The Difference that Class Makes: Neoliberalization and Non-Capitalism in the Fishing Industry of New England*

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Introduction

The emerging global regime of fisheries science and management represents an ongoing and aggressive implementation of new technologies of resource governance aligned with neoliberal polices elsewhere (McCarthy and Prudham 2004). In recent years, across a variety of fisheries in several countries, a particular neoclassical understanding of fisheries has migrated from the backwater of fisheries bioeconomics textbooks to the offices of national and international resource managers. This narrow theorization of the destructive effects of fishermen's rational economic behavior in the absence of property rights formulated in the 1950's is finding new play within systems of fisheries science and management worldwide (Hannesson 2004).[1] Fisheries bioeconomics not only describes the essential cause of "overfishing," it now produces and guides the development of management schemes directly (St. Martin 2001; Mansfield 2004a). Similar to other neoliberal theorizations, bioeconomic models suggest solving the "problem of fishing" by privatizing access to resources, commodifying access rights, and institutionalizing markets for those rights (e.g. Iudicello et al. 1999). The institutionalization of these essentially neoliberal practices in fisheries management has been described by many as a creeping enclosure of the fisheries commons (Clay 1994; Apostle et al. 2002; St. Martin 2006; Mansfield 2004b).

Once the trope of enclosure is deployed, it is not then difficult to imagine fisheries as in the midst of a fundamental and sweeping economic and class transformation with a trajectory and inevitability paralleling that of capitalist development generally (St. Martin 2005b). In the case of fisheries, the establishment of property rights, read as enclosure, signals an irreversible transformation of the mode of production reminiscent of enclosures past, albeit delayed by the difficulties of inscribing and appropriating "ocean space" (cf. Mann Borgese 2000; Steinberg 2001). The nature of this economic transformation is from some "pre-capitalism" to capitalism or, in fisheries, from "livelihood harvesting" practices to a new regime of "accumulation harvesting" (Davis 1996).

While this movement suggests a vital point of resistance, the struggle against private property rights, it also makes difficult an imaginary of an alternative (i.e. non-capitalist) economy of fisheries that is not already archaic or, in the neoclassical story, deficient. Indeed, the non-capitalism from which capitalism emerges does not have to be specified. In this sense, even critiques of enclosure aid in the erasure of alternative economies by leaving them undocumented and devoid of possibility. The details of the economic present – how surplus is produced, appropriated, and distributed amongst fishermen and within fishing communities – remain unexplored. It would seem that the processes we associate with neoliberalism, including enclosure, garner their power and popularity via the elimination of any alternative.

The goal of this paper, via the class analysis presented below, is to recast the economy of fishing as a unique non-capitalist formation *within* an economy conceptualized as diverse (cf. Gibson-Graham et al. 2000, 2001). Rather than relegate economic difference to a fading past or distant location (St. Martin 2005a), a present and proximate fishing economy is here valorized and produced as a site of non-capitalist potential rather than always a capitalist becoming. The

[1] The term "fisherman" will be used throughout to refer to persons directly involved in fish harvesting. While not gender neutral, it is the preferred term by both men and women who work as harvesters of fish.

analysis also serves as a means by which to better understand the effectivity of neoliberal policy implementations, specifically the institutionalization of property rights in fisheries, in terms of its ability (and inability) to transform class processes.

This paper proceeds by pointing to the persistence of non-capitalism in the fisheries of New England despite decades of economic theorization that insist upon recreating capitalist relations of production, particularly property relations, in fisheries. It looks briefly at the origins of that theorization to document just how fisheries economists saw the economy of fishing as containing a number of barriers to capitalism. Using evidence from interviews,[2] the barriers are then recast as the foundations of an alternative economy. The paper specifies the nature of that alternative form of economy and subsequently re-reads the economic dynamic in fishing, fishermen's subjectivity, and the possibilities for the economic future of fishing.

The Persistence of Non-Capitalism

With the passage of the Magnuson Act in 1976, the United States set up a system of fisheries management whereby regional councils would produce regulations to govern the fishing industry. The establishment of the council system coincided with the U.S. enlargement of its "exclusive economic zone" (EEZ) out to 200 miles from the coast, an unprecedented but inevitable nationalization of what had been international waters (Eckert 1979; Hanna et al. 2000; Steinberg 2001; Watt 1979). The institutionalization of the EEZ was closely aligned with the central tenets of a fisheries bioeconomics that emerged first with the publication of Gordon's (1954) article that suggested the essential problem in fishing was rent dissipation due to an absence of property rights.[3] The first move toward the repair of the fishing economy would be a territorialization of previously international waters.

> A great extension of territorial waters recognized in international law would convert international fisheries into national ones and to that extent it would ease some of the practical problems of fisheries management… (Gordon 1957, p. 72).

The goal of the councils, each responsible for discrete management zones, was to manage the massive fisheries resources that were newly claimed by the United States federal government. With the imposition of the EEZ, the "open access" fisheries commons of the continental shelf became a common pool resource or, in fisheries economics terms, "sole owned" (Scott 1955). To take advantage of this resource and to build a domestic fishing fleet where foreign factory trawlers once dominated (NOAA), the federal government supplied development and capital improvement loans to the commercial fishing industry of the Northeast. Despite the call to limit access such that rents could be realized rather than dispersed, what transpired was an

[2] This article relies primarily upon interview and participant observation data gathered over several years within the fishing communities of New England. Specific research projects where fishermen, fisheries scientists, and fisheries managers were interviewed indepth include "Oral History Project to Collect Traditional Ecological Knowledge and Develop an Historical Record of Fishermen/Scientist Interactions" (S-K Grant 96-NER-166, 1997-1998); "An Atlas-based Audit of Fishing Territories, Local Knowledge, and the Potential for Community Participation in Fisheries Science and Management" (NOAA/Northeast Consortium #06-028, 2002-2006) and "Examining the Fate of Experience Based Knowledge in a Science Policy Process" (NSF #0322570 and NSF #0349907, 2004-2007).

[3] Rent dissipation refers to the tendency, in an open access resource harvesting regime, for costs to equal revenues. In the case where there are profits but no limitations on access, new entrants will increase until costs again equal revenues (Rees 1985).

enlargement of access for domestic fishermen, a modernization, Americanization, and expansion of fishing fleets, fishermen, and fishing capacity (Dewar 1983; Hanna et al. 2000).

The new regime had the curious effect of expanding precisely the economy of fisheries that enclosure was to transform. In New England, the management regime that emerged in the 1970s and 1980s, which was explicitly designed to restrict foreign exploitation of fisheries resources within the EEZ, produced the conditions of existence for an expansion of local, family-owned, and community-based fishing enterprises (Doeringer et al. 1986a, 1986b; Terkla et al. 1988). The establishment of the EEZ was seen by the authorities as a way to bolster the domestic industry and to secure the borders of the U.S. during the cold war; it was seen by economic theorists as the first move toward privatization; and it was seen by fisheries scientists as the first step toward controlling harvesting pressure on the resource. It was, however, seen by many fishermen as a means by which fisheries resources could be reallocated from corporate factory trawlers to family-owned and community-based enterprises.[4]

While the domestic and small-scale businesses that emerged in the late 1970s and 1980s clearly made money for boat owners and were, in this respect, similar to other small businesses where fixed capital presumes a right to surplus, they were distinct insofar as the right to surplus was (culturally and legally) shared by crewmembers and, indeed, surplus was distributed to crewmembers and, by extension, fishing communities via a share rather than a wage system of compensation. In addition to this unique class process of surplus production, appropriation, and distribution, a variety of cultural understandings and social practices served to differentiate fishing from standard models of capitalist enterprise (cf. Kayatekin 1997, 2001). While fisheries did continue to expand, modernize, and increase capacity tremendously (which would eventually create new problems for the alternative economy), there remained, a common property system where labor was compensated via shares rather than wages and capital was locally embedded within fishing communities.

The expansion of domestic fishing effort contributed to the overexploitation of fish stock and the degradation of fisheries habitat in New England. The overexploitation of fisheries, despite being produced by a range of processes, not the least of which was the encouragement of the federal government (cf. Mansfield 2006), is read by many as a confirmation of the "tragedy of the commons" thesis (Hardin 1968) and its attendant assumptions of individualist behavior (e.g. Hannesson 2004; Iudicello et al. 1999). To address the crisis in fishing, the New England council has focused primarily upon effort controls such as moratoria on licenses, limitations of the allowable days at sea (DAS), area closures, and minimum net mesh size. To fisheries bioeconomists such measures are necessarily flawed since fishermen will eventually find other ways to increase their catch efforts (Dupont 1991). As a result, bioeconomics and, increasingly, a host of institutions informed by bioeconomics call for "output controls" that would limit harvesting directly though the imposition of fishing quotas. Such quotas represent the formation of property rights in fishing and are, in a sense, the logical outcome of the enactment of bioeconomic theories in fisheries management (St. Martin 2001; Mansfield 2004b). While quota management can take many forms, it is generally assumed to be some variation of individual fisheries quotas (IFQs) that give to boat owners the right to harvest a particular quantity of fish on an annual basis.

[4] This statement represents the sentiments of fishermen interviewed in the late 1990s, most of whom had been in the industry since the 1970s.

The push and consistent story of fisheries bioeconomics that insists upon the establishment of property rights in fisheries has been in effect since its formulation 1950s, has contributed to the legitimation of the federal government's "enclosure" of once open access fisheries in the 1970s, and has, more recently, found expression in the establishment of IFQ systems of management in Iceland (Palsson and Helgason 1994), New Zealand, and select fisheries of the U.S. (McCay and Brant 2001; see also Bernal et al. 1999; Garcia et al. 1999; Symes and Crean 1995). Despite this history and hegemony of fisheries bioeconomics and its call for property rights in fisheries, the fishing communities of New England continue to resist the neoliberalization of their economy; decades of the "development" of domestic fisheries has failed to produce capitalism.

Economic Barriers or Economic Foundations?

Both the processes of enclosure and, more broadly, neoliberalization rely upon an erasure of economic difference and/or the negation of the viability of any alternative economy; in so doing they remove existing barriers to and produce the conditions of existence for capitalism. Within the discourse of fisheries science and management, this process is made clear by the constant reference to existing fishing economies as problematic, deficient, and invariably tending toward a chronic "overfishing" as well as a host of attendant environmental problems (e.g. habitat loss, bycatch of charismatic marine fauna, fishing down the food chain, etc.).

Yet, the fisheries economics that emerged in the 1950s saw the problem of fishing as distinctly one of rent dissipation rather than a problem of environmental degradation per se (e.g. Gordon 1954; Scott 1955). In addition, the problematic of lost rent was compounded by, in particular, the existence of the share system of compensation in fisheries and an inherent immobility of capital.

> Hence we see that the allocation of resources to the fishery may be too generous for three reasons: the share system, low mobility, and common-property. If the economy is to put the fisherman and the farmer on the same bases, methods must be found for adjusting all three of these matters. Common-property is certainly not a good thing, but neither is it the only factor making for poverty (Scott 1957, p. 44).

This characterization of the economic problematic of fisheries suggests that there existed in fisheries not just the absence of property rights, but a variety of processes that constituted an economy unlike that of capitalism and whose properties were a barrier to capital accumulation: fisheries was an economy where compensation was through shares rather than wages, where capital was not mobile but tied to places, and where resources were common rather than privately owned.

When the variety of barriers that impede capital accumulation in fisheries are considered, in particular the alternative system of compensation/distribution, the class nature of the reforms called for by fisheries economists are laid bare. For example, when Scott calls for the institutionalization of "sole ownership" in fisheries (see also Scott 1955) to capture lost rent, he muses on how such rent might be redistributed.

> A large amount of the rent would be recaptured by the government, in bids for privileges: in perfect competition all the rent would be recaptured. It does not matter what is done with these funds. At the outset they might be used to resettle displaced and disappointed fishermen, or merely to compensate them, over a given period, for the loss of their traditional livelihood. In later years, and generations, the money could be redistributed among the privileged fishermen... Or, the state could keep the rent, as landlord. I know of no ethical reason why either of these courses should be preferred, but if it is desired to put fishermen as much as possible in the same position as farmers, the redistribution among the privileged few would be the preferred course. This method would keep the rent of fishing among fishermen, just as the rent of agricultural land is responsible for making many farmers wealthy" (Scott 1957, p. 54).

Unearthing the question of distribution suggests that what fisheries economists are calling for is a class transformation. Here, the movement from "livelihood" to "accumulation" harvesting (after Davis 1996) is also clearly a movement toward a new class division where "fishermen" become both the "privileged few," what Scott also refers to in the same article as "capitalist[s] in the usual sense," who will profit from the a new property regime and the "hired men" who will work for them.

> He [the capitalist] would presumably hire the boats on the fishery, rather than chartering them. Indeed, in the limiting case, he would own them and would hire the crews just as a farmer employs hired men. If he was a strong bargainer, the fishermen would, just as now, receive only their opportunity costs, and would not necessarily benefit from the change in arrangement (Scott 1957, p. 55).

This scenario, which lies at the core of fisheries bioeconomics and is repeated and elaborated throughout its history, points to new economic actors that will emerge along with the institutionalization of property rights and, importantly, the removal of other barriers to capital accumulation such as the share system of compensation and capital immobility. The institution of private property rights is, here, clearly a condition of existence of capitalism but it does not alone constitute capitalism as, perhaps, Scott recognized.

Like Scott, I too want to incorporate the question of compensation. I too want to suggest that what fisheries economics is working toward is not the institutionalization of property rights per se but a more fundamental economic transformation that involves not only the institutionalization of property rights but a new pattern of the distribution of surplus via wage relations and capital mobility. Unlike Scott, I am explicitly interested in producing an ethical consideration of how surplus might be both appropriated and distributed, and its embeddedness within communities maintained rather than displaced (Gibson-Graham 2003, 2005, 2006). Also, unlike Scott and, indeed, unlike a host of researchers looking exclusively at the "solution" of privatization, I am here interested to focus upon the *persistence* of the barriers to capital accumulation and to recast them as evidence of an alternative economy. The share system of compensation, the immobility of capital, and common property suggest the presence of an alternative "livelihood" economy where surpluses generated from common resources are "shared" amongst fishermen within specific places.

To re-imagine the barriers to capitalism in fisheries as the building blocks of an alternative economy requires an understanding of the economy as diverse rather than as

monolithic (cf. Emery and Pierce 2005; Leyshon et al. 2003; Oberhauser 2005; Pavlovskaya 2004; Smith and Stenning 2006) and non-capitalism as possible and proximate rather than historic or distant (Callari 2005; Gibson-Graham 1996; in fisheries, St. Martin 2005a, 2005b). It will also require a definition of capitalism as a particular class process of surplus production, appropriation, and distribution rather than an overarching system of economy corresponding to the presence of markets, competition, or private property (Amariglio and Ruccio 2001; Gibson-Graham et al. 2001; Resnick and Wolff 1987). From a diverse economies perspective that sees economic processes as other than relative to capitalism, we might re-conceptualize the barriers to capitalism found in fisheries as foundations of an alternative economy (cf. Gabriel 1990). Rather than vestiges to be swept away by enclosure and a capitalist becoming, the unique characteristics of fisheries economies, which are found throughout the world and represent the conditions under which millions of people labor, might become the conditions of existence of alternative economic futures.

The Alternative Economy

> "…the conditions of existence of non-capitalist societies, serve as the antithesis to the conditions of existence of capitalist society." (Gabriel 1990, p. 92).

The alternative economy in New England fishing is constituted by, amongst other things, those processes thought to be barriers to the formation of capitalism: the share system of compensation, the immobility of capital, and a common property resource. A close examination of these processes will expose the economic dynamic of the alternative economy in fisheries. The share system of compensation provides a useful entry point by which we can begin to specify that dynamic. An analysis of the class process points to the connections between these "barriers" and recasts them as the interwoven elements of an alternative economy, albeit one threatened by the pressures of neoliberalization and privatization.

Sharing Fish

The share system is best characterized by the rules that govern the distribution of fish catches amongst boats and crewmembers. The set of rules that specifies how shares of the total catch for a given fishing trip will be distributed are referred to as the "lay." Differences within the industry such as boat unionization, crew and owner ethnicity, boat size, gear type, and port of origin will determine the details of the lay. In general, when catches are large, boat owners and all crewmembers involved benefit according to an agreed upon set of proportions, and, when catches are small, all suffer the same relative loss.

The share system's existence in fishing is traditionally explained as an adaptation to the uncertainty and cyclic nature of fishing: fluctuations in fish stock necessitate a share system that will spread financial risk and responsibility as much as possible (Doeringer et al. 1986b). Other explanations include the problem of labor discipline given an (often) absentee boat owner (Matthiasson 1997; McConnell and Price 2006). There has, however, been very little research on the share system from fisheries economists (McConnell and Price 2006; for exceptions see Anderson 1982; Matthiasson 1996, 1997). The question of the distribution of costs and revenues, of capital and labor, has been largely ignored by a dominant economic discourse preoccupied with solving the problem of rent dissipation.

While the share system can take a variety of forms, there are two general types in New England: a "clear lay" and a "broken lay." Under a clear lay the total catch revenue is immediately divided into two parts, one for the boat and one for the crew. In the case of a broken lay, operating expenses are first deducted from the total revenue and then the remainder is divided amongst boat and crew. Table 1 is the trip settlement sheet for a fishing boat out of the port of New Bedford, MA that harvests scallops and uses a clear lay. Settlements are typically managed by settlement houses that act as a third party accounting service for individual boats (Kaplan 1999).[5] They receive the revenues from each trip and immediately distribute shares to the boat, captain, other crewmembers, and lumpers.[6] These distributions are clearly indicated on settlement sheets that are available to all parties.

In the example, the boat's share is 43% of the gross stock (total value of the catch) while the crew's share is 57%. The only shared expenses are the "pers," small bonuses typically given to mates or cooks, and docking fees. This boat pays a bonus to the captain equal to 10% of the boat's share as well as some contribution to the food. The crew's share is used to pay for such items as food, water, fuel, or ice – the operating expenses for a given trip. The remainder of the crew's share is divided amongst crewmembers using a share per person formula. In this example all crewmembers (including the captain) receive one full share (of the crew's net share) except for one individual who gets a three-quarters share probably because he or she is a novice. Significant differences in compensation can, however, occur due to variations in overall catch, the lay percentages for crew and boat, and the number of crew on a given trip. In general, operating with a clear lay will not stop the boat's net share from varying with catch but it will ensure that it does not vary to the same degree as the crew's net share.

Settlements such as the above do not depict all of the costs of fishing. There are, undoubtedly, many costs related to the boat that are covered by the boat's share but not itemized as part of the settlement. Nevertheless, the accounting that is obvious on trip settlement sheets make clearer some of the variety of economic positions occupied by "fishermen," and the importance of those positions relative to the distribution of revenues from each trip (c.f. Hopwood and Miller 1994; see also Davis and Jentoft 1989). Within the share system of accounting, "fishermen" may hold the position of boat owner as represented in settlement sheets by the boat itself. They may be in the position of captain, making the fisherman a crewmember and, often, a boat owner. Or, they may be in the position of a non-captain crewmember that may or may not also be an owner. In addition, within the category of crewmember there may be small differences in positions depending upon job specificity where extra pers are given to mates or cooks.

Sustaining Livelihoods

The share system works to distribute both the benefits and losses of fish harvesting between boat owners and crewmembers. In so doing, it greatly limits the mobility of capital and,

[5] In addition to fishermen, settlment house employees were interviewed. The latter contributed several "representative" settlement sheets (vessel names removed) for this research. Settlement houses emerged in New Bedford as a local and industry derived solutions to some of the problems of fisheries (Kaplan 1999). While they may be particular to New England, indeed New Bedford, the share system of compensation that settlement sheets document is widespread.

[6] Lumpers are dockside workers who unload fish for a small share of the revenues from the catch.

instead, facilitates forms of investment tied to communities and the common resource areas upon which they depend. The share system presents a deterrent to entry into the industry because any windfall profits accruing to capital during boom times are tempered by the sharing of all surplus with labor. In addition, any individual or corporation seeking sustained returns on investments must do so within the context of the possibility of (often dramatic) changes in fish availability. In the absence of a predictable resource and the inability to suppress "wages," mobile capital will invest in other industries; capital investment in fisheries is typically locally generated and locally embedded.

Similarly, exit from the industry during times of scarcity does not fit a model of capital mobility. When fish are scarce (for any of a variety of reasons) family owned boats will continue to operate beyond what is economically rational (Doeringer 1986a). Fishermen will cut back on crews, forego expensive insurance, and sacrifice their safety to pursue their "livelihoods."

> "We know for a fact that the government will never issue new licenses. We know in the future it's going to get worse because if a boat goes down [i.e. sinks], the guy isn't going to have the backing to go into it again… If he has insurance, God willing, he'll get out. If he doesn't have insurance, he'll loose everything… That's how I'm running right now, [with] no insurance. Me and my brother and my uncle, family, that's it. I've got an 86-foot boat. I've spent six months with just two guys – just me and my brother. A guy in the Coast Guard comes aboard, they look and say, "Where's everybody else?" "You're looking at them!" (Gloucester fisherman).

Such cost cutting measures are particularly possible when boats are run as family enterprises (Marks 2005). Fishermen who cannot insure crew members, guarantee their safety, or promise a minimum level of compensation can rely upon their extended families to sustain the boat and the business during bad times. Such conditions, however, presume a share system, usually in the form of a broken lay where trip expenses are shared by the boat and the crew.

> Interviewer: "You take your expenses off the top?"
>
> Fisherman: "Yeah, [we] take everything out and then divide… The other way [meaning a clear lay], they used to take out a few things. Maybe oil and that is it. Just oil and the rest would come out of the crew expenses… So it was a little hard. We couldn't do it. I had my uncle; I had my son; he had his brother; he had his cousins – it was a family boat. What are you gonna do? I'm gonna steal from my son, my uncle, my cousins?"(Gloucester fisherman).

In the case of fisheries, family run enterprises are typically embedded within fishing communities where networks of fishermen and the people who support them (e.g. a variety of service providers) are vital to the success of fishing (Hall-Arber et al. 2001; Jentoft 2000; Olson 2005). Indeed, fishermen running boats whose crews are not family or kinship based are, nevertheless, also highly dependent upon communities of fishermen whether they are place-based, ethnic, or "virtual." The immobility of capital suggests not so much a "barrier" to accumulation but the presence of a localized and community-based economy in fisheries where the exploitation of labor by boat owners, both of whom are always "fishermen," is difficult at best.

The "livelihood" or "community economy" (cf. Community Economies Collective 2001; Gibson-Graham 2006) of fisheries in New England is not only a product of the share system and capital immobility, but of the common property resource of fisheries themselves. Communities are linked directly to the common resources insofar as each crewmember's livelihood as well as that of the boat owner is a function of the health of the resource unmediated by a wage relation (see also St. Martin 2006). There is, in a sense, a direct flow of wealth from the resource to the community that is otherwise obfuscated by private ownership of resources and capitalist social relations. The "commons" presumes a location and resource that is shared by a community; indeed, the commons and the community (economy) are mutually constitutive (Gudeman and Rivera-Gutiérrez 2002).

Interviewed fishermen often link together their fears of privatization, typically in the form of IFQs, with the demise of community, local economies, and the transformation of fishing from small family-owned enterprises to large corporate enterprises.

> When it rebounds, these big companies are going to come in and go to that new system they're talking about [IFQs] and buy up all the licenses. It's going to be factory ships out there – that's what's going to happen. (Gloucester fisherman).

> That's what the other big scare is – what is the economic impact [of IFQs] going to do to these fishermen around here? A company can come in; they have the money (Gloucester fisherman).

This joining of concerns points to the fact that these processes are intimately connected and that a change in one can affect another. While fisheries economics dissects the alternative economy and represents it as a series of individual barriers to capital accumulation (cf. Mitchell 2005), fishermen consistently respond to neoliberal (particularly privatization) initiatives by referencing the entirety of what might be undermined: community, local economies, small-busnesses, and their "livelihoods." Within the confines of the dominant discourse, such rhetoric often has the effect of relegating the concerns of fishermen and fishing communities, as expressed, for example, in management council meetings and other public fora, to a romantic or archaic vision of fishing communities; it is only when we step outside that discourse that we can re-read the concerns of fishermen as expressions of fear relative to the demise of an alternative community economy and the potential for a class transformation.

Constituting Non-Capitalism

The share system divides the revenues generated from each trip between the crew and the boat and represents a potential division between non-owning crewmembers and boat owners. It is tempting to use this ownership division as the basis for an ontological separation of fishermen into two separate "classes" parallel to capitalists and proletariat (e.g. Fairly 1985). Here, however, the concept of class is understood not as a grouping of individuals but as the process of the production and appropriation of surplus (Resnick and Wolff 1987). The class analysis that follows is restricted, however, to processes associated with "the boat" as a site of production. My intention is not to essentialize this site of production (other sites such as households, churches, bars, and the radio are all important constituent elements of local fishing economies) but to use it as an entry point into the alternative nature of fishing communities.

The analysis re-reads the economy of fisheries as constituted by a unique non-capitalist class process defined by a crew or team production, appropriation, and distribution of surplus. The class process in fishing will be referred to as a *lay class process* after the name of the system of sharing revenues found in New England. This conceptualization is, in a sense, a proposition that builds upon the communal logic of the share system and the settlement house, and is intended to provide an alternative framework by which to understand what is at stake given the threat of privatization, how a transformation from the lay class process to a capitalist class process might occur, and what are the potentials of the existing community economy. Within the flow of surplus from fishing grounds to fishing communities there exist many possibilities for re-thinking the economy of fisheries outside of a "capitalocentric" frame (Gibson-Graham 1996). To understand just how the lay class process can be a distinctly non-capitalist (or non-feudal, or non-ancient) class process, we turn to an exploration of the variety of its determinants.

Identity, Hierarchy, and Class

Social and cultural practices of hierarchy have the potential to determine the class process. For example, Kayatekin (2004) notes that hierarchy and race constituted a feudal class process in sharecropping in the post-bellum southern U.S. In fishing there is a very high premium on the notion of fairness and independence. Indeed, independence is formalized by the federal government which defines fishermen as self-employed "co-venturers" in fishing (Matthaisson 1997). Strict hierarchies or an institutionalized separation between crewmembers or boat owners and crewmembers, which have occasionally existed in fishing (O'Leary 1996), do not currently characterize fishing in New England. Rather, both boat owners and crewmembers continue to identify as "fishermen" and all crewmembers are legally independent "co-venturers." In addition, boat owners are often crewmembers themselves or have worked as such at one time, and crewmembers typically aspire to and sometimes expect to be boat owners themselves.

Also in fishing, unlike feudal sharecropping, the production of surplus, its appropriation, and its distribution is not seasonal or annual but occurs on a trip-by-trip basis. The length of relationships between crewmembers and owners may be long but the mechanisms for the exchange of surplus are very short. Unlike feudal sharecroppers indebted to landowners, crewmembers do not enter into any long-term contracts and their terms of employment are more likely to have been negotiated by the captain rather than the boat owner. The long time period and contractual relationship between worker and owner required for the establishment and maintenance of feudal relationships does not typically exist in fishing.

The lay class process might also be usefully contrasted with capitalism or, more specifically, capitalist manufacturing where the exploitation of labor requires surveillance performed by a management hierarchy. No such mechanism is evident in fishing; captains (the only position analogous to a manager) are hired for their harvesting skill and not for their management skills. Indeed, the share system suggests that crewmembers will work together toward the common goal of harvesting and will discipline themselves (Matthaisson 1997; McConnell and Price 2006). Also, under a clear lay, crewmembers rather than boat owners directly pay for the services of the captain.

The ideals of independence and fairness important to fishermen are directly related to the lay class process in fishing insofar as they characterize it as outside of systems of hierarchy that might define it as either feudal or capitalist. The linking of "independence" and "fairness" to the

lay class process is also vital as these are precisely the attributes that have been assumed by neoliberal rhetoric and conflated with an individualist desire to maximize utility and thereby legitimate privatization and the move toward a capitalist economy.

Who Owns the Fish?

The "problem" of common property in fisheries is, clearly, the essential focus of fisheries bioeconomics and related neoliberal schemes designed to institute property rights where there were none previously. From a class perspective, however, the issue of property is closely associated with that of surplus appropriation and ownership not only of the means of production (the fish) but the product that is produced. Ownership of fish after capture is here examined as a constitute element of the lay class process; it is also relevant, as we shall see, to the imposition of property rights in fishing via Individual Fishing Quotas (IFQs).

When asked who owns the catch between the moments of capture and sale, interviewed fishermen and settlement house employees referred to the catch as belonging to "the boat." Neither, however, would agree that "the boat" was equivalent to the boat owner as the sole owner of the catch (see also St. Martin 2006). In practice, the catch is brought in by the captain and sometimes the mate, neither of which is necessarily the owner of the boat, who then negotiates the sale of the catch with buyers. Once a buyer is found and the catch purchased, a check is written to "the boat" and typically carried to the settlement house where bills are paid and shares distributed.

In common and statutory law, the catch, between the moments of capture and sale, belongs to the possessor of the catch who is, undoubtedly, "the boat." In this case, "the boat" can be seen to be the boat owner. In admiralty law, however, "seamen" working for a share of the catch are entitled to put a Maritime Lien on the boat if they do not receive their share. In addition, in the case where there are several stakeholders making claims (e.g. when a boat goes bankrupt with outstanding bills on the mortgage, repairs, and equipment) admiralty law establishes the seamen's claims as superior (per. comm. with Maritime lawyer).

In terms of class, the issue of first appropriation of surplus is closely linked to ownership of the product. Kayatekin (2001) has noted that it is exactly this issue that had to be legally settled in favor of landlords in the post-bellum U.S. South in order for sharecropping to continue in a feudal rather than ancient mode of production. An analysis of catch ownership in fishing reveals a complexity that hampers the reduction of ownership to the boat owner since both boat owners and crewmembers have legal claim to the catch and both receive distributions of the catch via the settlement house. The shared ownership by all participants points to an appropriation of surplus that is also shared.

Property, Subjectivity, and Class Transformation

As noted above, the bioeconomic/neoliberal movement toward property rights in fishing is primarily a move toward Individual Fishing Quotas (IFQs). IFQs do not, however, literally enclose the commons in a spatial sense, they do not constitute property rights in the resource itself (i.e. fish). Rather, IFQs privatize (and, in the case of Individual Transferable Quotas or ITQs, commodify) access to fisheries by giving to "individuals" a right to a portion of the fish that can be harvested in a given year from a management region. In this case, ownership of

resources as a condition of class process, as in feudalism or capitalism, must, in fisheries, be recast in terms of the ownership of a right to harvest. While IFQs do not confer property rights on fish before capture, the right to access is clearly a condition for an assumption of property rights *after* the moment of capture contrary to the discussion of ownership of catch above. Fish, in the sea, remain technically common but the institution of IFQs constitutes them as virtually private property, which is, of course, the very reason for IFQs.

This is reflected in the legislation establishing IFQs, the Magnuson Act of 1976 and its more recent amendments and renewals. In the Act, IFQs are defined such that the right to access a given portion of the TAC assumes "exclusive use" by the IFQ holder.

> The term "individual fishing quota" means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person (sec.3.defintions 16 U.S.C. 1802(21))

The quota holder is clearly assumed to be the "person" with exclusive rights to the catch, but the holder/owner does not necessarily reduce to the boat owner or even an individual.

> The term "person" means any individual…, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any… government or any entity of any such government (sec.3.definitions 16 U.S.C. 1802 (31)).

While federal law assumes the quota holder also has exclusive rights to the fish caught, the specification of who will receive quotas and who will not is left up to regional councils. At the council level, when IFQs are proposed/discussed, they are invariably assumed to be the eventual possession of "fishermen" who invariably reduce to boat owners.

IFQs are deeply resisted by many fishermen (see above) who perceive them as fundamentally transforming the fishing industry. In particular, they often claim that IFQs will lead to the demise of community, an ethic of "everyone out for themselves," or a "take over" by big business. Other regulatory forms that limit effort, while also disruptive to many fishing communities (Hall-Arber et al. 2001), are not so clearly associated with a class transformation. The fears of fishermen as well as the penchant of academics to refer to IFQs as "enclosure," point to an alteration in the conditions of production, appropriation, and distribution of surplus as a result of the formation of a legal right to catch a given quantity of fish.

Removing the Barriers to Capital Accumulation

While there is no necessity for IFQs to transform the class process in fishing, they do remove several "barriers" to capital accumulation and thereby open the door to capitalism itself (see above). IFQs are most clearly aimed at the "problem" of common property and work to create property rights to access that substitute, very effectively, for property rights in the resource itself. IFQs are, however, only possible within intensive systems of resource monitoring and management designed precisely to remove the variability and unpredictability of fish harvesting. They, therefore, represent a stabilization of fishing which makes harvesting attractive to new forms of capital that are neither necessarily local nor family-based; IFQs offer the possibility of "accumulation harvesting" and increase capital mobility.

IFQs also threaten to solve the problem of the share system by transforming it into a wage system of compensation. Once ownership of a known quantity of fish is established, the possibility of stabilizing and reducing labor costs emerges. Boat owners (as quota holders), under these conditions, adopt the economic position of utility maximizers competing with other boat owners (cf. Davis 1991; Davis and Jentoft, 1989) and thereby differentiate themselves from crewmembers such that a new class division is born. It may be that privatization (via IFQs) removes not one but three barriers to capital accumulation (i.e. the share system, the immobility of capital, and common property) and thereby undermines the lay class process in fisheries.

The above story links the formation of property rights (IFQs) with a potential for class transformation in fisheries. It does so by following a possible chain of events from the institutionalization of rights to access a portion of TAC, to the removal of the barriers to capital accumulation, to a shift in the appropriation and distribution of surplus. As was clear from the discussion of the lay class process earlier, class processes are, however, constituted by more than just the formation of property (or its absence) (Resnick and Wolff 1987). Other processes, in particular those of identity and subjectivity, also determine the nature of class and the potential for its transformation (Gibson-Graham 1996; Castree 1999).[7] While federal law makes possible the forging of neoliberal and ultimately capitalist subject positions within fisheries via the implementation of IFQs, there remains the question of the inhabitation of those subject positions by fishermen themselves.

Becoming Neoliberal Subjects

The dominant bioeconomic models deployed in fisheries science and management insist upon a particular subject and space that aligns with the ongoing neoliberalization of fisheries (St. Martin 2001). The assumed subject of fisheries (the utility maximizing competitive individual) and the space within which that subject operates (the open access commons) have the effect of erasing and/or displacing the cooperative and territorial practices of fishermen embedded within fishing communities. Previous empirical research in New England has focused on documenting how fishermen's behavior (social and spatial) and desires contradict those assumed by dominant models of fisheries (St. Martin 2001). This work suggests that there exist foundations for forms of fisheries management based on cooperation and community precisely where individual competition is thought to reign. Yet, fishermen also exhibit the behavior and desires of the bioeconomic/neoliberal subject even as they engage in processes of community and territory (St. Martin 2005b). For example, they insist upon a self-identity that includes notions of independence, fairness/equity, freedom/mobility, and a self-determination captured by their "way of life."

Fishermen, who can be read as either competitive or cooperative, as individuals or community members, are called by neoliberal discourse (and the logic of bioeconomics implemented as fisheries management) to become capitalist subjects (c.f. McCarthy 2006), indeed, to become "capitalists in the usual sense" (Scott 1957). Larner (2003) suggests that we not only document and describe the nature of the neoliberal subject but explain how that subject is actualized and adopted as a way to explain the "tenacity" of neoliberalization. In fisheries, we can explain the attraction of the neoliberal subject position to fishermen in two ways.

[7] See the special issue on "subjects of economy" in *Rethinking Marxism* 18(2) 2006.

First, neoliberal discourse monopolizes the attributes that fishermen ascribe to themselves (e.g. independence, mobility, fairness, etc.) as attributes of the neoliberal subject and, ultimately, the capitalist economy. Fishermen's notion of self, at times, corresponds with and even explains the "complex appeal of [neoliberal] concepts such as 'freedom,' 'empowerment,' and 'choice'" (Larner 2003, p. 511). As a result, other models of being a fisherman that might oppose the dominant model posit fishermen as cooperative community members, as "artisanal" and exhibiting a nature opposite that of the neoliberal subject (e.g. Bernal et al. 1999). Alternative models of subjectivity rarely accommodate or explain fishermen's desires for independence, mobility, fairness, etc.; these, it would seem, are conceded to neoliberal theorizations.

Second, neoliberalism negates any other alternative economy by depicting economic processes that deviate from capitalism as essential flaws, problems, or barriers. In fisheries, the open access commons, the share system of compensation, and capital immobility are not the elements of an alternative economy (with its own potentials and possibilities) so much as they are the barriers to an efficient and rational capitalist economy. In addition, the erasure of any alternative economy (existing or future) denies the possibility of any alternative economic subjectivity that might align with the self-image of fishermen or might differently negotiate the axes of cooperation/competition or individual/community. In the absence of any alternative, the (non-artisanal) fisherman has no option but to become the neoliberal subject trapped within a pre-modern/flawed economy, where, barring transformation to capitalism, their behavior will necessarily lead to the irrational use of resources and the undermining of the "fisherman" him/herself.[8]

Conclusion

> "... the existence of certain notions *of property or of self* may… constitute anti-conditions of existence of capitalist exploitation." (Gabriel 1990, p. 102 emphasis added).

The analysis above has focused on the question of property rights and economic subjectivity in fisheries as a way to explore the difference that class makes to our stories of neoliberalization. In the case of fisheries, it is clear that there is an ongoing neoliberalization that champions property rights, but discussions of that neoliberalization have focused primarily on how fisheries are becoming capitalist. For example, recent work has specified the imposition of a capitalist subjectivity and spatiality (e.g. St. Martin 2001, 2005a), has characterized the trajectory of fisheries management as enclosure (e.g. Apostle et al. 2002), and has documented emerging social relations amongst fishermen as aligned with neoliberalization (e.g. Mansfield 2004). While these are important and vital studies by which we can better understand the formation of capitalist futures in fisheries, they tell us little about the existing and persistent non-capitalist economy of fisheries and its potentials, nor do they tell us what, precisely, is lost with the transition to capitalism or how that transition happens in terms of class processes or economic subjectivities.

[8] Both are explicitly discussed in Hardin's "Tragedy of the Commons" (1968). There, the rational individual subject acting in his best interest in the absence of property rights inevitably produces an overexploitation of common property resources and risks schizophrenia (p. 1246; see also St. Martin 2005b).

Privatization of resources or, in the case of fisheries, access rights to harvest via IFQs does not alone constitute capitalism. The movement from non-capitalism to capitalism requires a displacement of the former not only in material practice but in discourse. Narratives of enclosure, whether originating from those advocating privatization or from those critiquing it, powerfully displace the presence of non-capitalist economies. In the case of fisheries, existing economic activities, to the degree they are examined, are invariably represented as pre-capitalist, deficient, problematic, or as a series of barriers to be removed rather than as an alternative economy with its own strengths and potentials. Privatization (and capitalism) appears logical and inevitable because "there is no alternative" economy either described or offered.

Class analysis exposes alternative economies and details their constitution (e.g. Pavlovskaya 2005) and/or becoming (e.g. Gibson-Graham 2005). The analysis above focused on the questions of property and subjectivity as constituent elements of the class process in fisheries. The lay class process was described as being the effect of both a tradition of common property in fisheries (coincident with a share system of compensation) and an image of "fishermen" as inherently independent and interested in fairness and equity. While the latter is typically associated with a neoliberal subject aligned with the capitalist economy, "fishermen" were here repositioned as community subjects aligned with a community economy.

The lay class process, while persistent, is threatened by an ongoing neoliberalization. A class analysis clearly points to the ways that the lay process might be undermined and transformed. In so doing, it reveals not only the constitute elements of class and the potential for transformation but the variety of sites where resistance to transformation is possible. One form of resistance is to identify and foster alternative economic understandings, practices, and possibilities. The case of fisheries is but one example of an existing alternative economy whose explication via a class analysis reminds us of the possibility and proximity of non-hierarchical forms of compensation, an ethic of sharing, a transparent distribution of surplus, and an economy centered upon a community well-being.

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Tables

Table 1 Example of a clear lay, scallop boat from New Bedford (anonymous examples provided by Edie & Marie Settlement House, New Bedford, MA).

Edie & Marie Boat Settlements					
Date: 08/04/97		Sail Date: 07/18/97		Settlement Date: 08/04/97	
Gross Pounds: 6,755		Gross Stock: $50,817.00		Trip Length: 17 days	
Shared Expenses		Crew Expenses		Boat Expenses	
Pers	$152.46	Food	$1,744.61	Captain	$2,165.68
		Fuel1	$8,250.00	Food	$425.00
		Fuel2	$344.31		
		Ice	$1,386.00		
		Water	$50.00		
		Bags	$114.00		
Fee	$150.00	Tel	$137.53		
Dock	$150.00	Gear	$105.00		
		GearKitty	$150.00		
		Unload	$200.00		
Total	$452.46	Total Crew Expenses	$12,481.45	Total	$2,590.68
		Crew Percent	57.00%	Boat Percent	43.00%
Gross Stock	$50,817.00	Gross Crew Share	$28,707.00	Gross Boat Share	$21,656.81
Shared Expenses	$452.46	Crew Expenses	$2,590.68	Boat Expenses	$2,590.68
Net Stock	$50,364.54	Net Crew Share	$16,226.28	Net Boat Share	$19,066.13
Crew Payroll Section					
Title	Share		Pers	Total	Net
Captain	$3,416.06		$2,165.68	$5,581.74	$5,581.74
Crew	$3,416.06			$3,416.06	$3,416.06
Mate	$3,416.06		$152.46	$3,568.52	$3,568.52
Crew	$3,416.06			$3,416.06	$3,416.06
Crew	$2,562.04			$2,562.04	$2,562.04
Crew Totals	$16,226.28		$2,318.14	$18,544.42	$18,544.42
Lumper Payroll Section					
Title	Share		Pers	Total	Net
Lumper	$0.00		$0.00	$0.00	$0.00
Final Totals	$16,226.28		$2,318.14	$18,544.42	$18,544.42