
Fish Talk

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Abstract: The article draws on recorded interviews undertaken over the course of three summers of fieldwork among Aboriginal fishers of the Miramichi river of northern New Brunswick. Here particular attention is given to the discourse of these fishers, taken to mean their “talk” about the fishery. Indeed it is through such talk that the fishery is at once created and transformed reflecting in part past practice based on family gill net operations, and in more recent years, the experience of a highly regulated and waged trap net operation. It is hoped that the article will contribute to our understanding of the discursive construction of economy especially as this relates to the practices of Aboriginal riverine fishers.

Résumé: Cet article est basé sur l’enregistrement d’entrevues réalisées au cours de trois étés d’enquête chez les pêcheurs autochtones de la rivière Miramichi au nord du Nouveau-Brunswick. Une attention particulière est accordée au discours de ces pêcheurs, c’est-à-dire de leurs «propos» sur la pêche. En fait, c’est dans ces propos que la pêche est à la fois créée et transformée, reflétant en partie les pratiques passées d’activité familiale utilisant le filet maillant, et dans les années plus récentes, l’expérience de travail avec le filet-trappe très réglementé et rémunéré. Cet article veut contribuer à la compréhension de la construction discursive de l’économie, spécialement en tant qu’elle est liée à la pratique des pêcheurs riverains autochtones.

According to Makah legend, salmon were people before they were transformed into fish and, as fish, they look forward to fulfilling their duty as food for earth people, part of the sacred cycle of life.

— Roche and McHutchison, 1998: 12.

Introduction

Part of the legacy of late 20th-century ethnography has been a thorough critique of standard styles of representation in ethnographic writing (Clifford and Marcus, 1986; Crapanzano, 1992; Geertz, 1988; Marcus and Fischer, 1986). In response ethnographers have sought alternatives to an “ethnographic authority” based on third-person objective reporting (Clifford, 1988), and have explored ways of using first-person voice and of presenting data in the form of a discursive encounter between ethnographer and cultural collaborator (Crapanzano, 1980; Dumont, 1992; Rabinow, 1977; Tedlock, 1983; Tedlock and Mannheim, 1994). Even so, such a discursive model of ethnographic practice has remained largely derivative within the overall context of “field” experience. In the present article such discursive practices are considered in a more formative light—that is as “constitutive” of actions and decisions made within an Aboriginal riverine fishery. Here particular attention is given to the “talk” of fishers and to ways in which this results in a discursive construction of their fishery.¹ At the same time such “talk” also reveals quite different and often competing conceptions of the fishery reflecting perhaps “. . . the inevitability of difference and disagreement . . .” (Palsson and Durrenberger, 1992: 303) or perhaps a “discursive dissonance” (Robben, 1994: 297).

The principle source of data in this study is an extensive collection of recorded interviews² undertaken over the course of three summers of fieldwork (Adlam, 1997, 1998b, 1999) among Aboriginal fishers of the Miramichi River in northern New Brunswick, Canada. These fishers live in one of three Aboriginal communi-

ties: Eel Ground First Nation, Red Bank First Nation, or Big Hole Tract. The interview material, some of it collected by Aboriginal research assistants,³ provides a running commentary about the place of the fishery in Aboriginal life. The time frame covered by these interviews extends from the present back to about 1950. Over this period of time a number of major changes have taken place in the fishery which are described in the talk of Aboriginal fishers. Prominent among these changes was the beginning of the *Aboriginal Fisheries Strategy* (AFS) program initiated in 1992, coming on the heels of the Supreme Court's ruling in *R. v. Sparrow*. These agreements which started as single-year arrangements have grown into multi-year agreements. They include provisions for fish and stream enhancement, Aboriginal Fisheries Guardians,⁴ monitoring of fish stocks, and training. They have provided a valuable opportunity for the participation of Aboriginal fishers in a co-management arrangement providing employment. But not everyone has witnessed the implementation of these agreements with the same degree of anticipation. In fact concerns continue to be expressed over the distribution of benefits under these agreements as well as with respect to the overall effect these agreements have on "existing" Aboriginal and treaty rights. In addition, although these concerns have on occasion taken the form of violent confrontations such as occurred in 1995 at Big Hole Tract, much of the debate has remained embedded in what people say about the fishery. Indeed it is within this "talk" about the fishery that one can find not only different but often competing conceptions of the Aboriginal fishery. But perhaps more important than simply the differences found in these discursive practices, are that such discourses serve as the basis for decisions and actions taken with respect to the fishery. In short, they form, as a growing number of economic anthropologists have shown, a constitutive dimension of economy (Gudeman, 1986; Gudeman and Rivera, 1990; Robben, 1989, 1994).

In what follows, then, attention focusses on principally two competing conceptions of the fishery among Aboriginal fishers. These the fishers have framed using various terms to characterize one as *traditionalist*, *conservationist* or *environmentalist*, and in the other, as *assimilated*, *modernized* or *modern ways* which I refer to here as "modernist" conceptions of the fishery. Further, they hold a number of general notions about how these positions are constituted and differ from one another, as well as, more specific or technical points that they consider to be important to this distinction. Finally, for fishers espousing any one of these positions, they are able to offer a critique of the other position citing its apparent

failings and short comings. But the position taken can change and with it the associated discourses, suggesting, as Robben found among fishers of Camurim, Brazil, that these "... discourses are not static and clear-cut but shifting and ambiguous" (1994: 894) and likely to change in the face of new circumstances whatever their source.

The Aboriginal Fishery of the Miramichi

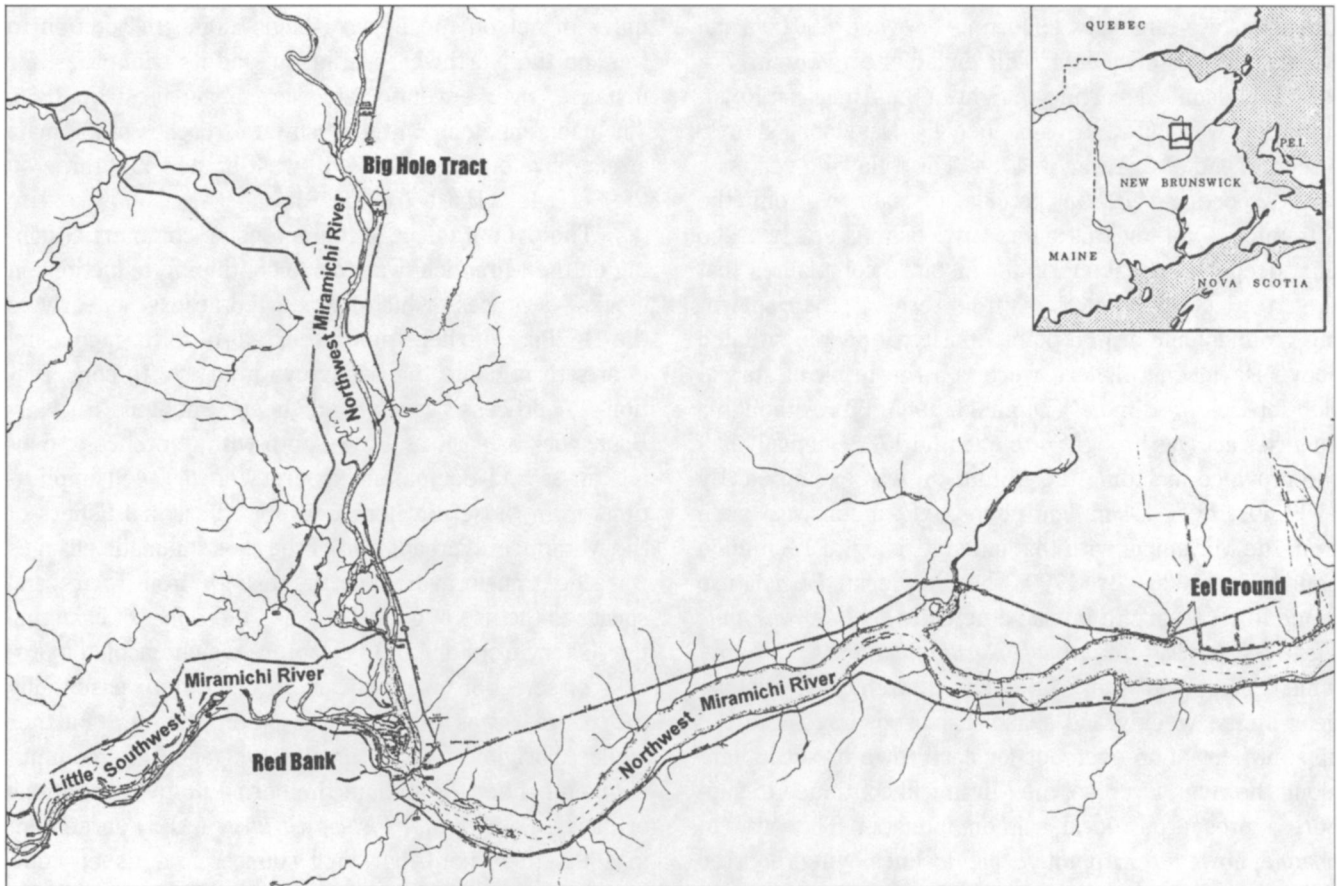
As the records of early explorers show, Aboriginal people of Atlantic Canada carried out an extensive fishery by means of weirs, nets of various types, traps, hand nets, scoop nets, spears and even angling. The Mi'kmaq of the Miramichi River were certainly no exception to this rule where spears, particularly when employed using canoes equipped with torches, and weirs were prominent features of their fishery. Archaeological evidence attests to some 2500 years of fishing activity along the Miramichi river (Allen, 1994).

The country of the Miramichi Mi'kmaq contains numerous fish species—including Atlantic salmon, striped bass, sea-run brook trout, eels, gaspereau, smelts, shad and sturgeon. Although fishing took place from spring through until fall, particular attention was given to major runs of fish such as sturgeon and Atlantic salmon.

Certainly through the early 1900s, fish such as sturgeon⁵ and salmon were taken at a number of key locations along the Miramichi and its connecting rivers. *Mete-penagiag* situated at the confluence of the Little South West Miramichi and the North West Miramichi River was a principal village site where the Mi'kmaq convened to capture, dry and store large quantities of dried sturgeon and salmon. Today, the Mi'kmaq fishery is restricted to stretches of river in the immediate vicinity of the communities of Red Bank First Nation, Eel Ground First Nation and Big Hole Tract.

Selected descriptions of Mi'kmaq life begin as early as 1606 with Lescarbot (1911-14) with subsequent contributions being made by Bock (1966, 1978), Denys (1908), LeClercq (1910), Maillard (1758), Prins (1996). Rand (1850, 1888, 1894) and Wallis and Wallis (1955). Most contain references to the Mi'kmaq fishery such as this one by Denys:

At the narrowest place of the river where there is the least water they make a fence of wood clear across the river to hinder the passage of fish. In the middle of it they leave an opening in which they place a bag net like those used in France, so arranged that it is inevitable the fish should run into them. These bag nets are much longer than ours



Map of the Northwest and Little Southwest Miramichi River, depicting the communities of Red Bank First Nation, Eel Ground First Nation and Big Hole Tract.

they raise two or three times a day and they always find fish therein, it is in the spring that the fish ascend and they descend in autumn and return to the sea. At that time they place the opening of the bag in the other direction. (Denys, 1908: 437)

Indeed later, in direct reference to the Miramichi, Denys observes:

If the Pigeons plagued us by their abundance, the Salmon gave us even more trouble. So large a quantity of them enters into this river that at night one is unable to sleep, so great is the noise they make in falling upon the water that after having thrown or darted themselves into the air. (Denys, 1908: 193)

One Aboriginal collaborator recounted how, when her father was a young man, “he would go down to the river and in an hour . . . would have enough salmon to salt for the winter” [Marilyn A,⁶ Red Bank First Nation]. But this refers to a period of time perhaps in the late 1800s and certainly before the enforcement of regulatory mea-

sures which ultimately saw the closure of the salmon fishery in 1972. In fact it is hard to discuss the Mi’kmaq fishery of the Miramichi without reference to the non-Aboriginal fishery as it has developed over the past 300 years.

Although the Miramichi was largely unknown to the English in 1760, the French used the islands at the mouth of the river for drying and curing fish from the early 16th century (Dunfield, 1985: 52). In 1688, Richard Denys,⁷ the son of Nicolas Denys, established a trading post on the Miramichi and although several settlements existed in the area by 1690, little attention was given to the salmon fishery. By 1765, however, this changed with the arrival of William Davidson from Scotland. Davidson, along with an associate John Cort, received a 150-square-mile land grant surrounding the lower reaches of both the Northwest and Southwest Miramichi rivers and proceeded to develop a fixed-net method of salmon fishing. This involved hanging nets from poles which had been driven into the river bed in lines stretching diagonally across the river from shore to shore. By the mid-1770s

Davidson was annually exporting between 660 000 and 850 000 pounds of salmon. This ended effectively in 1777 with Davidson's departure to fight in the American Revolutionary war but was re-opened by Davidson, shortly after the end of this war, in 1784. The following year saw him exporting 472 000 pounds of salmon from the Miramichi. Nor did his aggressive fishing practices go unnoticed, the Local sheriff for instance complained that the cross nets prevented fish from reaching their spawning grounds; and at one point Aboriginal people situated above Davidson's fishery were "on the brink of starvation for lack of salmon" (Dunfield, 1985: 65). Although a fisheries act was brought into effect in 1786, virtually half the province including the Miramichi was exempted. By 1789, just over 1.4 million pounds of salmon was taken from the Miramichi with that amount rising to 1.8 million pounds by 1800. By 1799, the Provincial Legislature found it necessary to invoke a new *Act for Regulating the Fisheries in the County of Northumberland*, a county which embraced the Miramichi, thereby establishing gear limits, weekly and seasonal closed times, and the appointment of an overseer for each town or settlement along the river. Even so, the Miramichi continued to support a prosperous local salmon industry. This was to change, however, with noticeable declines being reported in salmon stocks by the 1820s, and although there were slight increases during the 1830s, declines were once again being reported by 1843. In addition to the impact of fishing practices, the timber industry through stream driving and dam building created yet further obstacles affecting stock survival, a fact noted by Moses Perley in his report to the New Brunswick legislature in 1849. Indeed in responding to Perley's report, the Legislature moved to draft new fisheries regulations which it enacted in 1851. As before, though, as one observer noted:

All the rivers in New Brunswick are very much damaged by over netting, both in the tideway, along the coast, and also in fresh water. At first, it appears a miracle how any salmon can manage to pass the labyrinth of nets, set with hardly any restriction; for although there are very fair fishery laws, they are but seldom enforced. (Dashwood, 1872: 31)

Finally, in 1843, salmon canning operations opened on Portage Island at the mouth of Miramichi Bay followed by, a short time later, a similar operation on Fox Island. By 1864, island canneries were exporting more than 400 000 pounds of salmon to the United States and the United Kingdom (Dunfield, 1985:128). Supporting these cannery operations on the islands were 30 fishing stands, which if combined, represented some seven

miles of net on these two islands alone. In addition to this, on the Northwest Miramichi and its tributaries, for instance, over seventy nets were being used by 1865, "including nineteen on the freshwater reaches of the main stream, five on the Little Southwest branch, and three on the Sevogle" (Hardy, 1855:118).

The overall effect of this intensive commercial fishing on the Miramichi was to see continuing reductions in stocks—a process which had started at least as early as the 1820s. Further, this occurred despite increasing efforts to regulate the fishery with an eye to conservation—a process which had been initiated in New Brunswick as early as 1786—both with reference to fishing times and equipment. There were as well implications from these developments for Aboriginal fishers of the Miramichi. Perhaps one of the most dramatic changes was the transformation of the fishery from weirs and spears to the use of gill nets. It had the effect of changing the fishery from one of live capture which enabled a process of selection using spears to one where essentially the harvest was anything caught in the net. Further while Aboriginal fishers remained engaged in a communal food fishery throughout the period up to negotiations of the first *Aboriginal Fishery Strategy* (AFS) agreement in 1992, their non-Aboriginal counterparts fished commercially around them. Larry G., aged 57 years and a Fishery Guardian from Eel Ground First Nation conveys his experience of this:

A French fisherman from St. Louis de Kent or Buc-touche area used to come in and fish gaspereau. Sometimes I remember there were about 30 or 40 boats. Then you had your non-Natives that live here and fish commercially with gaspereau and salmon. We were surrounded but the Native people were not allowed to fish. They used to sneak in at night and set a net. And the Indian agents used to give the okay to the gaspereau fishermen . . . to fish on the shores of the Indian reserve. . . .

A rather different experience is related by a former fisheries development officer and fisher, Sam G., aged 36 years, from Eel Ground First Nation:

When my father had a commercial licence back in the '60s and '70s, and my grandfather before that, you would figure that a commercial licence was to sell . . . commercial . . . to sell and all that. But because he was Native he couldn't make a living from it. He wasn't allowed to sell anything. He could eat all he want, but how many people do you see out there in the commercial fisheries living off whatever

they caught? They don't. It's sold so you can make money, so you can buy other things. But we weren't allowed to do that.

Gerald P., a self-ascribed traditionalist in his mid 40s from Red Bank First Nation, summed it up this way:

When the Europeans came with their customs, traditions and values, it started a process of change and assimilation. To a degree, the Native peoples have been assimilated or modernized. The change has devastated a lot of our culture, our traditional, holistic value system . . . Nowadays everything is very, very commercial . . . exploiting everything that moves. Today they are concentrating on a few areas that are good commodities. People got to eat, and if you have food people will buy that. One of the delicacies in this area is salmon. Therefore the fishery has become a focus and the industry is seen as an area where "you can haul in the cash."

But the process of change, certainly with respect to commercial interests, has not been a particularly smooth one. Examples of this began to surface in the 1970s amidst a more stringent enforcement of fishery regulations. What erupted were the so-called "salmon wars" with violent confrontations between Mi'kmaq fishers and provincial authorities over issues of jurisdiction and access to the fishery. Indeed one such hot spot was just up the coast from the Miramichi at Restigouche. The incident drew national attention and became the subject of a full-length documentary film by the National Film Board of Canada.⁸

On the Miramichi, initially protests took the form of legal challenges to do with a band's communal fishing license and fishing in waters outside the area specified in that license. This developed into a full blown dispute in 1995 with confrontations between Federal fisheries officers and local Aboriginal residents of Big Hole Tract. Dan W., a 47-year-old fisher from Big Hole Tract explains:

They blew all my windows out; while my family and I were in there. They came in the middle of the night, well 2 am in the morning, they pulled up outside and they blew all the windows out of my house . . . and holes in the walls. . . . We never once picked up arms, or . . . any kind of weapon to attack Fisheries. . . . [After this] everybody was just getting ready to, you know all out war. . . . Everybody had loaded guns.

At issue was being able to fish using gill nets within reserve waters at this location. This was problematic because of the narrowness of the river at Big Hole, the

fact these were non-tidal waters, and resulting concerns for conservation. Fortunately an agreement was reached to use a trap net at this location.⁹

What characterizes the fishery of the Miramichi is a process of intensive exploitation, typically difficult to regulate and manage, in which non-Aboriginal and Aboriginal fishers face off over their access to a dwindling resource. That one has been able to sell their catch, while the other has been restricted to a food fishery, continues to be a source of tension. Although the *Aboriginal Fishery Strategy* (AFS) has brought Miramichi Mi'kmaq into the regulatory and management process, providing training and employment, as well as commercial possibilities,¹⁰ concerns continue to be expressed about the equitable distribution of these benefits within the Aboriginal communities and the overall effect of these agreements on "existing" Aboriginal and treaty rights.

The Discourse of Aboriginal Fishers

Evidence of the enduring importance of Mi'kmaq culture can be found running through all three Mi'kmaq communities of the Miramichi River. Here Mi'kmaq point to such facilities as the Mother Earth Lodge II, a wellness and healing centre, and to the *Metepenagiag* Heritage Park project,¹¹ both at Red Bank First Nation, as tangible evidence of the continuing relevance and vitality of their heritage and traditions. Perhaps not surprising, reference to this dimension of community life is also embedded in people's conversations. Indeed this forms an important part of what Mi'kmaq say about the fishery both in terms of its significance to their "way of life" and as a marker of what it means to be Mi'kmaq. It is also the way in which a traditionalist conception of the fishery takes shape and is deployed discursively.

At the same time, Miramichi Mi'kmaq have faced considerable challenges in their developing relationship with Euro-Canadian society. Certainly it has been a struggle to maintain their Aboriginal fishery, even as a food fishery, given the scale of access afforded Euro-Canadian fishers. Essentially, the problem has been one of "being Indian" which has effectively prevented Aboriginal fishers from obtaining the necessary licencing to be able to participate in a commercially based fishery. But in the early 1990s this started to change. Under the *Aboriginal Fishery Strategy* (AFS) program large and expensive trap nets came into use requiring fishery crews both for their installation and maintenance. The operation, which provided for the live capture of fish, also meant that harvesting could occur for food as well as for commercial purposes. Further, for Aboriginal communities long faced with chronic underemployment, these

agreements offered important wage-labour opportunities around monitoring of fish stocks, enforcement through guardianship and in the area of habitat restoration. In effect, this new style of participation in the fishery has brought with it important social and economic benefits, and with these, a different set of considerations about the meaning and significance of the fishery. It is also in this way that a modernist conception of the fishery begins to take shape and becomes deployed discursively.

In what follows, then, these two conceptions of the fishery serve as important counterpoints as fishers articulate their concerns on a wide range of issues from their “rights” as Aboriginal people in the fishery through to their position on conservation, regulation and overall management of fishery resources. This said, we might proceed by asking: how do Mi’kmaq “talk” about their Aboriginal fishery; are there recurring features embedded in their talk; and finally, in what sense might it be said that the fishery is constructed through these discursive practices?

Traditionalist Conceptions of the Fishery

Traditionalist conceptions of the fishery, as asserted by self-ascribed traditionalists and other adherents to this position, are fundamentally about the relationship between nature and Aboriginal society. The relationship is described as long-standing, as broadly encompassing and as more than just about meeting the material needs of Aboriginal society. Indeed it is in this sense that the relationship is presented as traditional, holistic and as central to the value system of Aboriginal society. As Gerald P., a self-ascribed traditionalist in his mid-40s from Red Bank First Nation explains:

it incorporates a lot because it has to do with the right to be a people on the land—the original people on the land—to be able to hunt, to fish, to trap and to be able to do all those things that the creator has given us.

As this relates to the fishery, it is a relationship which embodies the principles guiding the use and management of fishery resources. As such, traditionalists argue that Aboriginal people should have unfettered access to fishery resources as a matter of right—a right which they should not be required to justify or defend. Accordingly, for traditionalists, entering into agreements with government, such as under the AFS program, only serves to compromise such rights by offering short term benefits aimed at drawing Aboriginal people into regulatory arrangements. Tracy P., in her late 30s and a former Head of Fisheries for Red Bank First Nation explains:

as I said, we go by government regulations, their set rules. They basically set up the agreement. There is no “let’s sit down with the Natives and talk about an agreement that’s equally balanced for one another, and work together.” It doesn’t work that way. They make the agreement and tell you to read it and sign it. When people start to rebel on them, people wonder why, because they never sat down. Another reason why is that they always hold funding back.

In fact for some, such agreements are seen as having yet a further effect, namely, commodifying such rights so that they can be “sold off.” Of course part of the attraction to any such agreement with government, as John W., a traditionalist in his early 40s from Eel Ground First Nation explains, has a good deal to do with the circumstances faced by many Aboriginal people:

there are some people with not enough employment. So that’s why sometimes they look at it [the fishery] as gold, because they make their living by them fish and that river. They have been on welfare all winter and if you’ve been on welfare all winter, you want to catch a salmon and maybe catch one or two salmon—holy jumpin’s, you gonna get a couple of dollars if you sell them. Turn around, that’s the reason why it’s been exploited the way it has been because the lure of that almighty dollar overrides your tradition, your heritage... But we’re slowly trying to bring [our tradition] back into our way of life.

Yet another dilemma faced by Aboriginal fishers has to do with the perceptions held by non-Aboriginal fishers. As Gerald P. explains:

if we set nets, the non-Natives will say, “If they can set nets, so can we” and poaching starts, wardens get hurt because of disputes at night. Non-Natives say that it’s the Native people who are causing it. But Natives say that it’s their right to fish. They’ve always been here. They can’t understand why there is the dispute.

Beyond this, an additional impact has come from the commercial fishery. Gerald P. continues:

One of the delicacies in this area is salmon. Therefore the fishery has become a focus and the industry is seen as an area where you can haul in the cash. It may do something for the economy if you put back into it and build the economy up. The value system has changed; there’s a clash between traditional and modern ways. The people are forgetting about the holistic traditional value system.

But not only has the commercial fishery had an impact, various forms of industrialization have had an effect on the larger eco-system. Again Gerald P. explains:

I know that the environment is changing, I can see that happening. How does the DFO control the run of the salmon up the river? They are making all the rules and regulations but sometimes things happen like pulp mills dumping waste straight into the river. We can't touch them cause they're a multi-million dollar corporation. Heath Steel mines are dumping also, and that's also a big corporation and we can't touch them. But we can wrestle with the Indians. Let's blame it on them so that at least we can say we're doing something. But where else do you hear that the DFO is involved with a group of people? You don't hear it anywhere else; just with Native people.

For traditionalists, then, while access to the fishery is regarded as a right based on a long tradition of use—the appeal, at least for some, of agreements with government, the perceptions of non-Aboriginal fishers, the importance given to the industrial fishery, as well as the polluting effect of other forms of industrialization—have all worked to severely constrain the exercise of this right. Further, added to this are technical constraints linked to equipment and location. Here Dorothy W., in her mid-40s, who lives with her fisherman spouse at Big Hole Tract explains, contrasting the fishery at Eel Ground with that at Big Hole Tract:

Here [Big Hole Tract], they did it here because they could wade out. They could wade out, set their net and come in. You didn't need a boat, you didn't need all this equipment—safety gear, motors and everything. Where up where they've got the fishing spot now [Eel Ground] you do. You need that equipment. So a lot of people who traditionally fished with nets can't do it. The only ones who can are people . . . who have motorboats and all these things that are at their disposal at any time because they also run the fishery programs and the fishery equipment. It's stuff like that that causes conflict.

For the Aboriginals above, agreements with government have privileged some with access to equipment which enables them to participate in both trap net operations, as integral features of such agreements, as well as in gill netting. More troubling, though, for Dorothy W. and others is that these agreements have meant fishing outside traditional waters. Again Dorothy W. explains:

In Eel Ground's agreement there's ten nets for traditionalists, but they're not in band waters. They're

not in traditional water; they're not in places that are easily accessible. In my agreement, they would be. They would cover all band waters—which is traditional fishing ground. That would have to be in any agreement that I put together; it would have to have that right in there.

For those who subscribe to a traditionalist position, then, fishery agreements under the AFS program have worked to compromise the fundamental rights of Aboriginal people in the fishery. Further they have raised questions about who controls the Aboriginal fishery as well as who really benefits under these agreements. In fact this is part of a critique they offer of those they see as the principal promoters of the alternative position featured in the next section.

Modernist Conceptions of the Fishery

Modernists speak from a different experience of the fishery often with the objective of trying to achieve an equal footing with Euro-Canadians in their access and use of the fishery. Indeed this has grown out of situations where two standards seem to apply. Here Sam G., aged 36, a former Fisheries Development officer from Eel Ground First Nation provides one such illustration:

When I was growing up I was about 15 years old and I was sitting by the shore one night, cleaning a salmon. I was putting the guts in the river and the smell of the blood was getting in the water. The eels came flocking into shore. Big, huge things. I was 15 years old and getting out of high school and get this big brain storm; I am gonna make lots of money. I'm going downtown and buy an eel licence—\$50. Anybody today can buy an eel licence. And you are suppose to be able to sell any eels that you want to sell. I went down and asked for a licence. "No problem, just fill out the application . . ." Then it asked for 4 or 5 pieces of ID. At that time I gave my student ID, my Indian Status card, and my birth certificate. He looked at the card and said "you're an Indian." I said, "Yes, I'm from Eel Ground." "You don't need a licence." "Geese, that's great, I don't need a licence. But can I sell?" "Oh, you can't sell . . . you're an Indian." "If I buy a licence, am I allowed to sell?" "You're not allowed to have a licence, because you're an Indian." But anyone else could walk in that door and buy a licence for \$50.00 and make a living. We couldn't.

For Sam G., this early experience embodies the central contradiction that really all modernist fishers have faced, namely, two different types of access to the fishery—one

use-based essentially for food—the other commercially based, and consequently, with one, the former, offering little by way of opportunity while the latter holds all the potential for social and economic gain. For modernists, then, a good part of the objective has been to find a mechanism which would legitimize an expansion of the Aboriginal fishery beyond its traditional food-based roots. Indeed this opportunity surfaced for the first time in 1992, in the wake of the *Sparrow* decision, in the form of AFS agreements. These offered important wage-labour opportunities around monitoring of fish stocks, enforcement through guardianship and in the area of habitat restoration. For Ronald W., aged 52, a past Director of Fisheries at Red Bank First Nations, this translated into important employment opportunities:

See, right now, the Red Bank people here has received that money. That means—the 99% of the people here that are unemployed for most of the season—that means \$400 000 really helps the reserve pretty good as far as employment goes. What that is, also, it creates the work plus we get a little bit of fish for the reserve.

Admittedly, a dilemma with such agreements is the potential for cut-backs in government funding. Ronald W. explains:

We'll be receiving \$469 000 this year. They cut our budget by 15%. What that means is about \$60 000 that we certainly could use, but the DFO decided to cut it and they said they'll give it to us later on. We'll get it back later on . . . if there's other reserves in the province that don't sign these agreements . . . the money will come to Red Bank.

Another issue has to do with ensuring community compliance under these agreements. Jimmy D., a past Fisheries Co-ordinator at Eel Ground First Nation explains:

In the early seventies, the Native really had to fight for any rights to the fishery without being hassled by fisheries people. Through protests and such, access was gained. Old timers that remember having these protests and struggles are the ones that want to fish the gill nets because it's something that they had to fight for. . . . Anglers on the Miramichi take their sport to heart and when their sport is threatened by Natives using the gill net, "people get their feathers ruffled." There has been a lot of tension on the river for a long time in terms of Natives using gill nets and taking catches in different times. The people who abused this resource really took a lot of fish and sold them on the black market.

Sonny W., aged 52 and a Fishery Guardian with Red Bank First Nation, offers his perspective on the process:

A lot of people didn't want the trap nets—they still wanted to fish. They didn't want their rights to be trampled upon. So whatever these little changes year after year, the federal government put the money up, so let's put the Natives working with their own resource, manage their own resources and proper distribution. They going to do the nets away and have the river regulated by their own people and this is what happened over these years here. That's what it is today. . . . There was violence, there was threats . . . but it was our people that had to deal with our people, in a more friendly way. . . . Well, I think sometimes it was a little more forceful, doing things you didn't like to do. But it was a way of teaching. Maybe that's not the word for it, but teaching that there's a change here and we have to abide.

The transition from gill nets to communal trap nets has been difficult and has been handled differently by the three Aboriginal communities. Thus Red Bank First Nation has curtailed its use of gill nets other than for a period of about two weeks during installation of two trap nets when it uses three or four gill nets; while Eel Ground First Nation installs four trap nets and has retained the use of some nine gill nets. For its part, after years of fighting for its rights in the fishery through the use of gill nets, people at Big Hole Tract have negotiated a co-management agreement with Eel Ground First Nation to operate a single communal trap net with no provisions for gill nets. The change from gill nets to trap nets has also meant a change from the two or so individuals needed to set up and run gill nets to where crews of 10 to 12 are required to set up and operate the larger trap nets. In fact, it takes crews seven days to build the two trap nets in the waters off Red Bank First Nation.

A further consideration in this process is location. Thus at locations such as Red Bank First Nation and Big Hole Tract, the river is narrower and more shallow than at Eel Ground First Nation, where not only is the river wider but considerably deeper with four to six foot tidal waters. Yet while the former are restricted to traditional fishing water, Eel Ground First Nation has been able to establish an expanded fishing area which includes, in addition to waters within reserve boundaries, trap net locations on the South-west Miramichi river. Even so, Jimmy D., a past Fisheries Co-ordinator at Eel Ground First Nation sums it up this way:

Overall, I think that it turned out to be a better fishery. Now we are more conservation minded, more

aware of the effects of how to utilize the fish. Our technicians are becoming more experienced in terms of the different habits, diseases and parasites, mating, etc. The stuff we know today was not common knowledge 11 years ago. Overall, the best thing to come out of the contemporary fishery is—one, that everyone has access to the fishery and everyone gets their fair share—and two, those who want to utilize the gill [net] fishery can. But we only use a dozen stands, since people will all get some fish, most don't bother to go out and use the gill nets.

Discussion

Traditionalists frame their construction of the fishery around the relationship of Aboriginal society to nature. Indeed it is in terms of this relationship that we find the holistic, traditional value system as the source of a fundamental right which Aboriginal fishers argue they have to the fishery. For these fishers, then, agreements with government for access to a fishery to which they already have an established right of access, only serves to compromise or, in their words, “bargain away” their right. Of course what needs to be remembered is the struggle of Aboriginal fishers of the Miramichi to win recognition of this right—a right established by treaty some two centuries ago as well as recognized and affirmed by section 35(1) of the Canadian Constitution. But modernists are not above using this established right themselves as a bargaining chip in their negotiations with government. However modernists are equally as quick at referring to this struggle as part of the past and those who won it as “old timers.” They are also likely to see what was won, at least in reference to traditionalists, as more limited in scope—perhaps even as being won on a technicality.

Both traditionalists and modernists are acutely aware of the political and economic conditions surrounding the fishery. Here Gerald P., a self-ascribed traditionalist, offers a critical perspective of the modernist position:

... The leaders [political] have to be more careful with what they sign. They may be anxious to sign those papers because they'll get \$500 000 or \$600 000 and create a lot of jobs in the community. It looks good for the next election or looks good publicly but that's dangerous 'cause they could be selling out the rights of the people.

Sam G., a 36-year-old former Fisheries Development officer might respond:

Some of the traditionalists up here get me so mad because the talk is there but the walk isn't. It's great

to know that we have community leaders going all over the country saying how wonderful it is, but in their own backyard it's falling to pot. But he or she is out there getting the benefits of the non-Native culture—getting all that money— but their own children are dying because of drug abuse, mental, physical or sexual abuse—just suffering.

Broadly there are two issues at play here, one to do with the relationship of Aboriginal society to the larger non-Aboriginal society perhaps particularly as this relates to the deployment of traditional Aboriginal culture (“how wonderful it is”) but also to do with certain consequences (“selling out the rights” or “drug abuse, mental and physical abuse”) as a result of this relationship, and another which centres on the internal dynamic of Aboriginal society around governance (“the next election”) and a responsibility to an emerging Aboriginal generation (“creating a lot of jobs” or “but their own children are dying”). In short, for traditionalists, financial partnership with non-Aboriginal society produces short term employment benefits at the risk of jeopardizing longer term “rights”—particularly those of future generations of Aboriginal people. For modernists by contrast, an evolving relationship with non-Aboriginal society is inevitable and it is the consequences of this for younger Aboriginal people which must be recognized and addressed.

Traditionalists and modernists both have a good understanding of the threatened state of fish stocks as well as knowledge of the technical aspects of the fishery to do with the behaviour of fish in their riverine environment, the life cycle of fish species, and habitat problems related to water and bed conditions. But they are likely to use this information in their assessment of various fishery strategies in different ways. The following assessment by Dorothy W., offers one such illustration:

Conservation, management, regulation, I can agree with. That has to happen. There has to be sometimes some tight restrictions, for instance, trap nets as opposed to gill nets in some areas as communal food fisheries. But there still has to be that option open for the individual who wants to get his own fish for his own family and teach his children to get his fish for his own family—and that can't be done with a communal trap net. That whole way of life is completely wiped out with communal trap nets.

There are essentially two issues here. One has to do with a more selective use of trap nets as part of a communal food fishery in contrast to the use of gill nets by individuals as part of the traditional Aboriginal fishery. The other has to do with “teaching one's children” to

fish as part of a broader enculturative process. They are important issues because they are how Miramichi Mi'kmaq enter the fishery. Communal trap nets are installed and operated by waged fishery crews while gill nets can be set and run by one or two individuals. Indeed it is the very nature of gill net operations which lend themselves to the "teaching" just noted. But as Larry G., a 57-year-old Fishery Guardian from Eel Ground First Nation observes, the use of gill nets can directly affect the access of others.

Let's say he's fishing on five here—license #5, gill net license 5. So he fishes there for one week and he sets up his buoys and everything. Then, he says, "I don't want nobody using my buoys!" You know what I mean? That's the fishing they're going to have and some people don't have the buoys. . . . A lot of people complain that they don't have the chance to fish.

Alternatively, communal trap nets seem to solve the problem of access by offering, at least potentially, a more equitable system of catch distribution. But the trap net's limited means of capture often results in a catch which falls well short of meeting the needs of a food fishery. As Gerald P. explains:

The way it is now, I have to wait in line and wait for this process they go through with the trap nets. . . . To me it doesn't work . . . This year, so far they have only brought one gruilt. That's not a food fishery. Some people might be satisfied but I'm not. I don't eat a lot of salmon but if I had enough to last me the winter it would help me a lot, cause I'm unemployed. If you draw \$500-\$700 a week salary you don't need that, but when you're on welfare—it makes you want to go out there and get those salmon.

Finally, added to this is a regulatory regime around the communal trap net fishery which some view as at odds with an older system of exchange. As Dorothy W. explains:

We still barter and trade fish here . . . What fish I don't use, what fish I know I'm not going to use, people come here from Burnt Church or Big Cove, they bring me lobster from their fishery, I trade gruilt to them. People from Big Cove come with bass, we don't get bass here, we don't get lobster here. I trade gruilt to them for bass, you know it still goes on. It goes on between Indians the same as it always has. . . . There was no money changing hands 200 years ago, but they're signing clauses in here that you can't do this.

While the communal trap net fishery, then, offers a means for the live capture of fish—ideal for fish monitoring activities as well as for food selection—it by no means guarantees an adequate supply of fish nor necessarily allows for the exchange mechanism just described. But perhaps most troubling for traditionalists is the loss created through the use of communal trap nets in terms of the enculturative process. Again Dorothy W. explains:

My husband taught my children to fish with gill nets and be able to supply fish for their families. He taught them how to walk them out, he taught them how to set them. He taught them how to check them safely and how to get the fish off, how to kill the fish, how to clean the fish, how to put them away. That way of life is destroyed with fishery agreements. . . .

But as Larry G. suggests:

For some of the traditionalists to come to me and say, "you should be doing this or that" and you don't see them doing it here, but they are doing it everywhere else—a thousand miles away. Why can't they do it here? I think of one fella' so plain. He showed me a few things in life, but I look at his children and his grandchildren and wonder why he don't show his own children. Why are you even trying to show me? I had to learn his son how to fish cause that traditional person's son didn't know how to fish—didn't know how to sew a net—didn't know how to row a boat—didn't even know the difference between the tide coming in or the tide going out. Didn't know what a salmon or a trout looked like. . . . But yet they have the traditionalist talk about the wildlife, habitat, the forests, yet his son doesn't know.

These competing discourses around fishery strategy form the backdrop which shapes the decisions and actions that traditionalists and modernists make in the fishery. As can be seen from above, they are the discourses of individuals embodying a particular history of engagement within the fishery. But within such discourses can be found areas of common representation from which are fashioned the two competing conceptions of the fishery profiled in this article. That these conceptions vary to some extent from individual to individual simply reflects the different paths by which fishers arrive at this common ground. That these conceptions, constituted here as traditionalist and modernist positions, exist at all is suggestive of what Robben concludes about his work among fishers of Camurin, Brazil:

. . . that what may seem like a coherent, logically integrated system of economic actions and decisions

may actually be a complex of contradictory structures, practices and discourses (1994: 897).

Conclusion

In their paper entitled "Icelandic Dialogues: Individual Differences in Indigenous Discourses," Pálsson and Durrenberger, in a tack similar to that taken by Gudeman and Rivera (1990), argue for an approach to indigenous discourse which recognizes:

the continuity of the discursive community, the role of human agency, and the inevitability of difference and disagreement, embracing and participating in both the flow and unity of the Malinowskian "long conversation" and the noisiness of the Bakhtinian "dialogue." (1992: 303)

As demonstrated throughout this paper, the Aboriginal fishery of the Miramichi is more than the physical presence of boats, gear and fishery crews—it is a fishery constructed through the discourses of its Aboriginal practitioners. Further, these discourses serve to frame different conceptions of the fishery, which as we have seen, are cast along traditionalist and modernist lines. However even within such broad categories, the flow of discourse we encounter is not static or necessarily clear-cut—given instead to shifts and a certain level of ambiguity—and expected to change in the face of new circumstances. But even as conceptions of the fishery—they are more still—since they are constitutive of the actions and decisions made in the fishery. Indeed a major incident demonstrating this fact occurred in 1995 when residents of Big Hole Tract, long frustrated with growing fishing restrictions in their area, decided to take matters into their own hands and set gill nets. The ensuing confrontation with fishery authorities drew national attention to their situation and eventually led to an agreement. The incident highlights one further point, namely, that in the face of an emerging dominant discourse around government sponsored trap net operations, little room was left for the expression of alternative interpretations. Unable to effect meaningful change, residents of Big Hole Tract in this case, could see no other choice than to engage in resistance strategies.

Author's Note

An earlier version of this paper was presented at the Atlantic Provinces Linguistic Association/Association de Linguistique des Provinces Atlantiques meetings under the theme Language and Identity/Langue et Identité held November 5-6, 1999 at Mount Allison University, Sackville, New Brunswick.

Notes

- 1 Discourse refers to "systematically-organized modes of talking." In this respect, it owes a good deal to the work of Michel Foucault. In the present case, discourse provides a set of possible statements about particular areas within the Aboriginal fishery, lending organization and structure to the way in which one "talks" about these areas.
- 2 Interviews started with those directly responsible for the management of the Aboriginal fishery and proceeded through a network of individuals identified as being actively involved with the fishery in one capacity or another. This resulted in 16 in-depth semistructured interviews ranging from two to three hours in length. Eight of these interviews were undertaken over June and July of 1997, a further eight over July and early August of 1998 and follow-up interviews from June through until September of 1999. In addition, a recorded focus-group session involving seven individuals was undertaken by Aboriginal research assistants in August, 1999.
- 3 Aboriginal research assistants: Anita Ward and Pam Ward of Red Bank First Nation and Helen Ward of Eel Ground First Nation, were particularly helpful during the 1999 field research season.
- 4 This is part of the management responsibility of First Nations. Essentially a Fishery Guardian must be present at the openings of the fishery and through until all fish are landed. This monitoring is also important in terms of record keeping and periodic reporting.
- 5 The last sturgeon to appear in the Miramichi River was in the early 1980's.
- 6 Pseudonyms are used in reference to all Aboriginal collaborators in this article.
- 7 In a footnote to his translation of Chrestien LeClerc's *New Relation of Gaspesia: with the Customs and Religion of the Gaspesian Indians*, William G. Ganong offers this characterization of Richard Denys and his father Nicolas Denys:

Richard Denys, Sieur de Fronsac, looms large in the early history of this part of Canada. He was the son of Nicolas Denys, the long-time Governor and Proprietor of all the Coasts of the Gulf of Saint Lawrence from Gaspé to Canso, and the author of the well-known Description géographique et historique . . . et Histoire Naturelle . . . de l'Amérique septentrionale. . . . He was probably born at Saint Peters, Cape Breton, about 1655. On his father's departure from Acadia to France in 1671 he was made Lieutenant in his stead, and served in that capacity until his father's death in 1688, after which he held the post upon his own account. He inherited the Seigniorship of Miramichi from his father, and, about 1690, he bought from its grantee the great Seigniorship of Nepisiguit, . . . He strove to promote the settlement of this region, and with some success. His principal establishment was at Miramichi at the Forks of that river. . . . But all of his activities were brought to a close with his death by shipwreck in 1691 at the age of about thirty-six (1910: 159-160).

- 8 The film is entitled *Incident at Restigouche* [1984—46 min.]. Directed by Alanis Obomsawin, the film raises important questions about the role of government (federal and provin-

- cial), the actions of police, the neutrality of the judicial system.
- 9 Trap nets enable the live capture of fish which can then be sorted by size and species for release if desired. Gill nets, on the other hand, which are suspended from floats and anchored to the river bottom typically drown everything which becomes entangled in its mesh.
- 10 For instance, the 1998 AFS Fisheries Agreement for Eel Ground First Nation contained a schedule for a "Communal Commercial Licence." This outlined catch limits for such fish species as: gaspereau and shad, eel, lobster, herring, mackerel, oyster and soft shell clam.
- 11 Ms. Pam Ward-Levi, Community Economic Development Officer for Red Bank First Nation and Co-ordinator of the Metepenagiag Heritage Park project, presented an overview of this major initiative at the symposium, "Our Experience, Our Knowledge: Aboriginal Tradition and Heritage at the Millenium" held at Mount Allison University, Sackville, NB in February, 2000.

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