusive access to certain areas. Such monopolies, whether trap berths or handline sanctuaries, allow the fisherman to plan strategies, 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 unmolested.

We have also seen that the Regulations are a compensation for the fisherman's lack of mobility and his intense commitment to a relatively narrow ecological niche which is very vulnerable to the modern and highly mobile high yield fishing operations.

But a resource (exploitable space) must be validated by use if local fishermen are to retain control over it. As I have pointed out, this premise is being challenged by increasing numbers of 'moonlighters' who are not heavily committed to the fishery but who nevertheless desire to retain their control in shaping future fisheries policies in their areas. Full-time fishermen, on the other hand, tend to regard their part-time counterparts as a threat to the balance between exploitable space and fishing unit pressure on that space. I shall return to this problem in later chapters.

Finally, I have attempted to gain additional insight into changing ecologic adaptation and the role of the Fishery Regulations in achieving that adaptation by illustrating how strategies of space management can be grouped into three basic categories of expansion, intensification and regulation.

The social implications of the Newfoundland Fishery Regulations will be discussed in the next chapter.

## CHAPTER III

## "WE ARE ALL EQUAL HERE": THE SOCIAL FUNCTION OF THE NEWFOUNDLAND FISHERY REGULATIONS

The first order of business here is to justify my earlier statement that the Newfoundland Fishery Regulations function socially as well as ecologically. This will be accomplished by establishing that certain aspects of observed behavior are a function of ecologic adaptation. The key here which inextricably binds the social and ecologic functions of the Fishery Regulations together is a pervasive attitude of egalitarianism in Fermeuse. Egalitarianism, as evidenced in the lack of appreciable formal political organization and the absence of recognized socio-economic classes, seems to be particularly characteristic of Newfoundland outport communities in general as evidenced both in the literature (cf. Szwed:1966, Firestone: 1967, Faris:1972) and in my own contact with fishing communities along the southern shore.

Explanations for observed egalitarian behavior on the Newfoundland scene and in other cultural contexts have ranged from what might be termed micro-ethnohistorical (Faris:1972) to universal (Foster:1967). Faris (1972) explains egalitarian behavior in Cat Harbour as derived from local material and historical conditions relating to the illegal settlement of the community in a very harsh and demanding environment. Egalitarianism then had a definite survival value in Cat Harbour. Foster (1967:300-323), on the other hand, postulates a pervasive cognitive orientation which causes many

peasant societies to view all desirable aspects of life and especially economic wealth as existing in finite quantity. Hence there is little to be achieved from additional hard work. "One works to eat, but not to create wealth" (Foster 1967:307). In addition, Foster suggests that this view of resources as limited tends to inhibit competitiveness between individuals because, since the "good" is limited, one man's gain is regarded as being at the expense of his fellows.

Not unexpectedly, neither extreme has "solved" the problem. What I have opted to do here is to integrate some of the existing models into a functional explanation for that behavior observed during my field research on the southern shore. The end product, hopefully, will be the articulation of a mode of social behavior with ecologic adaptation, i.e. that such behavior has a functional ecologic base.

As a point of departure I have found John Szwed's study of the Codroy Valley (Szwed:1966) particularly helpful. Drawing upon models from Levi-Strauss (1953), Goodenough (1963) and others, he posits two separate "cultures"; a public mode of interaction and a private one. The private culture he defines as follows:

> It is the individual's repertoire of possible behaviours, the manner in which he may intermix them in accord with what becomes his 'style,' that creates an identity which is always a little different from all others.
>
> (Szwed 1966:9)

This contrasts to the public culture of which he speaks thusly:

> Yet in the process of trying to perform in a manner which one conceives others to see as meaningful and proper, individuals make an effort to conceal or at least not stress what they consider personal differences from the general culture of others and in doing so, put forward a 'public face' in accordance with a generalized conception.
>
> (Szwed 1966:9)

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. I'd do anything for him, but I don't like him and he knows it.'

Such phenomena (the above is not an isolated example) led me to characterize the public image in Fermeuse as one of universal friendship, or at least universal civility. Theoretically, at least, everybody is a 'friend' of everybody else, and the guiding maxim is "we are all equal here." But nowhere does this ideal of 'all hands workin' together' digress from the "real" behavior of distrust, maneuvering and competition as on the fishing grounds.[1] Perhaps in this respect the study of a fishing community is particularly appropriate for, despite relatively stringent restrictions on the amount of permissable inter and intra-technological competition, the competition between fishing units is always intense. This is undoubtedly related to the common property nature of the resource. A fish belongs to the man who catches it and, although the fish might have been caught by a trawl on 'forbidden ground,' no one ever suggests that fish thus caught should be surrendered to the handline interests. For unlike the Mesoamerican peasant's corn field, fish are highly mobile creatures which

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[1] Although I can aver that factionalism exists within the community and that disputes over such issues as the function of the community council do occur outside of the fishing context, they are extraneous to the central thrust of this thesis other than to mention that they too are not allowed to interfere with the egalitarian public veneer.

permit no active husbandry by which a fisherman might validate his claim to them. His only claim to the fish, in the final analysis, becomes their residence in his fish hold. Significantly, then, retribution takes the form of preventing future incursions (e.g. establishing a handline sanctuary) as opposed to demanding that the "stolen" goods be returned.

But no matter how intense the competition, or how heated the dispute, the public image of friendship, typically manifested in the highly stylized expressions of 'lovely evenin'' or 'shockin weather we're havin'' or 'fish is scarce today,' are exchanged by two parties when encountering one another. Given this highly valued and, as we shall soon see, functional ethic, competitive strategies take on a fascinating character.

## 'SLIPPERY' OR 'DIRT': AMBIGUITY IN COMPETITIVENESS

Given that a premium is placed on maintaining ostensibly cordial relations with one's competitors, 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 one's 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 to nevertheless maneuver a competitor into 'doin' the job on himself.' For example, if one wanted to set his 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 so foolish as to believe that gear is set there, then that is regarded as his misfortune. However, trawl locations once taken in the morning are considered to be the occupant's for the remainder of the day and if, when

you are hauling gear someone else comes along and sets his gear back into "your" berth then it becomes overtly aggressive and is regarded as 'dirt.'

Again, when handlining, if A is anchored in a handline berth and B anchors directly astern of him (thereby attracting the bulk of the fish away from A) that is considered to be 'dirt.' But if B anchors his boat so that, when the tide changes, A's boat swings out of the berth and B's swings into it, that is good 'slippery' fishing. As one fisherman observed, 'If he is stupid enough to cod himself up by watchin' you, then that's his hard luck.' This type of covert aggression also extends to violation of, or perhaps, more properly, in the fisherman's view, bending the Fishery 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 is dirt 'cause yer hurtin' 'em outright.

The preceding attitudes together with those elaborated upon in earlier chapters contrast sharply with the picture Faris (1972) draws for us of Cat Harbour.

> As I shall indicate below . . . there are differences in the success of fishermen and between fishermen and merchants. But these differentials are related to skill and not to opportunism, aggression, exploitation or entrepreneurship. . . .
>
> (Faris 1972:102)

Unfortunately, Faris lumps the attitudes of the merchants in with this description, but from the context it would appear that aggressiveness is not considered to have any bearing on a fisherman's success. Yet quite the opposite is true on the southern shore except that the aggressive behavior is often disguised not only by the egalitarian veneer, but by intentional maneuvers which leave room for speculation as to whether A was aggressive or B was incompetent.

The covert role that this type of aggression plays in order to

maintain the public face of egalitarianism is also to be noted in the form of reprisals to which fishermen normally resort. If someone has pulled a bit of 'sleeveen,'[2] the recipient will often attempt to reciprocate but not with words. Rather, one retaliates in kind. Rarely is anything ever said, unless perhaps to a close friend. As one particularly perceptive fisherman remarked, 'If it's the normal run of sleeveen ya'd never know a man is plannin' to even the score by the way he talks to ya on the wharf -- as if nothin' ever happened.'

## CONFLICT AVOIDANCE

By now it should be obvious that a common pattern running through my remarks and much of the literature on Newfoundland is a conspicuous avoidance of any situation which might produce overt conflict. One explanation that has been advanced by both Szwed (1966) and Chiaramonte (1972) is that open hostilities are simply too costly for a small community where relations are intimate and the frequency of interaction high to maintain. As Szwed observes:

> It is difficult to stay alienated from another individual if he lives a short distance from one's home. . . . (Szwed 1966:87)

More to the point, it simply is 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. Perhaps

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[2] 'Sleeveen' in local usage usually means some action of dubious merit, and it can range from being 'slippery' to 'downright crooked.'

nowhere is this lack of directness more obvious than in an all-or-nothing situation, such as a dyadic "craftsman-client" agreement (cf. Chiaramonte 1972). In what Chiaramonte describes as the "indirect approach" 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 non-committal. The client, on the other hand, is spared the embarrassment of being refused, because he has not in actuality asked the craftsman to perform the task.

I noted similar patterns of avoidance in the Fermeuse fishing milieu, especially with regard to information which was eagerly sought but could not, by local etiquette, be openly solicited. Information regarding fish catches, for example, is never solicited by one skipper from another unless the question regards the catches of a third party. Even though two skippers meeting on the fish plant wharf at day's end are intensely curious about each other's catches, such information almost invariably follows the stylized exchanges concerning the weather, or perhaps some other fisherman's catches. Catch information, then, is usually volunteered in a very casual manner to mask the intense and potentially disruptive competition which takes place every day on the fishing grounds. Those not directly involved in the extractive process, on the other hand (e.g. children or the anthropologist), are viewed as "safe," and such information is openly solicited from them. Sanctions against those who commit the social blunder of being too openly inquisitive (and thus overtly competitive) are sometimes quick in manifesting themselves. I recall one evening at the fish plant wharf where most of the fleet was gathered, gutting the day's catch. Fishing had

been rather slow that day and when one boat arrived late with a fairly substantial catch, one fisherman remarked with mild envy, 'Jesus, b'y where'd ya get that fine lot a fish?' The skipper quickly replied with a grin, 'I put me drawers on back-foremast (backwards) this mornin' when I got outa bed.'

The intense anxiety felt by fishermen because of inequalities in catches is an ever-present threat to the egalitarian veneer of universal friendship. This anxiety, and the fact that it cannot be overtly expressed, was effectively demonstrated to me one evening when A had about 1,500 pounds in his trap while B, a competing unit little more than a stone's throw away, had upwards of 6,000 pounds. After about half an hour of reconnoitering his trap in a dory A glumly returned to his trap skiff saying, 'I think she needs another ten fathom a leader.' The following evening the situation was reversed, with A sustaining the heavy catch. Significantly, B was out in his dory scrutinizing his trap. As A later remarked, 'I knew there wasn't much wrong with the trap when I got into the dory last night, but I had to go see anyway.'

The point here is that, while competition is avidly practiced, it is also recognized as a source of potential conflict which threatens the egalitarian veneer of universal friendship. Overt competition must at all times be suppressed, because it is potentially divisive. All fishermen are aware that glaring inequalities exist in fish catches, and that these are largely the result of individual differences in competence, but such differences are not allowed public comparison. The two or three individuals who have the habit of boasting of their fishing expertise are deeply resented, and it has measurably crippled their social relations within the commu-

nity.[3] One fisherman remarked that he would often try to avoid someone who obviously did poorly on a given day 'cause I know how tormentin' it is to miss 'em (the fish) and if I does talk to him the last thing I mention is fish.'

## EGALITARIANISM AS INSURANCE

But avoidance of conflict in itself is not enough to explain the public veneer of egalitarianism and the suppression of overt hostility, or at least the channeling of it, into socially acceptable forms. I suggest that this egalitarianism is of enormous import as a social mechanism of ecological adaptation. Fermeuse residents stress above all the 'fact' that you need your neighbors and their good will as an "insurance policy" against calamity. Faris (1972), Firestone (1967), and Szwed (1966) all seem to have been cognizant of this phenomenon (with Faris giving it perhaps the most attention), but they do not in my opinion give it enough emphasis.

A fundamental contention of this thesis is that the egalitarian ethic, which permits at least civil relationships with every member of the community by every other, functions as a supplement to the pluralistic economic adaptation, i.e. it maximizes options by spreading one's commitments thinly. In actual fact, if all members are publically pronounced equal and friends, one is free to turn to any individual in time of need.

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[3] When I inquired why local residents were not assisting a man who was building a new house, one man replied it was because 'he's always trying to be better than the rest of us -- always talkin' about how much money he made today. If he's so damn much better then he can build his own house.' For reasons to be elaborated upon shortly, assistance with his house did come but it was only a token of that usually afforded, and the reasons given were, 'just so he can't say I didn't give him a hand.'

Petty hostilities and rivalries are then subordinated, in the final analysis, to the needs of the group for solidarity.

Granted, the opening of improved transportation and communication networks, the rise in alternative sources of income both in and outside of the community, and the increased availability of unemployment, welfare and pension payments, have decreased the functional necessity for such interdependence. However, as Szwed (1966:180) observes, the public models of social behaviors tend to lag considerably behind the private modes of behavior, even if the public models are no longer applicable to the current situation.

> In the changes that have occurred in the Valley since the 1930's, changes in the phenomenal world have altered the applicability of the existing public culture in many situations in which it was previously effective. New demands on both individual and group have created new contexts which cannot be met by traditional customs and routines. Pressures brought to bear from without the cultural system of the parish have reduced the scope of the traditional public culture to the point where former means of ordering and controlling human relationships no longer apply in the same manner. But this does not stop its participants from trying to use it.
>
> (Szwed 1966:180)

Even though A deeply resents the presence of B's gill nets near his trap, he will nevertheless assist B in hauling his boat up on the beach because he has, or perhaps will, require the same services of B. Examples of such interdependence in the form of reciprocal borrowing and lending of tools and skills are legion, and the bitterest of disputes engendered during the fishing season will ultimately be rationalized with 'After all, he's a neighbor and he has to make a livin' too.'

Such attitudes, then, go a long way toward explaining why Fermeuse trap fishermen who are vehemently opposed to the presence of cod gill nets near their traps will, regardless, balk at signing a petition to ban them

from prime fishing areas. Since there are several families in Fermeuse who are depending upon the cod nets for a substantial portion of their income, Fermeuse trapmen are unwilling to 'put neighbors out of a living.' Likewise, it explains the ease with which gill nets and trawl were banned from Renews. Those Renews fishermen who owned gill nets had long since abandoned them because of the disputes that were engendered with the handliners. As one fisherman commented, 'It got too tangly. We was makin' too many hard feelin's. 'Sides, we got traps anyway.' This being the case, the only men who were fishing trawl and gill nets on Renews ground were Fermeuse fishermen, and since they were "outsiders," in the strict sense, united action could be taken.[4]

Thus, the harsh and demanding environment both at sea and ashore places a premium on cooperation and reciprocal sharing. This egalitarian stress rewards participants by offering the maximum of security in return for group demands for egalitarianism and avoidance of conflict. The need for solidarity in the fishing milieu is constant where calamity in the form of damage to boat and gear or even the loss of life is an omnipresent possibility. As Faris notes (1970:101-102) the rigours of the environment place a high value on egalitarianism in the form of reciprocal obligations and what he terms "predictable behavior," i.e. being able to depend on your 'neighbors.'

Similar behavior has been reported among the !Kung Bushmen of Africa (Marshall 1961:231-249).

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[4]It is significant that the one individual who trawls in Renews signed the petition to ban trawl and gill nets, but admitted that he did not agree with it in its present form. As he noted, 'I didn't think it was fair, but I signed it for the good of the harbour.'

> The common human needs for cooperation and companionship are particularly apparent among the Nyae Nyae !Kung. Independent living outside the band structure does not exist. Nuclear families do not live alone.
>
> (Marshall 1961:231)

and

> The practical value of using up the meat when it is fresh is obvious to all and the !Kung are fully aware of the enormous social value of the custom. The fear of hunger is mitigated; the person one shares with will share in turn when he gets meat and people are sustained by a web of mutual obligation.
>
> (Marshall 1961:231)

Viewed in this light, the avoidance of conflict and egalitarianism in Fermeuse becomes ecologically functional as a bulwark against the unforeseen.

But by now it should be clear that the egalitarian veneer of universal friendship is the absolute antithesis of being a good competitor. For, in the fishing situation, the resource belongs to the man who catches it. The man who expects his neighbor to help him locate the fish will end up with a poor season indeed.[5] This constitutes the supreme paradox of the fishing situation. Neighborly concern for someone else's misfortunes stops short of the fishing situation. As one fisherman candidly commented, 'I'd do anything for my neighbor but if he gets five quintals a fish and I gets a thousand what's it to me?' Somewhat more diplomatic was the fisherman who remarked, 'I never wished hard luck on anybody, but I don't wish 'em a damn bit more fish than I gets either.'

It would seem then that the fisherman especially leads a Dr. Jekyll and Mr. Hyde existence. In effect, he subscribes to values which prohibit

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[5]The exception here is with the trap fishery where competition for exploitative space is precluded by the annual lottery for trap berths. But, even here, there remains considerable leeway for competition in rule manipulation.

his competing for prominence on the public scene, but which become absolutely unworkable on the fishing grounds. This is undoubtedly much of the reason why competitive strategies must take on such a covert tone. Because the fishing space is limited, and not randomly distributed, the only way for the fisherman to ensure that he gets his share (and more if possible) is to compete, often at the expense of someone else. Obligations of friendship and kinship do not apply in the fishing situation except in cases of disaster (e.g. extensive damage to boat or gear or loss of life).

Time and again I have observed fishermen "watch dogging" the Fishery Regulations (e.g. reporting to the fishery officer incursions into 'forbidden ground' by trawlmen) while simultaneously bending the rules to suit their own ends. Although I did not observe this particular maneuver, local fishermen informed me that a favorite ploy of handliners is to attach a line or two of trawl to their anchor line while handlining.

## LIMITED GOOD

Thus I find that 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." Contrary to what Faris found in Cat Harbour (cf. Faris 1971:101-102) resources, when viewed in terms of points of access, are most assuredly viewed as limited in Fermeuse. This being the case, the only way a fishing unit can ensure itself of productivity is to compete by hoarding information concerning techniques of maximally exploiting fishing locations, by bending fisheries regulations when circumstances make it propitious, and by covertly edging competitors out. Handline units are accused by trawl fishermen of 'not wantin' us to live,' and individuals who tend to leave gill nets out when returns are marginal are suspected of 'leavin' em out

just to shag up the rest of us.' Again, individuals who fished on Sundays or during stormy weather were considered to be overly ambitious or, in some cases, downright greedy. Whether or not these accusations are true is beside the point. What is important here is how those actions are perceived to affect the remainder of the fishing community.

Moreover, a fundamental thesis in Foster's argument with respect to limited good is that, because resources are limited, opportunities at improving one's economic position from within the system are negligible.

> Given the limitations on land and technology, additional hard work in village productive enterprises simply does not produce a significant increment in income.
>
> (Foster 1967:317)

Material conditions in Fermeuse have improved tremendously since the demise of the mercantile system and the establishment of the fish plant, but fishermen still regard their enterprises as being marginal. Productive seasons are regarded as being bulwarks to weather out poor ones. Certainly no one expects to get rich fishing; as the prices for fish have increased so have the prices for boats, engines, and gear, and the size of catches declined. Fish plant officials have complained to me that the local fishermen were not ambitious enough -- that they should fish longer seasons and acquire more gear -- perhaps even a longliner. But Fermeuse fishermen are very suspicious of these exhortations. As one fisherman observed, 'Even if you do catch more fish they figure out a way so that you don't get nothin' for it.' Significantly, the only fishermen in the study area who had more than two traps were those who had other business interests.[6]

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[6]The exception here is with one unit which has been fishing a government owned, experimental Japanese cod trap in addition to its two conventional traps.

Summing up to this point, there are three factors which combine to foster an egalitarian public image of non-competitiveness. But this public image exists in a community whose resource base rewards those who are most adroit in getting their share of a scarce commodity, without disrupting the veneer of universal friendship. These three factors: 1) avoidance of potentially embarrassing conflict in a small and intimate setting, 2) the maintenance of a veneer of universal friendship as an insurance against calamity in 3) a universe of limited economic opportunity, provides the cognitive framework for the social function of the Newfoundland Fishery Regulations.[7]

## SOCIOLOGICAL FUNCTION OF THE RULES

Assuming that I have established the highly competitive, zero-sum (cognitive) nature of the fishing enterprise in what is publicly an egalitarian setting, it remains to consider the specific sociological functions of the Fishery Regulations.

Sociologically, the rules function to reinforce the egalitarian public image by recognizing that the various types of gear are adapted to specific contexts within the fishing situation (see previous chapter). The formal recognition of potential inequalities in extractive capabilities, and the non-random distribution of the fish, is embraced in the Fishery Regulations which, in turn, mirror the community egalitarian ethic by saying in effect that "everyone has a right to catch a fish." The regula-

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[7] It is my belief that the aforementioned factors are largely responsible for the consistent failure of union movements in Fermeuse, both with regard to fishermen and fish plant workers. Intriguing as it is, an analysis of this issue is beyond the scope of this thesis.

tions, then, counter balance the highly competitive, zero-sum nature of fishing.

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

Moreover, the avoidance of conflict and the maintenance of the egalitarian veneer is, in my view, the prime reason why communities have sought codification of their agreements (and disagreements!) into law -- law which is external to the community.[8] This circumvents the need for embarrassing and disruptive dyadic and/or techno-political 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 in a very real sense exonerate themself from being 'contrary,' i.e. a trouble maker. Note the phraseology used by this fisherman with regard to formal rules, as opposed to something on the order of a "gentleman's agreement."

> 'Ya can always make up a rule among yourselves but that doesn't protect you from someone who takes a notion to be contrary. The

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[8] 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 fishery officer. Hence, the community becomes involved in making and amending its own regulations but not in administering them except to report violators.

only way to protect everybody is to send the law into St. John's and have it recorded.

(emphasis mine)

Judging by comments such as the above from this and other fishermen, I am inclined to view "protection" in this sense as a method whereby overt conflict can be minimized. I shall have more to say about this below in my section on the functions of the fishery officer. As I mentioned in the previous chapter, having the rules formally codified can also work to the disadvantage of local fishermen, but this is a drawback they seem quite willing to tolerate.

## POLITICS, TERRITORIALITY AND CONCEPTS OF OWNERSHIP

Politically speaking, local fishing grounds are viewed as private property which is owned collectively by the residents of the community. As we shall see in the next chapter, this "ownership" is considered to extend even to those who do not, or are not, currently fishing. Management, however, is usually the domain of the active fishermen.

Community space management strategies are mobilized in two ways. The earlier mentioned cod trap committee is a formally organized body of fishermen with an elected leadership who have an interest in an ongoing problem, i.e. the allocation of cod trap berths. On the other hand, since there is no formally organized body of fishermen to deal with problems relating to the other technologies, fishermen occasionally organize informally to deal with a particular event in space and time, e.g. the creation of a handline sanctuary. Leadership in this group is charismatic, and such groups usually remain together only long enough to deal with the common problem at hand.

In one very real sense, the maintenance of boundaries, whether

inter or intra-community, have led the fishermen to regard common property resources (fish) as private property when they are within the specified boundaries. Outsiders cannot be excluded, but they can be forced to compete with you on your own terms. In such cases, the fish remain a common property resource only with respect to those units who are competing for it within the prescribed area, and with the prescribed method. The resource remains in this status until it either leaves the area or is caught. 'Handliners don't want nobody handy to 'em gettin' fish (with a competing technology); they figure that's fish they should be gettin'.'

Moreover, unless patterns of utilizing another community's fishing grounds are well established, fishermen will tread warily. After checking their salmon nets one morning, a local crew, which had been toying with the prospect of wandering 'down' to Aquaforte territory in search of an empty berth in which to place their second trap, decided against the move because it was a clear morning, i.e. not foggy. When I pressed for further details, one fisherman replied, 'Some of the Aquaforte crowd might see us and ask us what the hell we're doing.' Further remarks elucidated that fishermen 'don't take boat rides into other people's ground' and, if they were seen 'sleeveen' would likely be suspected. Further interviews with various fishermen indicated that few Fermeuse fishermen were familiar with Aquaforte territory, except in those locations where they had set extra traps in previous years. One fisherman remarked that he did not think that he had been in Aquaforte territory more than two dozen times in his life. As another commented, 'My trap is private property and nobody has no business there even just to look at it. If an anchorline gets burst or somethin' he's goin' to get blamed for it and he knows it so if he has good intentions he stays away from your berth without his bein' invited.'

Significantly, the above mentioned crew opted to approach Aquaforte fishermen at the fish plant wharf to first inquire about the availability of unused berths in that neighboring community.

From a socio-ecologic point of view, it would appear that concepts of political ownership and control of local fishing grounds are related to the lack of mobility of local fishermen. As I suggested earlier, the significant lack of mobility of Fermeuse fishing units, coupled with the absence of sophisticated electronic equipment, has forced fishermen to confine their fishing activities to a relatively small area with which they have become intimately acquainted. This places them in a very vulnerable position with respect to the more mobile high yield technologies and, since politicians (both past and present) have proven very responsive to the demands of fishermen, petitions submitted to government officials, have received favorable attention (see Chapter I for my discussion of political patronage).

Szwed (1966) deals at some length with the patron-client system in the Codroy Valley and makes a particularly important point when he characterizes the politician, along with the merchant and priest, as essentially a patron. In discussing the role of the patron (which he calls a "mediator") (Szwed 1966:151) he defines such individuals as "persons who function in a status that articulates the local system to the larger system" (Szwed 1966: 151).

Favors communicated via the former to politicians in St. John's were expected to be fulfilled in return for votes, thus validating a patron-client relationship between the politician and his constituency. This was undoubtedly the situation in Fermeuse in pre-Confederation times, but changes since 1949 when the Canadian Department of Fisheries assumed

regulation of Newfoundland's fishery have added another variable, i.e. the Federal Fishery Officer's role.

## FUNCTION OF THE FISHERY OFFICER

Although individuals with a similar function are probably to be found in the Codroy Valley (Szwed specifically mentions the policeman as a form of mediator but does not elaborate), Szwed fails to distinguish between those who use their position for purposes of political influence and those who do not. Consequently, I find Paine's treatment of the patron-client relationship more applicable to the Fermeuse fishing context (Paine 1971: 8-21). Essentially, Paine differentiates patrons from clients by characterizing the patron as the individual who chooses the "values," i.e. "goods and services" (Paine 1971:15) which will be exchanged. In the present case it would be, as noted above, political favors for votes. But what is crucial to my purpose here is the distinction Paine makes between the patron and what he calls the "go-between." Paine elaborates:

> This distinction rests upon the issue of the way in which the purveyance between two parties is performed. Where it is made faithfully without manipulation or alteration we may well speak of a go-between.
>
> (Paine 1971:21)
> (emphasis in original)

This is precisely, though not exclusively, the function of the fishery officer. He acts as a communications channel between the local fishermen and fisheries officials in St. John's on matters pertaining to management of local fishing grounds. Because the fishery officer is a civil servant divorced from the decision-making process, he is not free to engage in political advocacy or patronage. Fishermen do expect him to present their requests in a favorable light but beyond that his powers are

limited. The fishery officer's techno-political neutrality is further ensured by departmental policies which allow local fishermen to request another fishery officer from a different district, or even a member of the staff from the head office in St. John's, if they feel that their interests are being prejudiced. As such, the fishery officer who remains other than neutral with respect to techno-political factions is jeopardizing his job. This contrasts sharply with the priest or merchant, who can favor such factions, if he deems it expedient, because such individuals often have tremendous influence by virtue of economic (credit) or spiritual sanctions, and are thereby difficult to circumvent.

But the fishery officer's role extends considerably beyond that of a "go-between." In addition to enforcing existing regulations, which range from salmon poaching, quality control at the fish plant, to defending handline sanctuaries, he also serves as an impartial arbitrator in fishing disputes. This is where the earlier mentioned sociological function of the Fishery Regulations stands in highest relief. Time and again I was impressed by the reluctance of local fishermen[9] to confront one another over disagreements pertaining to space management. At no time did I observe or hear of belligerants discussing their grievances with one another during my six-month stay in Fermeuse. One fisherman seemed to capture the feeling when he remarked:

> 'If somebody is fishin' on forbidden ground, the best thing to do is tell the fishery officer. If you goes to talk to him

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[9] "Local" in this particular context can be extended to all fishermen in the study area. For, in effect, the fishermen from the neighboring communities of Renews or Aquaforte are as reluctant to confront individuals from Fermeuse and vice versa over fishery disputes as they are members of their own community.

(the violator) yourself you're gonna have words about it, and if ya gets handy to one another you might even have strokes.'

Hence, the egalitarian veneer of universal friendship/civility is maintained and open conflict is avoided by carrying the complaint or dispute to someone who is regarded as neutral because 1) he is not involved in the extractive process and 2) the earlier mentioned assurances guarantee his neutrality.

## DISPUTE SETTLEMENT PROCEDURE

Many violations of space management regulations are never reported because they are not regarded as being a threat to those against whom the violation was committed. Local trawl fishermen will often set gear on that ground known as Bare Arse (see Map No. 4, Appendix C), which is technically inside the Fermeuse handline sanctuary, and they are seldom reported. But if fishing is poor on the 'inside grounds' (e.g. Tinkers, Bear Cove Rock, etc.) and the trawlmen are taking substantial catches on Bare Arse, then action in one form or another is likely to be taken. Such action is prompted largely by the 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 prejudiced, 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, whom, we must remember, is usually a fellow community member. It must be noted here that leadership 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 which might affect in any way the fishing activities of other community members. Faris 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.
>
> (Faris 1972:103)

As one Fermeuse fisherman remarked, 'Most men here would rather not draw trap berths than be 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 to be 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 belligerants never confront one another over the issue. Indeed there was one case 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 he was reported to the fishery officer.

However, it must be added that the role of the fishery officer is essentially passive. That is, 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.[10] As a citizen, for instance, he is eligible to attend the annual cod trap lottery, but he never does unless some member requests his presence.

But what of those situations where there are obviously two sides to the question? Interviews with local fishermen and the fishery officer again indicate that disputants rarely, if ever, directly face each other over the matter.[11] In most cases, the fishery officer reported that disputants seemed embarrassed to publically admit that a dispute 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 'eighty percent' of what will be said. But even when opposing parties do meet with the fishery officer, grievances are invariably

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[10] The exception here concerns federal fish and game laws, which constitute a different body of legislation in the sense that they were enacted for conservation purpose, e.g. spearing lobster, or fishing for salmon during closed season.

[11] 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 above meeting characterization is based upon descriptions of such meetings supplied by the fishery officer and interviews with local fishermen.

directed toward the fishery officer, not each other. Thus the arranged meeting between 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 "depersonalized" communications channel to keep the dialogue between disputants going in what might well be an explosive situation. Because of the fishery officer, to whom grievances are directed even though the other disputant be sitting in the same room, direct conflict between the two parties is avoided and 'friendships' are thereby spared. But, here again, the fishery officer remains essentially the passive enforcer. He will render a decision based upon his interpretation of existing regulations. Upon occasion, he will even make suggestions as to possible solutions to conflicts not specifically covered in the regulations, but he will never force a binding decision upon anyone unless the regulations clearly apply. To do otherwise would be to invite charges of partisanship from the disgruntled. If the fishery officer's decision is not satisfactory to one of the parties, or if the regulations are not clear with respect to some crucial point, then an appeal will be made to a higher authority in St. John's.

## DOMESTIC DISPUTES: AN ANALYSIS BY CONTRAST[12]

By way of contrast, I note a decided difference in the disputes that take place on the fishing grounds, as opposed to those of a more domestic nature. Those on the domestic scene tend to be much more bitter and protracted, even though the friendship ethic is usually maintained to

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[12] I use the phrase "domestic disputes" here to differentiate such rifts from those which originate and usually remain in a strictly fishing context.

the casual observer. There are several reasons for this basic difference in the character of the two disputes.

First, neither an established "go-between" role nor enacted regulations exist for the resolution of domestic disputes. The only official and impersonal sanctions lie with the courts which are not only beyond the scope of most domestic rifts but highly public and to be avoided in all but the most drastic grievances.

Second, because people are aware of the conflicts that arise in the fishing milieu, they tend to leave them on the fishing grounds, where sheer geographic space usually precludes face-to-face encounters wherein a rift might become personal. An incident on the grounds often then comes to little more than 'black looks.' Because of this, and because of the fishery officer, disputes are less personalized and can be passed off as part of another domain which is somehow exterior to the community.

An interesting example of this cognitive separation of fishing ground and community friendship relations is to be noted in a dispute which one fisherman related to me 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 employment with the fish plant. When it came time to draw 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. At that time there was no resident fishery officer on the southern shore, so this fisherman had little choice but to take his case to St. John's for adjudication. Since communications were poor at that 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 this fisherman returned with the 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 feedlings" 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!

Examining this phenomenon further, I inquired as to whether fishing disputes ever encouraged conflict at Christmas or garden parties -- two events that have long been characterized by heavy drinking and occasional fights. The replies were unanimously in the negative and that such conflicts were always over 'a black remark or somethin' personal like that.'

A third difference in disputes on the fishing grounds and those ashore, is because the fishing situation is constantly changing so that a conflict between say, two trap units, or a trap unit and a cod netter, ends with the trap season and is largely forgotten as the fishery enters a new phase. This contrasts markedly with disputes of a domestic nature where one must "rub elbows" with a neighbor with whom you are quietly feuding on a year-round basis. The "gripe" you have about the property boundary, the rocks his children keep throwing at your stable, the wedding to which you were not invited or the community council are likely to be there whether the traps are in the water or on the wharf.

The exception appears to be with disputes which start on the fishing grounds but which one of the belligerents brings into the community by retaliating in a manner which is not within the fishing realm. For example, one neighbor reports another for setting trawl on an unused section

of 'forbidden ground.' Although the violator was technically in the wrong, the issue is something less than black and white since the ground was not being used. This seems like an unfair monopoly on a scarce resource (exploitable space) and, though he (the violator) accepts the fishery officer's decision, the dispute quietly smolders. Perhaps later that fall he finds that his neighbor has poached a moose and seeing an opportunity to even the score reports him to the game warden whereupon he is caught and heavily fined. In a case such as this one individual's retaliation has brought the rift into the community and the dispute is likely to become highly personal and protracted. The above is a hypothetical case but it illustrates the general form that such a conflict might take.

## DISPUTES AND LIMITED GOOD

Disputes, whether on the fishing grounds or ashore, are often related to the earlier mentioned view of the resources as being limited. Thus the fishery officer remarked that he is the frequent recipient of telephone calls which report other members of the community for violations of fish and game laws. Since most reports are made after the fact (e.g. poaching a salmon or setting salmon nets an hour or two before the season) the fishery officer has little alternative but to ask the informant if he desires to file a complaint. The reply is invariably, 'I can't afford to get involved.' The point to be made here is that such violations are seen by other community members as a breach of the egalitarian ethic, i.e. taking advantage of a situation which is regarded as being at the expense of the rest. The fact that the informant might well have done the same thing had the opportunity presented itself is beside the point. Such attitudes, I believe, explain the "watch dogging" of fishery regulations

which is carried on, often in conjunction with strategies which amount to maximizing one's own ends.

Moreover, my data indicates that this perceived violation of the egalitarian ethic is partly responsible for the growing resentment against the part-time fishermen discussed in the previous chapter. This is especially so in the Renews trap fishery, where those who have other business interests or sources of income are resented for their demands that they be allowed to compete on an equal basis with full-time fishermen for trap berths. Such individuals, by virtue of their "other" sources of economic security, are regarded as being "more than equal."

## SUMMARY

We have seen that Fermeuse, like many other rural Newfoundland communities, is characterized by a highly egalitarian veneer which is maintained by reciprocal obligation networks and avoidance of overt conflict. This, in turn, permits ostensibly cordial or at least civil public relationships which have been ecologically adaptive to a demanding environment which places a premium upon a wide network of 'friends' as an insurance against the unforeseen. In addition, community egalitarianism is reinforced by an "image of limited good" in that resources (exploitative space) are viewed as limited. Overtly aggressive competition is seen to be at the expense of the community. Such a cognitive value serves as a deterrent to those who would blatantly seek an exploitative advantage, as well as a justification on the part of the community for censuring such individuals.

But this egalitarianism exists in a fishing universe where potential exploitative opportunities, because of the non-random distribution of fish populations, limited amount of exploitable space and differentials in

technological extractive capacity, are both limited and unequal. Fishing units consequently must vie with one another for a resource which belongs to the unit which proves itself to be the shrewdest competitor. The intense competition which takes place on the fishing ground is seen as a danger to community solidarity. Because fishing is at once a prime source of the community's economic sustenance and the potential source of its flying apart, it (the fishing situation) is held at arm's length. This is evidenced by the fact that disputes which are engendered on the fishing grounds are rarely brought into the community. Technological and geographic inequalities in extractive opportunity which might foster serious conflict are hedged with regulations which divide available space with respect to extractive method.

Such regulations then function to reinforce the egalitarian ethic by publicly proclaiming that every man has an equal opportunity to catch his share of the resource. What is even more important is that the Regulations represent a connection with authority which lies outside the community. This again serves to reinforce the egalitarian ethic by depersonalizing conflicts, i.e. "the law is the law and it applies to everyone equally."

The fishery officer enters the picture here because he is the local representative of that outside authority. He is resorted to as a "safe," powerful, and impersonal method of sanctioning those who momentarily "forget" about the law. As one fisherman remarked, 'When he (the fishery officer) comes and tells ya somebody turned ya in for trawlin' on forbidden ground ya don't hold it in 'cause ya knows ya done wrong.'. When I asked if there was ever any resentment against the fishery officer this man replied, 'No, b'y, that's his job.'

Moreover, when a dispute does arise where there is some question as to the outcome, the fishery officer acts as an adjudicator. This saves members of the community from the embarrassing task of having to deal with a situation which is often highly emotional and could degenerate into a personal conflict that could seriously threaten the social fabric of the community.

In the final chapter I shall analyze one dispute as a means to grounding the phenomena with which I have been dealing in a specific situation. Although this particular conflict had not been resolved to the satisfaction (or even tolerance) of all concerned, it nevertheless provides valuable insights into the dynamics of space management.

## CHAPTER IV

## THE RENEWS ROCK DISPUTE

This, the final chapter, is concerned primarily with an important ongoing dispute over Renews Rock, a prime fishing ground unequivocally 'owned' by one community but traditionally utilized by fishing units from several communities.[1] This one dispute serves to illustrate many of the key points developed in the previous three chapters about, e.g. rule bending, political ownership and control of fishing grounds, competing technologies and spatial constraints, and avoidance of conflict. Moreover, this case offers valuable insights into the strain that may be put upon established patterns of marine space management by government subsidized technological innovation.

A wide range of Provincial and/or Federal assistance either in the form of low interest loans or outright subsidies is available to Newfoundland fishermen under the rubric of "fisheries development." For example, combined Provincial and Federal subsidies for longliner construction are available which amount to between thirty and fifty percent of construction costs (depending upon vessel size) plus $160. per registered gross ton. In addition, substantial bounties ranging from forty to fifty percent of per

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[1] The dispute had "officially" been resolved when I arrived in the field in April of 1972. The area had been legally declared a handline sanctuary. For fishermen from other communities, notably Fermeuse, however, the question is anything but settled and future reprisals in the form of counter petitions to reopen the area to gill nets (in particular) would appear to be a distinct possibility. The dispute then is unofficially an "ongoing" one.

unit cost are paid for replacement or improvement of fishing gear with respect to gill nets and trawl.[2] The result has been the rapid development of a highly mobile and sophisticated technological complex which is challenging the traditional inshore fisherman's control over exploitation of local fishing grounds.

Moreover, even for those fishermen who do not desire to build a longliner the subsidies for gill nets and trawl are nevertheless applicable. As such, many small boat fishermen have eagerly adopted the gill net in an attempt to shore up their faltering handline and jigger adaptations. That these individuals have clashed with others who have maintained a viable adaptation within the traditional framework (e.g. trapmen) and that the problem has been further complicated by the presence of longliners, is the essence of the Renews Rock dispute.

## COD NETS IN THE 'FLOWER GARDEN'

The Renews Rock area itself is very well known along the southern shore as one of the most prolific handlining grounds in this part of the island, for which it has justifiably earned the nickname 'Flower Garden of the Southern Shore.' The area (see Map No. 5, Appendix C) is characterized by a broad shelf about one and one-half miles wide and perhaps four miles long, which gradually levels into a smooth sand bottom on the 'upper' (southern) end.[3] Water depths vary from eight to thirty fathoms with the

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[2] A "unit" in this case refers to one fifty fathom gill net or one fifty fathom section of trawl.

[3] The virtual non-existence of detailed hydrographic charts for the area between Renews Harbour and Cape Race has forced me to rely almost entirely upon verbal information supplied by local fishermen.

shallowest and often most productive ground being in the immediate vicinity of Renews Rock(s) itself.

Records and oral tradition indicate that it has long been a bone of contention between trawl and handline interests. It was formally declared a handline sanctuary in 1894, one year after Fermeuse fishermen 'put the trawl down' on their own ground. No doubt this was a defensive maneuver on the part of Renews handlining interests against the substantial fleet of small trawl fishing schooners that prosecuted the Cape Ballard Bank fishery. The immense concentrations of fish around Renews Rock in the late summer and early autumn posed an almost irresistable temptation to said vessels especially if weather conditions did not permit fishing on 'the bank' some six miles distant.[4]

For our purposes, however, the present dispute began about eight years ago when several Renews men acquired gill nets and began setting them in the prime handlining areas. Although there were no legal sanctions against cod nets in handlining areas, the protests from handline fishermen who composed the vast majority of fishermen in Renews were apparently quite vehement. As an alternative local cod netters explored areas 'up the shore' towards Cape Ballard but found that returns were marginal. Finding that the only productive areas were those used by the handline fishermen, the cod netting interests, with the exception of one part-time fisherman, yielded to community pressure and gave the nets a quiet burial. As one of the former cod net fishermen noted, 'It got too tangly. We was makin' too many hard feelin's. 'Sides, we got traps anyway.'

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[4]There is at least one case in the oral tradition of a deep sea banking schooner, a 'Lunenberger' of about 120 tons, who attempted to get gear in the area.

Further questioning revealed four important reasons why the Renews cod netters were not really surrendering anything they could not survive without. First, Renews has a surplus of trap berths and anyone who was fishing full time would probably be better off trapping. Virtually all of the full-time fishermen in Renews follow the trapping adaptation.

Second, in terms of social conflict and monetary renumeration the cod net offered little in view of the finite amount of productive space and the desire of other fishermen (i.e. handliners and other cod net units) to use that space too.

Third, the size of fish caught in the nets was becoming smaller so that after two seasons the seven inch mesh nets were obviously too large for optimum production. Rather than invest substantial sums in new six inch mesh gear that would only produce in a very limited area it was in fact cheaper to abandon the nets.

Fourth, the wisdom of discontinuing the nets becomes evident when one realizes that those who were most heavily committed to them (in terms of numbers of nets) were trapmen who were merely using them as a supplement to an already profitable trapping adaptation.

Consequently the cod net became a threat to the community on two counts. Ecologically, the monopoly of prime handline areas by three or four cod net units upsets the balance between available productive space and the number of fishing units. The conflicts between handline and cod net interests are also nettled considerably by the fact that handline gear which becomes fouled in a cod net cannot be hauled to the surface and untangled as with a trawl. Cod nets are much too heavy for this and so the handline gear must be cut. This presents a serious problem in social relations in that the handliner must approach the cod netter (or vice

versa) if the handline gear is to be returned. In such a situation the source of conflict (i.e. cod net fishermen in a handline sanctuary) can hardly be avoided. Significantly, the lost gear is seldom claimed and the cod netter usually makes no attempts to return it (see Chapter III on conflict-avoidance behavior).

Socially, the presence of cod nets around Renews Rock generated conflict ('rackets') with handline units and other cod netters. Even though such disputes are seldom allowed to interfere with the egalitarian ethic of universal friendship they were eventually bound to color community interpersonal relationships. Hence the demise of the cod net in Renews was peaceful and one in which no one was caused significant economic hardship.

In Fermeuse by contrast, such universally acceptable solutions are not possible. The shortage of productive or even serviceable trap berths gives the remainder of the full-time fishermen little choice but to use gill nets if they wish to remain in the fishery. Some Fermeuse cod netters are bitterly cynical about the nets: 'It'll all be over in a few more years . . . might as well fish 'em out and be done with it.' Others hotly defend the nets as being in effect the only way they have to catch their rightful share of the resource. Very often the invective of the latter is directed against the trap fishermen who are the chief antagonists of cod netting interests in Fermeuse. 'What's the difference between takin' spawn fish (large adults which constitute the bulk of the gill net catch) and small ones (the bulk of the trap catch). If that fish got a chance to grow it would be a spawn fish too.'

## ENTER THE FERMEUSE COD NET

About the same time that Renews cod netters were yielding to commu-

nity pressures to relinquish their use of the nets Fermeuse fishermen were acquiring them. Following an unproductive season with the nets on their own grounds, two Fermeuse units began setting cod nets around Renews Rock. This move elicited substantial resentment from Renews handline fishermen who, because the latest offenders were from another community, were not in a position to apply the social sanctions which had proven effective on Renews cod netters. In addition, cod nets are used chiefly during June and July as an alternative to the trap adaptation. So long as the Fermeuse cod nets kept their distance from the traps the Renews trapmen felt they had little to gain by crusading on behalf of the handliners. This is especially so since the handliners are largely part-time fishermen and thus resented because they have political control over a fishery to which they are not totally committed. The Fermeuse fishermen then were in a position to take advantage of the techno-political factionalism which was and still is evident in the Renews fishing community.

The complexion changed, however, in the summer of 1971 when a Renews part-time fisherman who had not relinquished cod netting set his nets uncomfortably close to some of the traps. As one fisherman remarked, 'He had Renews Island plastered off good.' The final straw came that fall when a longliner ignored the local etiquette of giving the handliners fishing space and flagrantly set trawl on the prime handline ground, '. . . and us sittin' there watchin' him . . . that man knew no shame!'

This was too much for the trapmen who were already incensed about the presence of nets near their traps and who had taken to handlining themselves for the 'fall voyage.' That winter a petition to ban both gill nets and trawl from the area was quietly circulated throughout the Renews community. Every male over the age of twenty-one was approached and all (with

one exception) signed -- over ninety in all. The petition was then forwarded to St. John's via the local fishery officer and that winter the request was approved and codified into law.[5]

Fermeuse fishermen were deeply incensed. Several said the aggrieved Renews fishermen should have called a public meeting to talk over the problem.[6] By virtue of the generations of Fermeuse fishermen who had used the area they had a stake in its future too. Renews fishermen, however, took a different view. The political ownership and control of the disputed area was vested in the Renews fishing community and although Fermeuse fishermen could not be excluded from the extractive process, the decisions regarding which methods of extraction were to be permitted there was the option of the Renews fishermen. Fishermen remarks concerning past intrusions of 'outsiders' into Fermeuse fishing space inclines me toward the view that Fermeuse fishermen would probably have taken a similar position had the situation been reversed.

Another source of resentment was the fact that those who circulated the petition had solicited signatures from individuals in the community who were not currently fishing or who had never fished. 'Pensioners and cripples got no business tellin' me where I can't fish.' While this

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[5]Since I resided in Fermeuse during the period of my field investigation, my representation of the Renews fisherman's side of the dispute may be somewhat inadequate. Undoubtedly my motives in Renews were suspect and I often found it difficult to get Renews fishermen to elaborate on their views.

[6]Although this idea sounds plausible, if my model of community interpersonal relations (see Chapter III) has any predictive power, I doubt that Fermeuse fishermen would have behaved differently had the situation been reversed. Such a meeting undoubtedly would have been very heated, the presence of the fishery officer notwithstanding.

touches on an important point (i.e. that the full-time fishermen must retain political control of their fishery if their best interests are to be served) it does not account for the fact that the fishery is considered to be a resource for community exploitation. Even for those with relatively secure jobs, the fishery remains a source of income that can be resorted to in the event of the loss of employment. Every able-bodied male is a potential fisherman. Moreover, the fishery, even for those who do not commercially exploit it, is regarded as a community resource like berries or firewood. Those not directly involved in the fishery, then, have a stake in it for the two or three quintals of 'winter fish' (for home use), if nothing else.

My point here is not to take sides but rather to point out the kinds of justification, both explicit and implicit, that both sides used to legitimize their respective positions.

Again with regard to trawl, the chief reason for banning this type of technology was the fear of a longliner takeover. Renews fishermen repeatedly remarked that they had no quarrel with Fermeuse trawlmen "cause they always left us alone."

## VALIDATION

But the chief objection of the Fermeuse cod netters (and to a lesser extent trawlmen) was that they were being prohibited from using an area that even Renews fishermen were not using to any appreciable extent. Such action is viewed as a flagrant waste of a scarce access to resources. 'We been up there every mornin'. Some days there's one or two of them (Renews fishermen) out there jiggin' and gettin' nothin' and more times they's nobody. It's a damn crime all that fish out there and goin' to

waste.' This is a most compelling argument and it is undoubtedly the strongest factor that Fermeuse fishermen could present in any bid they might make to convince the Canadian Department of Fisheries of the value of reopening the area to cod nets.

Renews fishermen, on the other hand, have justified their action on the grounds that the cod nets were damaging the bottom. 'We had no choice, them nets was ruining our ground for us what with throwing back dead crabs and sculpins.' This has been one of the chief objections to cod nets all along the southern shore. Local fishermen believe that because the gill nets do not 'put bait on the ground' and because unmarketable fish are thrown back overboard, usually dead, the cod fish are driven away because the ground becomes polluted with rotting "trash fish." This problem was further aggravated by the fact that Fermeuse cod netters were slow to take their gear in when net catches declined and the handline fishery began in early August.

## IMPLIED COGNITIVE FACTORS

There are more implicit reasons, however, for opposition to the nets in this context. Until the early 1950's the handline adaptation was augmented considerably by the fact that large catches of fish were taken on the jigger from mid-May through mid-July. Indeed, trapmen often participated in this fishery prior to the arrival of the 'caplin school.' But for the past twenty years the returns from this fishery have declined greatly so that the catches are now negligible.

Local fishermen have no explanation for this phenomenon other than the observed fact that the fish which can readily be seen in the shoal water around Renews Rock exhibit no interest in the jigger. But I suspect

the Renews fishermen are prone to think in terms of a return of the spring jigger fishery -- that the current situation is due to some natural phenomenon (e.g. water temperature) which is likely to change at any time. As such, keeping this option open, which would be precluded by the presence of nets on the ground, is a way of ensuring that Renews fishermen will have access to this fishery in the future.

This attitude is related to a view mentioned earlier that the resources are infinite and, over the long run, predictable. Fermeuse trap fishermen have exhibited similar attitudes with respect to those trap berths (especially that berth known as Sinking Rocks) which produced heavily until the disappearance of the large 'bank fish.' As one fisherman remarked, 'Nobody wants to draw that berth nowadays but when they do they're afraid not to set there 'cause they got it in the back of their mind that that fish is gonna come again.' Like not including Sinking Rocks in the Fermeuse lottery, then, the failure of Renews handline men to protect their access to a resource which could reappear at any time would be, from the fisherman's viewpoint, short-sighted. This is especially so in the Renews case since the cod netting interests are outsiders and would not be subject to community pressures to relinquish the area should the spring jigger fishery again become profitable.

Another implicit reason for keeping the nets away from Renews Rock is that local handliners view the area and its concentrated fish populations as a reservoir to be tapped when bait becomes available or the fish 'start jiggin'' in August. One fisherman commented that gill nets 'is keepin' them fish off the ground same as if ya fenced a meadow to keep the cattle out.' The fear then is that by the time fish become available to the handline fishery the existing stocks will have been fished out or kept out and new

arrivals will be driven away by the polluted bottom.

## RULE BENDING

Many writers (e.g. Gluckman, 1965:176) have observed that the values expressed to the anthropologist often deviate considerably from the way the "game" is played and the southern shore, as we shall soon see, appears to harbor no exceptions in this regard.

When news of the new handline sanctuary reached Fermeuse the fishermen complained bitterly that the handliners had 'ten times' more territory than they needed (see Map No. 5, Appendix C). 'A half mile 'round the Rock is all they needs, the rest of that ground is goin' to waste.'

This seems an exaggerated view of the situation for, in my observation, the handliners ranged a good deal further than the suggested one-half mile away from Renews Rock. Nevertheless, at least one mile of the sanctuary (e.g. from Horn Head to Burn Head on the south) could have been opened without hampering handline operations. A similar case could be made for that area between the northern tip of Renews Island and the Souther' Head of Renews (again a distance of about one mile), except that traps are set along the shore here and local trapmen would vehemently oppose any move to encroach into this area.

Early in June 1972 Fermeuse cod netters set gear on the southern boundary and daily edged deeper inside the handline sanctuary until after about two weeks they were fully one mile inside the southern boundary. One cod netter openly admitted that he was 'movin' in' and would continue to do so until someone (i.e. the fishery officer) stopped him. 'I'll coil 'em around the Rock if I gets a chance.' Renews fishermen were very aware of the strategies that the Fermeuse cod netters were using and one remarked,

'They's creepin' down all the time, but we ain't gonna let 'em get much further.'

Shortly thereafter the cod netters were reported to the fishery officer and were subsequently forced to move their nets outside the handline sanctuary entirely.

Trawl fishing units were allowed even more liberty in encroaching into the handline sanctuary than the cod netters. Many set trawl at distances of less than a mile from Renews Rock and none were reported, except one crew who were from a village some fifty miles to the north and who were somewhat less prudent than Fermeuse trawl fishermen in placing their gear. Even this incident, judging from the comments I received, was largely a show of strength. As one fisherman commented, 'We reported 'em just to let 'em know the law was there.'

From the foregoing it is my contention that the Renews handline sanctuary was purposely made large to discourage intrusions from prowling longliners (there were two or three working out of Fermeuse for nearly the entire summer) and that the systematic rule bending permitted was a concession that Renews fishermen felt obliged to make to Fermeuse fishing interests, especially the trawl fishermen, to avoid open conflict.[7]

The shortage of bait also hampered trawl operations considerably (they were forced to use mackerel saved from the trap fishery or squid left over from the previous year) so that Renews fishermen who were jigging did about as well as their Fermeuse trawling counterparts. That there were no

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[7] I say "especially trawl fishermen" here because while the cod netting on Renews ground was prosecuted by two Fermeuse units, the autumn trawl fishery in Renews territory was carried out by six Fermeuse units who had made it plain that they were in no mood to be 'pushed around.'

glaring inequalities in catches between the two factions did much to mollify any Renews fishermen who might otherwise have resented large catches being taken from "his" territory.

The fact that cod netters were not permitted the freedom of trawl fishermen stems from the perceived threat that the nets presented to the Renews trap fishermen. In addition, Fermeuse cod netters had failed in previous years to observe the etiquette of giving the handliners enough space in which to operate and all signs (e.g. creeping inside the boundary) pointed to a repetition of previous years if they had been allowed to continue moving 'down.' As one Renews fisherman observed, 'If they'd 'a left the traps and the rock alone they would have gotten by for a few more years but the way it was they was in everybody's way.'

## TECHNOLOGICAL INNOVATION AND SPACE MANAGEMENT

A number of important points derive from the foregoing dispute which have implications for the region in general. In reflecting on the Renews Rock dispute it becomes evident that the dispute itself is largely a product of the impact that technological innovation is having on established space management patterns.

Local fishermen have had their adaptations challenged by technological innovation on two fronts. The most immediate threat has manifested itself in the form of the synthetic gill net operated out of the inshore fisherman's conventional punt. Cod nets of natural fiber have long been known to Newfoundland fishermen but owing to their limited fish catching ability they never achieved widespread popularity. In the early 1960's when cod nets made of synthetic materials (nylon and later monofilament) became available, due to their tremendously increased fish catching poten-

tial and the earlier mentioned government subsidies, the number of cod nets skyrocketed from 3,667 in 1961 to 29,805 in 1966 (Roberts 1968:18). Fermeuse, too, felt the increase -- from thirteen in 1963 (Canadian Department of Fisheries Reports: "Men, Boats and Gear," 1963) to sixty-five in the summer of 1972.[8]

As we have seen, the most frequently mentioned criticisms of the gill net have taken largely environmental overtones. Local fishermen are prone to point out that the gill net damages the bottom, catches only the larger adults in the spawning stock, and that the nets produce an inferior grade of fish because the fish 'strangles' or 'smothers' in the net. 'That fish dies an unnatural death.' In their candid moments, however, the more reflective fishermen will admit that the chief offense of the gill net is that it is a space-consuming technology in a context where exploitative space is very limited. Four boats with twenty nets each could effectively control, to the exclusion of all others, the major Fermeuse fishing areas (excluding trap berths). One fisherman who had been resettled from a community whose fishing grounds were characterized by wide expanses of level bottom put it thusly:

> 'In Trepassey Bay where there is twenty mile of level bottom we used to cod net and trawl and even schooners used to come there to fish and there was never no rackets '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.'

But perhaps the most vehement opposition to cod nets in Fermeuse

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[8]The 1963 figure of thirteen cod nets in Fermeuse is the number owned by fishermen at that time. I have no way of knowing if said nets were being used. By contrast, my 1972 count of sixty-five nets is the total number that were used. The number of cod nets owned by local fishermen in 1972 was in the immediate neighborhood of 120.

has come from the trap fishermen who deeply resent the presence of gill nets near (anything under about 300 fathoms) their traps. Trapmen contend that the nets are often placed on grounds over which the fish have to pass in their shoreward migrations and that in addition to catching fish destined for traps the nets act like a trap leader in directing fish away from the traps. The small numbers of fish caught in traps which show outward signs of having been in cod nets (e.g. net burns on the back) do much to fan the flames of resentment on the part of trapmen.

Hence, the cod net is seen as a threat to the community of fishermen on three counts. First, it, by monopolizing local space, violates the egalitarian ethic of everyone being allowed an equal chance to catch a share of the resource. Second, it upsets the established ecologic balance between numbers of fishing units and available exploitative space. Third, in some cases, it is perceived to have an adverse effect upon trap catches and to violate the extra measure of protection to which trapmen feel they are entitled.

The second specific innovative threat, and one which has just begun to be felt, is concerned with the increasing numbers of government sponsored, intermediate range, longliners. As mentioned in Chapter II, the heavy investment needed -- even with large government subsidies -- to build and equip a longliner forces the operator to adopt strategies of mobility because local stocks in most areas of Newfoundland will not sustain the high level of production required to keep operations on a paying basis. Thus the roving activities of the new longliners have taken them into areas long regarded as theirs by small boat, inshore fishermen. The result has been a series of bitter confrontations between local fishermen and longliner operators.

'They cleaned out their own stocks and now they're going to try to do the same with what we have.'

(Dean nd:10)

As previously mentioned, the conventional strategy of balancing the number of fishing units with the available space by restricting access to prime fishing areas to certain types of technologies has also served to control exploitation by units from outside the community by forcing them to compete with local fishermen on their own (the local fishermen's) terms. But these measures lose their effectiveness in dealing with new technologies when local fishermen also adopt the new technologies and subsequently become dependent upon them before enough community concern is aroused to merit action. Too often, then, when the need for corrective measures is recognized it is too late to circulate a petition to, e.g. ban cod nets from local grounds without causing extreme hardship for those who depend upon them locally. The problem then becomes one of quantity and not quality, for substantial numbers of Fermeuse fishermen depend upon cod nets and/or trawl for a large portion of their income. Unfortunately, these are also the two methods of extraction used by southern shore longliners, but in much larger quantities. Where the average small boat fisherman uses between fifteen and twenty nets, the longliner not uncommonly employs 150.

This state of affairs has been exacerbated greatly by the earlier mentioned phenomenon of space shrinkage in that local trawl fishermen who are finding their traditional haunts increasingly marginal are pushing into handlining areas. The community of local fishermen then is faced with a "damned if you do, damned if you don't" situation. If trawl fishermen press for legislation to open up areas now held by handlining interests or if handlining interests fail to move to ban cod nets they invite the intrusion of longliners. Conversely, if cod nets and trawl are entirely banned from

community fishing grounds, they (the local fishermen) place the remaining productive grounds beyond the reach of many of their own technologies.

One obvious solution for the trawl fishermen at least would be to take up handlining but this is a step that few, if any, are willing to take in view of the fact that it is becoming increasingly marginal in terms of fish production.[9] Since the magnitude of the problem seems only now to be dawning on southern shore fishermen it is difficult to predict precisely what defensive maneuvers will eventually be adopted in dealing with the situation.

For the present, however, the strategy used in the Renews Rock area appears to be one of banning the offending technologies from large expanses of ground while simultaneously tacitly permitting extensive, though not flagrant, "rule bending." Such a strategy meshes nicely with fisheries department policies of non-involvement in local space management problems unless specifically requested by local fishermen. The trawlman or the cod netter then is allowed to fish in certain portions of the handline sanctuary so long as he keeps his distance and does not interfere with handlining activities. The trawlman or cod netter, on the other hand, knows that if he becomes too aggressive and crowds the handliner he is likely to be reported to the fishery officer and forced out of the area entirely. Since no longliners attempted to fish in or near handlining areas in 1972, it is difficult to ascertain whether any rule-bending would

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[9] This is undoubtedly part of the reason why Fermeuse trawlmen were able to gain concessions from handlining interests in 1961 in the form of reducing the size of the handline sanctuary. Strictly speaking, there are now only perhaps three or four full-time fishing units which depend exclusively upon handlining in the Fermeuse fall fishery.

have been permitted. Judging by the mood of local fishermen, I tend to doubt that longliners would have been granted such liberties.

## SUMMARY

The Newfoundland Fishery Regulations are different from most bodies of law pertaining to the regulation of a fishery because in the main they were not enacted with a view toward husbanding the resource, i.e. conservation. Rather, they are a political response on the part of government officials to the ecologic and social needs of the various inshore fishing communities to which they apply. As we have seen, "husbanding" has taken the form of attempts to manipulate and control spatial access to fishing areas (Andersen and Stiles 1972). Such manipulation amounts to allocating points of access to the resource primarily with regard to extractive method. To this end the local communities have sought governmental assistance and involvement in their respective space management problems to the point of codifying both inter and intra community fishing boundaries into formal law.

Ecologically such boundaries have functioned to protect the various techno-political factions from one another by reserving certain fishing areas for the exclusive use of a prescribed technology. This division of exploitative opportunities is an implied recognition of several closely related factors. First, fish populations are not randomly distributed over a community's fishing grounds. The distribution of fish stocks is largely a function of bottom topography and in the study area exploitable space is in short supply.

Second, because exploitable space is limited it must be carefully divided if the fishing community as a whole is to remain economically

viable.

Third, this division must be based in part on the relationship between the number of fishing units utilizing a given area and the exploitable space available. In areas where there are substantial numbers of fishermen and only limited amounts of space we find regulations which allocate the majority, if not all, of community fishing grounds to those extractive methods which permit the highest density of fishing unit participation. Space expansive technologies such as gill nets and trawl wherein two or three units could effectively control an area which might be exploited by twenty or thirty handline units are banned.

Fourth, and moreover, those technologies which require the least amount of space are also vulnerable to the more mobile and versatile space expansive technologies by virtue of the fact that the former can operate effectively only under a relatively narrow range of environmental conditions which are governed largely by water depth and bottom topography. As such the establishment of a handline sanctuary reflects, in addition to the maximum division of exploitable space, the extra measure of protection from competing technologies to which handline fishermen feel they are entitled. In extreme cases, such as the stationary trap, outright reservation of a specific location is provided for each unit participating in this part of the fishery. Because competition for trap berths on a daily basis is impossible the division of sites is accomplished on a yearly basis by means of a lottery.

Fifth, the division of exploitative space on the community level, with regard to extractive method, has provided local fishermen with protection from the modern, highly mobile and high yield technological complexes that are becoming increasingly prevalent on the Newfoundland

scene.

Moreover because the small boat, inshore fisherman lacks both mobility and the sophisticated electronic equipment to explore new fishing grounds he has been forced to become intimately acquainted with local fishing areas. His extremely precise knowledge of local fishing grounds and how to maximally exploit them is vital to his success as a fisherman. This knowledge, the result of generations of careful observation of environmental relationships and transmitted largely through the patriline, reflects the Fermeuse fisherman's intense commitment to a relatively narrow ecological niche.

We have seen that local fishermen have attempted to compensate for the productive deficiencies of community grounds by establishing symbiotic relationships of territorial sharing with other communities at varying points in the fishing cycle. Even so, the Fermeuse fisherman rarely strays more than ten miles from his home port.

The Newfoundland Fishery Regulations then emerge as a major force in protecting the inshore fisherman's ecologic adaptation by excluding the modern high yield operations and regulating competition between local fishing units. This permits the local fisherman to plan fishing strategies, make crew commitments and capital outlays for boat and gear and remain secure in the knowledge that he will have the opportunity to catch a share of the resource unmolested.

But as we have seen, privileged access to scarce exploitative space cannot be maintained without continuing use. A problem which is currently manifesting itself in this regard is with the substantial numbers of 'moonlighters' who are not heavily committed to the fishery but who have nevertheless emerged as a politically powerful group in shaping local policies

of space management. Such groups of fishermen are resented by full-time fishermen who regard moonlighters as having an unfair advantage by virtue of their other sources of income and, in some cases, because they have pressed for policies which have hindered the fishing operations of full-time fishermen.

But there are further implications of the Newfoundland Fishery Regulations. We have seen that they also function to manage social relationships within the fishing community as well as exploitative space. The impact of this aspect of the Fishery Regulations comes into perspective with the realization that the social relationships managed have been ecologically adaptive.

Fermeuse, like many other rural Newfoundland communities (Szwed 1966, Firestone 1967, Chiaramonte 1972, Faris 1972, etc.) is highly egalitarian in outward appearance. This "public face" is maintained by a conspicuous avoidance of overt conflict and reciprocal obligation networks. This egalitarian veneer permits ostensibly cordial or at least civil public relationships (regardless of personal feelings) which have been ecologically adaptive to a hazardous and demanding environmental setting which places a premium on mutual cooperation. If in fact all community members are pronounced equal and friends then one is free to turn to any or all in time of need. The universal friendship ethic then acts as something of an "insurance policy" against calamity.[10]

Moreover, patterns of egalitarian behavior are reinforced by an "image of limited good" (Foster 1967:300-323) in that access to resources

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[10] Fermeuse fishermen do not carry insurance policies on boat or gear and only a few residents have bothered to insure their homes.

are viewed as limited. Those who would seek to gain an exploitative advantage or who become overtly aggressive in executing competitive strategies are censured because their gains are regarded as being at the expense of the rest.

This egalitarian veneer exists, however, in a fishing universe where economic and social rewards (prestige) fall to the shrewdest competitor. Because of the non-random distribution of fish stocks, limited amount of exploitable space and differentials in technological extractive capacity fishing units are at once forced to compete with one another for a resource which belongs to the taker and to formulate competitive strategies which will minimize the danger of open conflict. The intense competition which takes place on the fishing grounds then is seen as a threat to community solidarity.

Sociologically, the Fishery Regulations emerge as a counter balance to this intense competition by hedging with rules those fishing situations (e.g. the allocation of trap berths) which are most likely to produce conflict. Such conflicts, which could easily degenerate into a highly personal encounter, would seriously endanger the social fabric of the community by creating significant barriers to social interaction and undermine the veneer of egalitarian neighborliness. The Fishery Regulations then reinforce community public values of egalitarian neighborliness by providing for an equitable division of exploitable space. In effect the establishment of a handline sanctuary in addition to ensuring the protection of that technology is a reflection of the publically pronounced view that everyone has a right to a share of the resource.

Moreover, because the Fishery Regulations are codified into federal law they represent a connection with authority which is both impersonal and

external to the local community. This latter point is crucial to an understanding of the social function of the Newfoundland Fishery Regulations because their connection with an external authority depersonalizes what would otherwise be highly emotional confrontations between individuals and/or techno-political factions. The individual or group which feels it has been wronged can in effect say, "The law in St. John's says, . . ." and thereby exonerate themselves from charges of 'causing trouble.'

Because the fishery officer is the local representative of that external and impersonal authority he is often resorted to as an enforcer of local regulations and as an impartial adjudicator in disputes. This assists in preserving the egalitarian veneer of universal friendship by saving the community from highly volatile confrontations involving two or more of its members. The community and even the disputants therein are permitted to publically ignore the fact that a dispute exists on the fishing grounds. Even in those situations where the fishery officer arranges a public meeting for the settlement of a dispute, grievances are invariably directed toward the fishery officer. The belligerents need never verbally address one another over the issue.

Recently, however, existing space management principles and the equality of exploitative opportunities which they imply have been challenged by government subsidized technological innovation. The synthetic gill net has proven to be the salvation of those operations which 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. Three or 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 Fishery Regulations wherein every fishing unit is to have an opportunity to catch a 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.

The problem has been further complicated by the appearance of the highly mobile, high yield longliner operations who use both gill nets and trawl. Local fishermen are then 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 local fishermen appear to be banning the offending technologies from large expanses of community fishing grounds while tacitly permitting extensive, though not flagrant, "rule bending" by local fishermen. It is difficult to say at this early date whether such practices will also be adopted by Fermeuse fishermen but if government-subsidized longliner "proliferation" continues such strategies would seem to be a distinct possibility.

The foregoing study has focused upon patterns of marine resource division/allocation and their concomitant ecologic and social implications for an inshore fishing community. I have attempted to write a thesis which addresses itself to some of the problems which confront fishermen as fish-

ermen. This emphasis is largely lacking in the existing, largely community studies of fishing peoples where, curiously, most anthropologists give only passing attention to the fishing situation. This omission is such that the question, is there anything unique about the fishing milieu, is as valid today as it was twenty-five years ago (cf. Hewes 1948:238-243). For example, the question of the applicability of models borrowed from agrarian settings and applied to a purely fishing context, as with my use of Mc C. Netting's (1972:132-144) theoretical framework in Chapter II, seem to underscore a problem which to my knowledge remains unformulated and unresolved.

Hopefully, this thesis will assist in some small way in creating an awareness of the wealth of untapped ethnographic data and unexplored problems which are to be found in the fishing situation.

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# APPENDIX A

## NEWFOUNDLAND FISHERIES REGULATIONS, PERTAINING TO THE DRAWING OF COD TRAP BERTHS, FOR THE YEAR 1929.

NEWFOUNDLAND FISHERIES REGULATIONS, PERTAINING TO THE DRAWING OF COD TRAP BERTHS, FOR THE YEAR 1929*

FERMEUSE

68A -- 1. The following Rules shall apply to the waters adjacent to the coast around Fermeuse, in the District of Ferryland.

2. The word "Minister" herein means the Minister of Marine and Fisheries.

3. All trap-berths within the hereinbefore described area shall be numbered and drawn for by lot at a Public Meeting to be held on a day to be fixed by the Minister in every year.

4. The said public meeting shall be called and presided over by an Official appointed for that purpose by the Minister, and the said Presiding Officer shall cause the meeting to select a committee of three trap-owners, who shall designate the trap-berths where the same shall not have been already designated herein and decide as to the eligibility of all parties claiming the right to draw for a trap berth.

5. The said Presiding Officer shall prepare a list of the parties selected as eligible to occupy a berth, and the berths shall be drawn for by lot under the supervision of the said Presiding Officer. No person shall be entitled to more than one berth until each person on the list shall have drawn one.

6. The principal berths in the aforementioned area shall be drawn for first. After the first drawing shall have taken place, parties who intend fishing more than one trap shall have their name placed on separate lists as many times as they have traps to fish. The number of the remaining trap-berths corresponding to the number of trap-owners on the remaining lists, shall then be selected by the committee and submitted to the Presiding Officer, and apportioned by drawing to the parties requiring them.

7. A License shall be given to each person drawing a berth,

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*These regulations though taken from the 1929 edition are the same as those formulated in 1919. There have been some minor modifications in wording and procedure over the years but the basic format today remains unchanged. Note the commanding and paternal role played by the "Minister" in the above regulations.

referring to such berth by location and number, and such license shall be issued by the Minister, and shall entitle the person named therein to the numbered berth during the fishing season, for which it is given. It shall not be transferable, but may be exchanged for another license by permission of the Minister.

8. All nets and gear of every description, including cod-traps set previous to the 7th day of June, shall be moved from the undermentioned trap-berths on or before the 7th day of June in every year, and shall not be reset before the 15th day of June in any year.

9. Any person obtaining a trap-berth under these Regulations and failing to set his trap therein before the first day of July, unless prevented by causes over which he has no control, such as ice, shall forfeit his right to the said trap-berth, which may then be obtained by any other party in accordance with existing Fishery Regulations.

10. The following berths shall be known as the principal Fermeuse berths, and drawn for by numbers hereinafter specified, and shall be held under the conditions herein set forth:

1. Clear's Cove Rocks
2. Harriett's Rocks
3. Big Holes
4. Sleeper's Point
5. The Keyes
6. Fannie's Cove Meadow
7. Bear Cove
8. Sunken Rocks
9. 200 Fathoms N. W. of Sunken Rocks
10. Bull's Head Cove
11. Bald Head Cove
12. Black Rock.

11. All trap-berths shall be buoyed, and the buoying of same approved of by the committee appointed.

12. All existing Regulations inconsistent herewith are thereby repealed to the extent of such inconsistency.

13. Suitable places for trap-berths not located, buoyed, marked, numbered and drawn for by number, may be occupied by any person under and subject to existing Regulations.

(Rules and Regulations Respecting the Fisheries of Newfoundland -- 1929)

# APPENDIX B

## FERMEUSE COD TRAP BERTH CHARACTERISTICS

## FERMEUSE COD TRAP BERTH CHARACTERISTICS

Clear's Cove Rocks -- This berth, until the demise of the large 'bank fish' in the late 1950's, was perhaps the most famous on the southern shore. I note that even fishermen from distant villages have heard of this berth and the astronomical catches it used to produce. It was commonly known locally as the 'cheque on the bank' because the trap skipper who drew it was assured of a big season even if no one else caught any fish.

Because of the huge catches regularly afforded, this location was, not unexpectedly, the source of many disputes, and numerous attempts (some of which were very successful) to manipulate the lottery rules are extant in the oral tradition. Because the trap leader is set from a small outcropping of rocks several hundred yards from the shore it tends to produce much larger fish. This appears to be a common phenomenon of the 'outside' berths. The significant disadvantage of such locations, however, is that they are much more exposed to heavy seas, and since Clear's Cove Rocks is characterized by a 'hard' coral bottom, gear damage is a recurrent problem. This situation is exacerbated considerably for this and the other two outside berths by the fact that the bulk of the catch is obtained after the first week of August, when late summer storms become increasingly frequent. No large seasons have been produced at this site since about 1960. This berth, along with the other two Fermeuse 'outside' berths, has been the scene of recent confrontations between trap fishermen and cod netters because of their proximity to productive cod netting grounds.

Harriet's Rock -- This is an excellent 'inside' berth which is located about 300 fathoms to the south and west of Clear's Cove Rocks. Like most locations where the trap leader runs in adjacent to the shore, the fish tend to be small but are taken in large quantities. The bulk of the catch is taken from late June through early August. The unit which drew this berth was second high for the 1972 trap season.

Swimming Pool -- An 'inside' berth which normally yields 'fair' catches, although returns in 1972 here were poor. It has a 'hard' bottom, and gear damage here was quite extensive in 1972. This location would probably not be used at all were it not for the shortage of good trap berths in Fermeuse. It is classified as a second draw berth and is normally used by units who have more than one trap to set. Perhaps another variable besides bottom conditions that might be mentioned here with regard to the criterion which differentiates a number one draw ('prime') berth, from those placed in the second draw, is the consistency of the location, i.e. has production over the years been reliable or is it subject to fluctuation? Most second draw trap berths are not consistent from one year to the next.

Big Holes -- This site is located on the southern side of Fermeuse

Harbor just inside of the entrance. Because of its location sheltered from sea and tide the unit drawing this berth is often able to haul its trap in stormy weather when other units cannot go near their trap. Bottom conditions are regarded as excellent, and gear damage, save for that caused by whales, is rare. Production here in 1972 was steady, but no large catches were recorded. This berth usually produces the smallest fish of any in Fermeuse. It is classified as a first draw berth.

Black Rock -- Adjudged by local fishermen as being a reasonably good berth with regards to fish production, it nevertheless has an impossibly 'hard' bottom. It is often included as a second draw berth as an "empty name," but it has not been used for many years because of the extensive and absolutely unavoidable gear damage. It is an 'inside' berth.

The Keys -- This is another second draw location which lies about 200 fathoms south and west of Black Rock. Production here is generally regarded as ranging from 'fair' to 'good,' although returns in 1972 were poor. The bottom is regarded as 'hard,' but not impossibly so. Gear damage from trap mooring anchors dragging in heavy seas is quite frequent here.

Fanny's Cove -- This location has been the number one berth in Fermeuse for the past ten years. Catches here during the summer of 1972 ranged from moderate to very heavy, e.g. 14,000 lbs. in one haul. Bottom characteristics are very good, and gear damage here is minimal, although one must beware of a sunken wreck just south of the trap. Since it is sheltered somewhat by Bear Cove Point, it escapes much of the violence of summer southeasterly gales.

Bear Cove -- This is an 'outside' berth, the leader being set from Bear Cove Point in a northeasterly direction. It has an excellent bottom of fine sand, about the consistency of sugar, which is just large enough to accommodate the bottom of a trap. Because of its exposed position it is subject to very strong tidal currents which not uncommonly preclude hauling the trap. Catches are generally somewhat earlier than the other two 'outside' berths, so that, with regard to the inside-outside dichotomy, it occupies something of a middling position. It is currently regarded as the best of the three outside berths. Catches here in 1972 were 'good' on the whole, but tended to be sporadic throughout the season.

Sinking Rocks -- This is also an 'outside' berth which once produced heavy catches until about twelve years ago. Fish caught here, like those from Clear's Cove Rocks, tend to be very large, and the bulk of the catch is usually late. The berth has an excellent bottom of soft sand which would be easy on a trap were it not difficult to make anchors hold. As a result, the trap often drifts in heavy seas onto a nearby reef, 'which will tear the arse right out of her, sure!' Because it produced heavily at one time, fishermen are reluctant not to set gear there. It is generally regarded as the poorest of the 'prime' berths. Catches here in 1972 were negligible.

One Stone -- This berth was discovered four years ago by a local trap crew who were looking for a good inside berth to replace another

inside berth (Inside Sinking Rocks) which had a very difficult bottom. The entire offshore area in the vicinity is excellent for a trap, but the jagged rocks between the trap and the shore make it very difficult to set a trap there without severely tearing the leader. This crew succeeded in locating a sand-filled trench about twenty feet wide and running directly into the shore, wherein the leader could be placed. The discovering crew succeeded in using the new berth for two consecutive seasons with excellent results, whereupon they were forced to place it in the community lottery. Gear damage here is minimal except for that caused by whales. It is a second draw berth, although there has been some pressure to include it into the first draw in the place of the Sinking Rocks. Catches here in 1972 were good, though not outstanding.

Sweet River -- This is the southerly-most trap berth in Fermeuse territory. It yields excellent catches, but jagged rocks between the trap and the shore cause the leader to be torn every time the trap is hauled. It is on the second draw list, but is only occasionally used.

# APPENDIX C

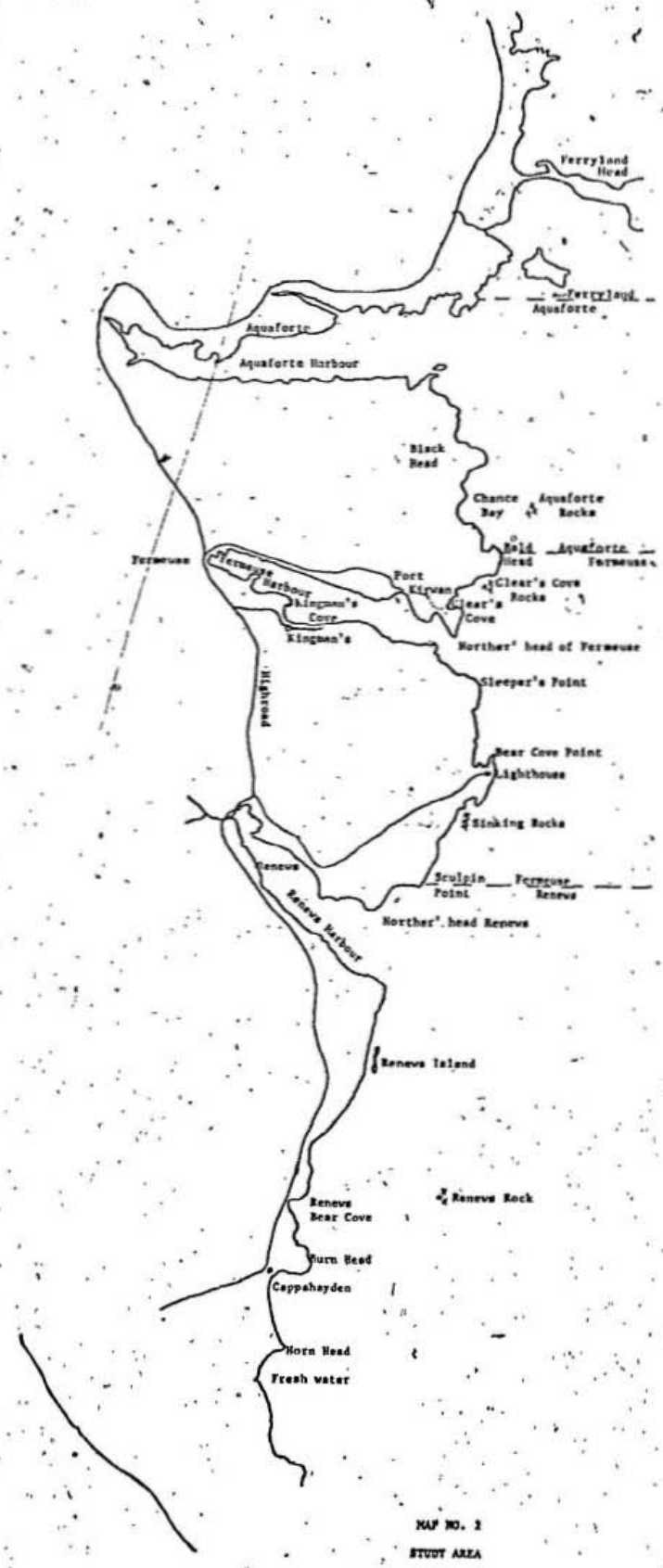
## MAPS


MAP NO. 1

ISLE OF NEWFOUNDLAND

Detail: Eastern Canada
National Geographic Atlas of the World
Revised Third Edition, p. 59

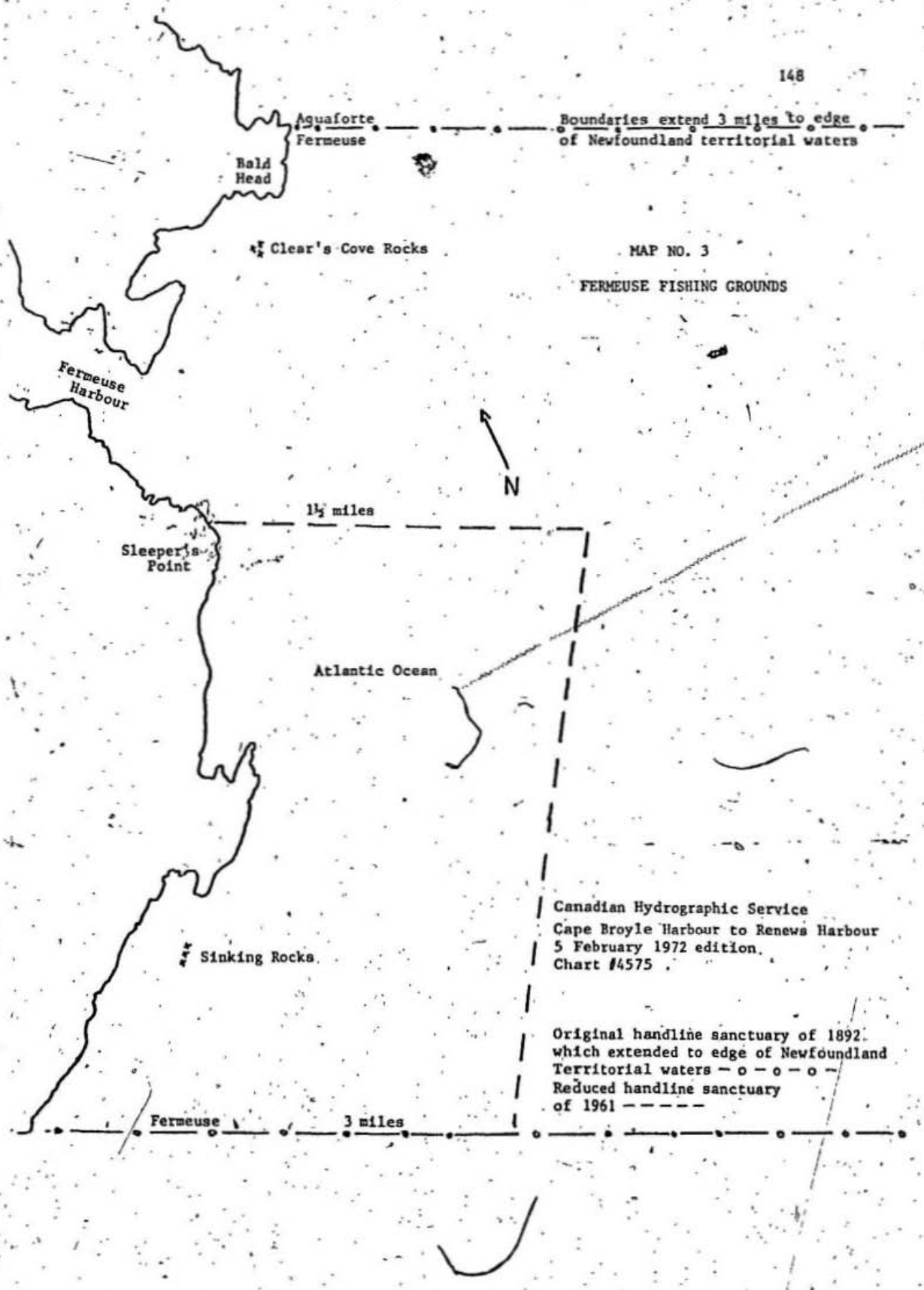
1. St. John's
2. Avalon Peninsula
3. Study Area

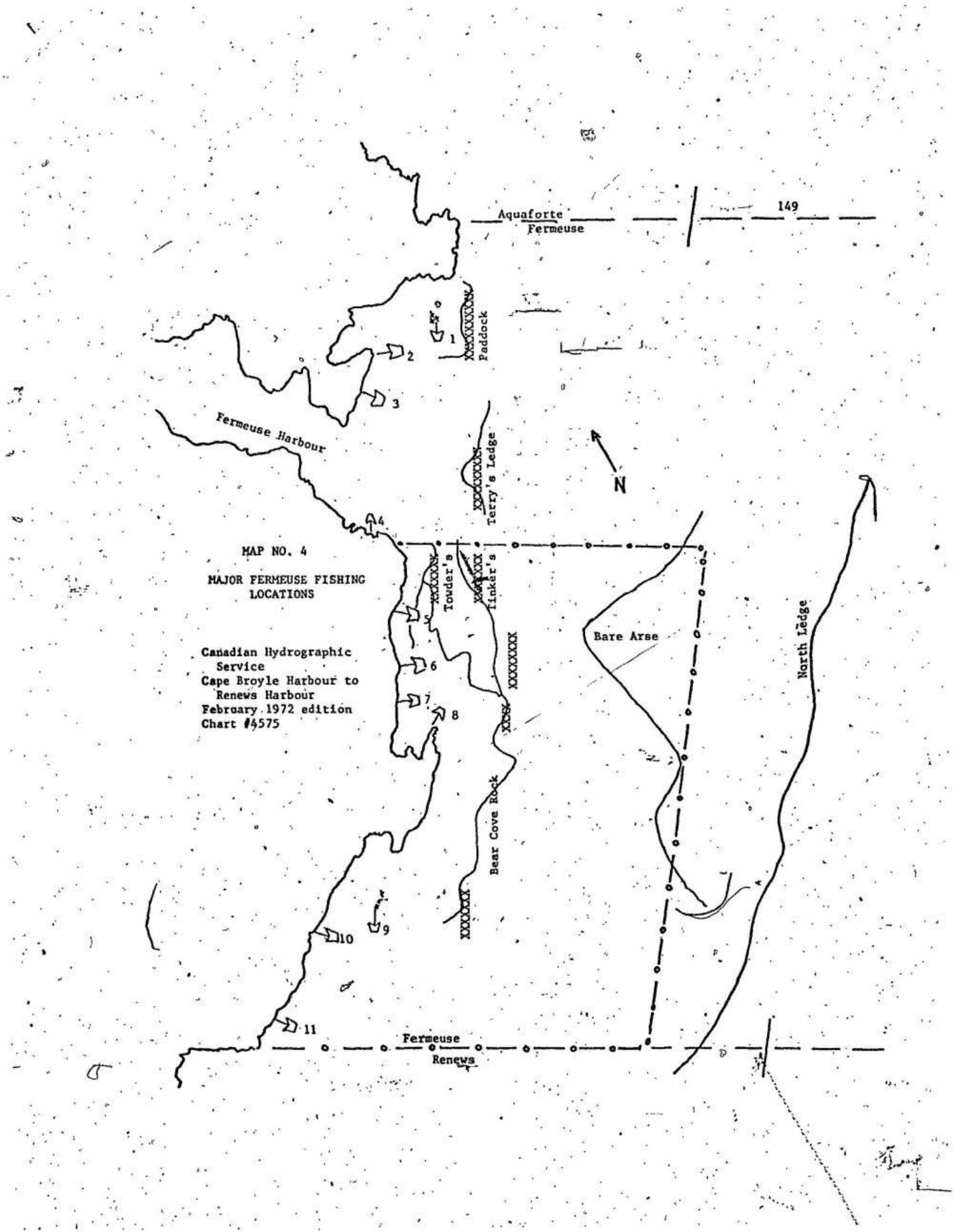



MAP NO. 2

STUDY AREA

Avalon Peninsula, Newfoundland.
Canada, Mines & Technical Surveys
National Topographic Series


Aquaforte
Fermeuse
Boundaries extend 3 miles to edge of Newfoundland territorial waters
Bald Head
Clear's Cove Rocks
MAP NO. 3
FERMEUSE FISHING GROUNDS
Fermeuse Harbour
N
1½ miles
Sleepers Point
Atlantic Ocean
Canadian Hydrographic Service
Cape Broyle Harbour to Renews Harbour
5 February 1972 edition.
Chart #4575 .
Sinking Rocks
Original handline sanctuary of 1892 which extended to edge of Newfoundland Territorial waters — o — o — o —
Reduced handline sanctuary of 1961 — — — —
Fermeuse
3 miles


Aquaforte
Fermeuse
149
Paddock
Fermeuse Harbour
Terry's Ledge
N
MAP NO. 4
MAJOR FERMEUSE FISHING LOCATIONS
Canadian Hydrographic Service
Cape Broyle Harbour to Renews Harbour
February 1972 edition
Chart #4575
Towder's
Tinker's
Bare Arse
North Ledge
Bear Cove Rock
Fermeuse
Renews

KEY TO MAP NO. 4:

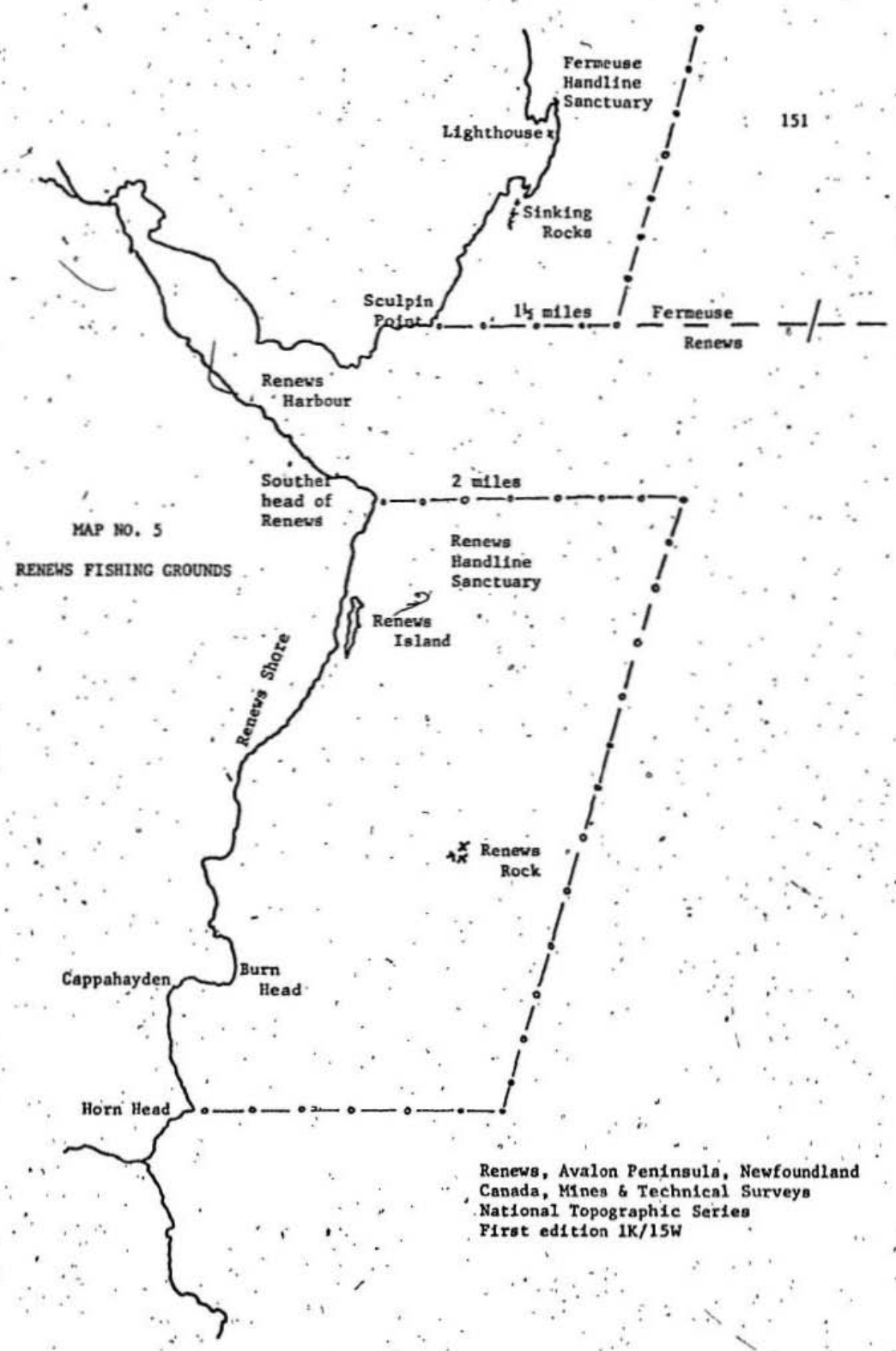
Trap berths are numbered and indicated thusly: 

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 indicates cod net berths

— o — o — o — indicates handline sanctuaries

Major submarine banks or ledges are drawn and named




MAP NO. 5

RENEWS FISHING GROUNDS

Renews, Avalon Peninsula, Newfoundland
Canada, Mines & Technical Surveys
National Topographic Series
First edition 1K/15W

## APPENDIX D

DIAGRAM OF NEWFOUNDLAND TYPE COD TRAP

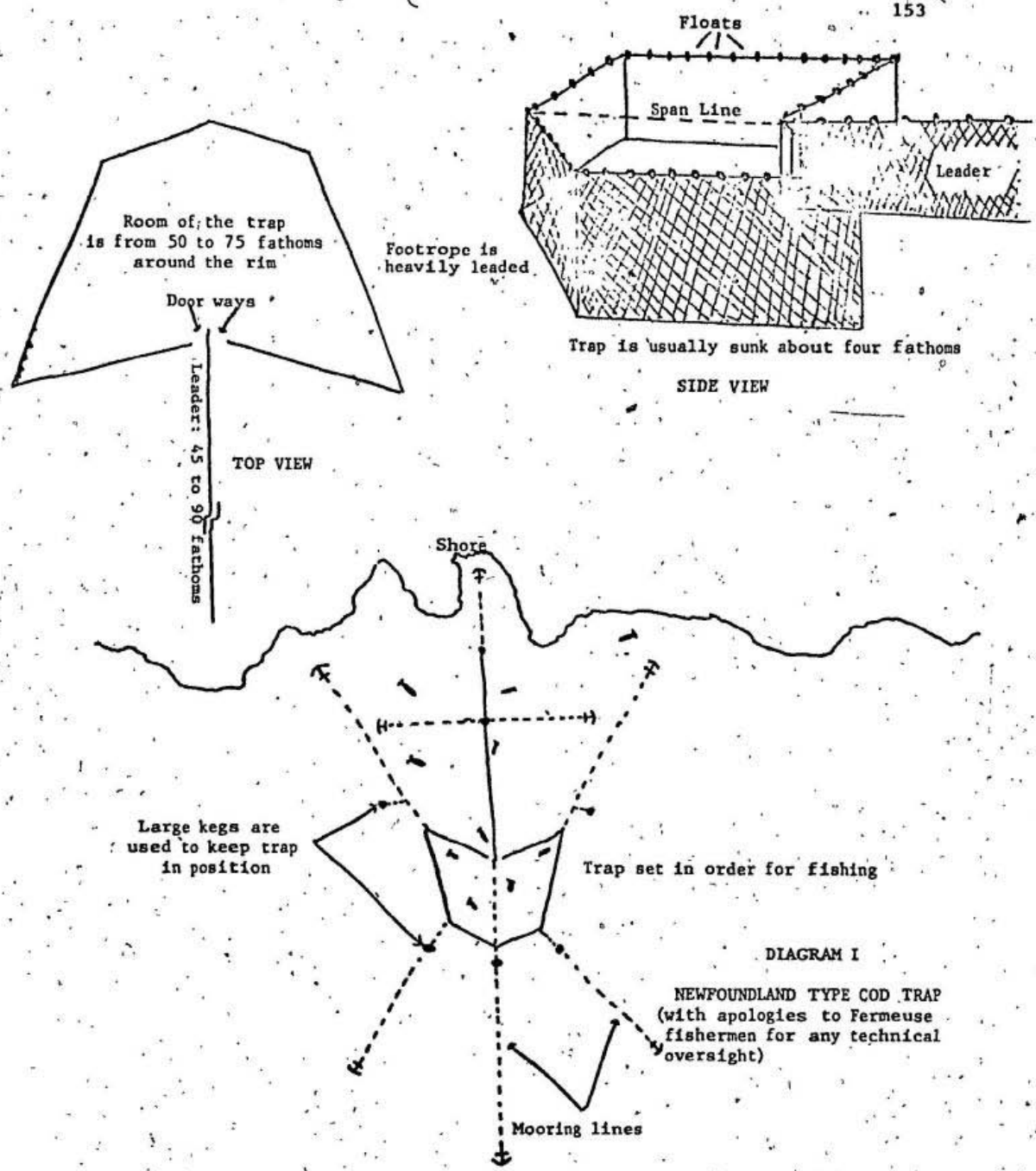



DIAGRAM I

NEWFOUNDLAND TYPE COD TRAP
(with apologies to Fermeuse fishermen for any technical oversight)