

CURBING THE DANGER IN THE BETWIXT AND BETWEEN

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The point of departure for McCay's article is an appropriate one for an anthropologist. There is an honorable tradition in our field focusing on the perceived dangers of that, which falls outside of specific boundaries. An example perhaps most familiar to non-anthropologists is the work of Mary Douglas. In her 1966 book *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, Douglas makes the point that kosher laws single out for taboo, foods that fall outside expected boundaries. As McCay notes, the coasts too fall 'in-between', situated as they are between the land and sea, they can be first one and then the other, depending on the tides, moon, and weather. This liminal state, then, as McCay suggests, can be problematic for the question of 'Who owns the Coast?' the topic of the 2007 'People and the Sea' conference. Not the least of the problems is that the danger inherent in the (liminal) littoral is literal as well as symbolic.

In many societies, the rules of property ownership (and often use) are associated with measurable, not to say immutable, boundaries. Thus the coast with its fluid boundaries does not conform to the usual requisites for ownership. McCay provides an excellent summary of the factors that complicate property rights associated with coasts. The (us) federal regulatory framework as well as the Public Trust Doctrine and the Takings Clause are noted as providing a basis for protecting the public's rights to access and use the coast, but the article emphasizes the complexity of governance of this commons and the weightier rights usually accorded landowners.

The rights of landowners in the United States, however, are sometimes countermanded by other moneyed interests. Specifically, as McCay describes, in some regions the literal danger inherent in using or inhabiting the coast is codified by business interests. Insurance companies are redefining their uninsurable 'coastal area', extending the definition from 1000 feet to one mile, presumably to decrease the risk of compensation for damage from hurricanes, tsunamis, northeasters or other punishing weather events. Their definition and resulting policies, however, have distributive effects that may disproportionately impact traditional, marine-dependent uses of the coasts.

Not only do business interests wield power in the definitions of what constitutes the coast, in the midst of today's increasingly 'green' awareness, ecologists and natural scientists have been able in some places to extend the concept of the coast to the watershed or river system. While this may be ecologically appropriate, McCay points out that rarely do governance and historical structures (or uses) conform to ecosystem boundaries. Arguments can be made for establishing broadly defined boundaries, but unless a community recognizes the value of such boundaries, governance will be hindered. Elsewhere in the article, McCay acknowledges

the benefits of collaborative research and activities engaging resource users and scientists. Such work can lead to the development of a community of interest that can extend to broader boundaries and thus also prevail over the dangers of liminality.

In considering the seaward portion of the coast, McCay discusses further complications - from national claims associated with 200-mile exclusive economic zones to the potential claims of itinerant fishermen and traders who form networks outside of boundaries declared locally, regionally or nationally. Nor does a focus on the seaward boundaries of the coast through 'large marine ecosystem' considerations make governance any easier. Local ecological knowledge (LEK) often disputes conclusions based on models of broad-scale processes. Whether or not collaborative research involving local resource users and scientists could tap LEK and create networks of knowledge to better understand the large marine ecosystems has not yet been explored, as far as this reviewer knows. The article delves into the question of scale, positing the mismatch of activity, governance and ecological systems as a major problem for ocean and coastal management. Scale issues are raised in the defining of the appropriate level of management (such as deciding between national institutions and community-based institutions); in the questions of enforcement; debates about vulnerability and resilience to both coastal hazards and coastal development (including the role or responsibilities of governments).

Appropriately, building on the concept of the liminality of coastal systems and their governance, McCay discusses the frequent claim that the ownership of coastal areas is often neither private nor public, but rather is common property. Like the coast, common property is conceived of as exhibiting similar attributes of liminality by being neither this nor that, that is, neither private property nor public property. Common property is broadly characterized as involving 'shared use rights' among a 'community of users and owners'. The details of access, use, modification, sale or lease vary widely however, as does the site and responsibility for governance.

That the open-ended details associated with common property is often perceived as a lack of management and a state of free-for-all access is attributed in part to Hardin's popular treatise, the 'Tragedy of the Commons'. **Sounding logical**, Hardin's polemic is a flawed expose of the historical working of the commons that claimed to demonstrate the danger inherent in trying to manage common property without resorting to placing it firmly in the realm of privately owned space. McCay counters that logic with the argument that the concept of 'property' requires community since it is necessarily a social institution and that common property may lead to successful management by restricting activities rather than access. She suggests a more apt model could be termed the 'Comedy of the Commons', from the Greek concept of comedy as 'drama of humans as social rather than private beings. . .' While this model retains liminality, sometimes leaning towards open access, sometimes towards enclosure; sometimes managed by community, sometimes by top-down institutions, it is the sense of community 'among resource users and between them and government officials' that is significant. Sharing both knowledge of and dependence on resources along with a history and

probable future of interaction contributes to the sense of community, regardless of whether or not the interactions are cordial. It is the sense of community, working together to achieve certain goals, that might be said to curb the danger of the liminal.

Again, given the liminal qualities of common property and the Comedy of the Commons, it is not surprising that McCay goes on to discuss certain overtly 'private property' cases as actually comprising common property, making the point that ownership of the coast is a complicated question. The first example offered is of the fishery concessions given the cooperatives in Baja California. The resulting Comedy of the Commons, McCay suggests, is the eco-certification gained by some.

Extending this argument to individual transferable quota systems (ITQ), McCay suggests that since 'the fish still 'belong' to the larger commons, subject to management', the privatization is only partial, and the sense of community within the group of ITQ owners is strong, including attributes of a shared history and probable future as noted above. Nevertheless, some questions remain about this narrowly defined community, and the effects of power, exclusion and social justice on those outside the community of owners. An additional example of the concept of common property having shifting boundaries, not necessarily clearly delineated from private property, is that of coastal municipalities' control of access to beaches. User fees and other restrictions limit 'non-residents' use, yet the federal government (representing all citizens) is expected to pay for beach replenishment or repairs after storms. Thus the public, private and common property lines are blurred.

This reviewer suggests that despite the shifting boundaries, one could (should?) describe a continuum, or perhaps a shaded circle within shaded circles, that separate the commons from private and public property. Perhaps the model could have different levels of attributes that would define the differences in different contexts, but the center of each circle would be associated with each category of property ownership within the culture being considered. Wealth, relative to the average income, required to participate in an ITQ system, for example, might shift it into the realm of private property. Articulating the differences among property rights is important for management since, as McCay says, they shape the 'social distribution of costs, benefits and responsibilities'.

Returning to the topic of community, McCay underscores the importance of understanding the social landscape that is a part of the natural environment and cites examples of collaboration between scientists and fishermen and the recording of community-generated knowledge that have led to successful fisheries management efforts. In closing, McCay provocatively asks, but leaves unanswered, whether rights are only important if they are created by 'market transactions, titled property, or formal citizenship?' Are rights to a 'way or life', food security, human rights and/or self-sufficiency insignificant?

In New England (us), the fisheries 'way of life has been a long held value, articulated by crews, captains, owners, spouses, and participants in shore-side (fisheries) businesses alike. Food security and self-sufficiency are increasingly matters of concern as fuel prices go up and tainted food scares proliferate. Several

local organizations have been formed or have worked to address these concerns: an effort to insure local communities' access to finfish resources and participate in co-management began as the Downeast Maine Initiative and has since transformed to a broader organization and mandate, the Penobscot East Resource Center. The Center states as its goal: '[S]ecuring a future for our fishing communities'. Co-management, community-based science and economic development (to diversify) are the Center's priorities. The Midcoast Maine Fishermen's Association is also dedicated to furthering the protection and sustainability of local fishing communities, building on the model of community-supported agriculture to develop a community-supported fisheries program. Massachusetts Fishermen's Partnership helped form community panels in six ports in the region that ultimately identified the minimum elements necessary to sustain a working waterfront. In an article based on research in Nova Scotia, Canada, Davis and Wagner (2006) argue that adjacency and historic use are appropriate determinants of access and in fact, may result in legal entitlement to property and its fruits. Specifically, they maintain that the continuous (historic) fishing of grounds adjacent to their communities should form the basis for individuals and fishing families rights to fish and that fisheries management should move towards a community-determined approach.

The challenge for communities, however, is to articulate a vision which the majority will support, cooperate with other communities to smooth the interactions of potentially competing visions, mitigate negative impacts and work towards sensible management of the commons that is the coast and sea. As McCay's article suggests, the danger of liminality, the uncertainty associated with shifting boundaries may yet be overcome if communities, however defined, face and answer the questions.