

# Beyond Design Principles: subjectivity, emotion and the (non-)rational commons

## A Nightingale

Debates about the commons have largely been focused on rational reasons for cooperation and refining an understanding of the circumstances under which Hardin's 'tragedy of the commons' is irrelevant. This is not surprising given that most resource managers trained in natural science traditions, and even some trained in the social sciences, assume that the commons is an ecological disaster waiting to happen. We need to continue to promote the idea that management of the commons is viable. And science, after all, is a 'rational' tradition, firmly embedded within Enlightenment thinking that places reason above all other forms of knowing. Yet feminist scholars and social scientists in a variety of fields have long disputed the supremacy of 'rational' knowledge and sought instead to demonstrate the multiple ways of knowing that better account for how societies understand the world around them. I take some of these insights into the commons debate to think about the role of subjectivity and emotion in creating durable cooperative agreements. In other words, can we conceptualise a 'non-rational' commons?

When I first began thinking about ideas of subjectivity and emotion in relation to fisheries most people thought I was crazy. Talk to fishermen about their feelings? But when I did preliminary research, it became very clear that I was on the right track. As one fishermen's advocate said to me, laughing, "People are definitely not rational, especially fishermen. They make decisions based on other factors."<sup>1</sup> So I want to consider what some of these 'other' factors might be.

I should make it clear at the outset that I am not rejecting institutional design principles or the excellent work that has been done on conceptualizing the commons to date. Rather, I want to build from this work, most of which has been done within a broadly defined rational choice framework, and open up the debate to the non-rational or irrational. There are a number of epistemological challenges to doing this. Are we simply going to add in gender, kinship relations, emotional attachments to resources and land- and seascapes as new design principles? While certainly that is one approach, I would like to suggest another way of conceptualising how cooperative arrangements emerge. I want to explore how institutions, resources and societies co-emerge. If we understand their production as mutually constitutive, then rational choice models and design principles cease to be a logical starting point. Instead we need a conceptual framework that can better account for the emergent relationships between the human and non-human aspects of the commons.

This kind of conceptualization draws from nature-society studies that argue environments and societies are co-produced. This has major implications for how we understand the dynamics of the commons. It is not a question of explaining how resource use *impacts upon* the commons, but rather to explore how the commons, as an institution, a place and an ecosystem, is embedded *within* and *productive of* the societies that use the commons. The two cannot be neatly separated either

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<sup>1</sup> This is a paraphrase as the conversation was an unrecorded phone interview.

spatially, temporally or symbolically. In terms of management then, we need to understand how social processes emerge from and are reflected in the commons ecosystem. I am not going to treat nature-society debates in detail here as good reviews can be found elsewhere (XX). Rather, to explore the non-rational commons, I am first going to position this in relation to design principles and then draw from other work I've done on subjectivity and environment to think about social and power relations in the commons. This leads me into a discussion of **gender, kinship, community** and emotion.

### ***Design principles and the (ir)rational***

Much of the work done on the commons has centred around the institutions that make collective management of resources viable. Eleanor Ostrom's original and still highly pertinent intervention into property debates was to insist that it is the institutional arrangements, not the ownership structure, that determines whether or not management is successful. This emphasis on institutions has led to a proliferation of case studies to produce a set of design principles that help ensure sound commons arrangements. There is no question that the institutions that manage the commons are crucial to how resource extraction is limited and monitored. Yet, rather than focusing on the institutional rules, in this paper I want to focus on the dynamics of institutions, the everyday practices through which institutions come into being and are (re)produced over time and space. I suggest that subjectivities, including gender, race, class and identities such as 'fishermen' are equally important to how the commons is managed. When we take into consideration the non-rational, then why some well designed institutions fail becomes clearer. It is the enactment of institutions that is crucial to outcomes.

Subjectivities are crucial to the operation of institutions as they are integrally bound up in social relations of power and the ways in which people understand their relationship to others, whether that be human or non-human others. In a fisheries context, I am interested in the practices and interactions that are required for one to be considered a 'fisherman' and the contradictory ways in which these relationships both promote and frustrate attempts at cooperation. For example, when I tell in-shore fishermen I am interested in how they cooperate, they laugh and say they don't. And yet, when I have been on boats with them, there is an almost constant stream of communication as skippers radio others to tell them about the sea conditions, alert them to a strange boat in their waters, or warn trawlers they are too close to someone's creel line. When I point this out, they readily agree that they cooperate in these ways. In fact, I think most would agree that they *must* cooperate in order to ensure the safety of themselves, their gear and their catch. My longer-term research goals are therefore to explore whether or not these forms of cooperation help to build a foundation for more formal cooperation.

Importantly, here I am conceptualising institutions as a set of practices through which the institution is constituted and takes shape over time and space. An institution cannot exist in the abstract, outside of the operational plans or manuals, the policy documents and the meetings through which the rules are produced, debated and enforced. As a result, institutions are fluid. While policies or plans may change only periodically, the interpretation and enforcement of them emerges from the negotiations and harvesting practices of commons users and managers. Work on

community forestry and other common pool resources has shown that gender is often important for understanding these negotiations and practices. I want to build from these insights and suggest that subjectivity, which can account for gender and other identities, is an effective conceptual lever for exploring a dynamic commons.

### ***Scottish Nephrops fishery***

Before developing more fully my conceptual arguments, I want to give a little background to Scottish fisheries. This paper is the outcome of some preliminary ethnographic work on the Scottish in-shore *Nephrops* fishery although the bulk of the research is yet to be done. *Nephrops* are also known as Norwegian lobster or prawns and are the main species marketed as scampi or langoustines. They are fished both by creel and by trawl net, although the creel fishery produces a higher value, live product. *Nephrops* are crucial as they account for the vast majority of landings on the west coast. The west coast is a mixed fishery with creelers and trawlers sharing the same fishing grounds in most areas and significant salmon and mussel aquaculture development in the lochs that overlap spatially with the wild fishery. One community on the west coast has banned all mobile gear from their fishing grounds and they operate a formal, although not legally binding scheme to limit the number of creels fished per day per boat. They are a very interesting case study as the scheme was initiated by the fishermen in a political context where such schemes are not encouraged or supported and in some cases are illegal (cf. Shetland quota case). There are also a number of skipper-owned export companies that export the prawns directly to southern Europe where the biggest market for live prawns is.

The in-shore fishery is facing significantly different pressures than the highly publicized white fish fishery. The decommissioning of boats and limited days at sea for the white fish fleet have put more pressure on the in-shore fishery as many boats are moving to the west coast seasonally in order to get more days at sea. Nevertheless, the fishery continues to be dominated by skipper-owned boats that are operated out of small ports on a daily basis. It is rare for skippers to stay out at sea for extended periods of time, although some trawlers will go for up to a week. The fishery is also dominated by men. There are some women who fish, but the vast majority of boats are skippered and crewed by men. In this context a number of pertinent issues emerge around subjectivity, cooperation and the (ir)rational commons.

### ***Subjectivity and cooperation***

A core argument of this paper is that subjectivity is an important component of informal and formal modes of cooperation. Subjectivity is often conflated with identity, but the two concepts are different in important ways. Subjectivity refers to the ways in which people are brought into relations of power, or subjected, which is part of how one might identify oneself. Work on subjectivity owes a large debt to Foucault who was deeply interested in the exercise of power and the mechanisms through which people become subjects of states as well as subjected by discourses (Allen 2002; Foucault 1980, 1990, 1991, 1995). While he has been criticised for over privileging the disciplining and negative aspects of power, there are elements of his conceptualisation that emphasise the productive nature of power as well (Allen 2002; Butler 1997; Rose-Redwood 2006; Allen 1999). As Probyn (2003) defines it, individuals are 'hailed by' or interpellated into subject positions such as race, sex,

class, gender, or in this case, 'fishermen'. These subject positions are not stable and are (re)produced in the contexts within which identity claims are made and performed. Thus subjectivity is something that entails processes that are "fluid" but also "sticky" and tend to become stabilised through complex combinations of psycho-social and socio-spatial processes (Bauman 2000; Butler 1997; Henriques *et al.* 1984; Massey 1994). Gender is an excellent example. Defining a subject position "woman" is highly problematic, but those defined (at birth) as biological females are swiftly recruited into, and find it very difficult to escape subject positions that are constituted around notions of "woman" (Butler, 1990). In fisheries, to be 'a fisherman' requires that one goes to sea and catches fish, and this relationship between the resource and subjectivity is crucial for how fishers are then integrated into other aspects of their lives, including formal institutions to manage the fishery.

The subject does not exist outside a set of relationships and those relationships are always infused with power, even if that does not imply 'power over'. Feminist theorists have expanded upon these insights to understand how subjects need to take up or assume the power over them as part of their production (Butler 1990, 1992, 1997; Mahoney and Yngvesson 1992; Scott 1991). It is the same conditions that make the subject possible, that also provide the possibility for resisting domination. The subject 'fisherman' is dependent upon a large web of economic, political and social relationships wherein fishing as a historical, cultural, technological and legal activity is defined and policed. The theoretical point I'm trying to make is that fishers cannot contest fishing regulations without first accepting that they are subject to those regulations. In this sense, the power over them also provides the power to act. Similarly, fishermen cannot make claims about protecting their fishing grounds without simultaneously reinforcing the idea that fishermen exploit their fishery. If yachters made similar claims about protecting the fishery the effect would be very different because they are not already bound up in a subject position that implies catching fish commercially.

I want to make it clear that I am insisting that the fishery and fishermen are mutually constituted. It is not possible to be a fisher and never go to sea. And while I am not going to provide an extended analysis of gender in this paper, it is important to point out that in Scotland, fishing produces particular kinds of *masculine* subjects, even when some women work on boats. The other spaces where they are 'hailed' as fishers are also equally important in constituting what it means to be a 'fisherman' and with it the possibilities for various kinds of resistances and collective action. But perhaps more significantly, the fishery would not exist in its biophysical and symbolic state without the actions of fishers. The species that are caught, how they are caught, where and with what frequency are absolutely central to the spatial biology of the fishery. For example, in the *Nephrops* fishery, experiments with escape hatches on creels suggest that allowing younger prawns to mature shifts the population structure to larger, more mature prawns. In short, fishing practices influence the biology of the fishery. The relationship between commons users and the commons is thus highly coupled, and yet the two domains cannot be reduced to each other but rather have an element of independence. It is this partially-coupled relationship that is crucial to commons outcomes and that make understanding the dynamics of the commons important.

In terms of commons management more generally, relations of power affect the ecology of the commons and possibilities for collective action in very significant ways. Subjectivities emerge from the dominant/subjected relations that are inscribed in policy and practice, but these same subjectivities also open up various kinds of possibilities for resistance. One of the most common in fisheries is over-fishing or violating quotas, but recently some Scottish fishers have been at the forefront of voluntary schemes to create sustainable fisheries. One is the case I mentioned above, where mobile gear was banned from a creel fishery. Another is a scheme for white fish boats to actively avoid and report areas where large concentrations of young cod are found. In this way they are able to avoid catching large amounts of cod too small to land or that will exceed their quota. Both these schemes are constructive, pro-active attempts on the part of fishers to escape the notion that they over-exploit their fishery. Neither scheme provides short term financial returns for the fishers although most of them believe and hope that longer-term it will ensure the viability of the fishery. Under a rational choice framework, however, these kinds of schemes are highly irrational. They are not in the best interest of individual fishers and often mean they deliberately take less earnings from their days at sea. Interestingly, the white fish scheme has been well received in policy circles, but the creelers have faced an on-going struggle to make their scheme legally binding. At the moment it is strictly voluntary and they have no recourse to discipline or ban boats that do not comply. The conceptual point here is that the subject 'fishermen exploiting the seas' is crucial to these schemes. The schemes would have a very different effect and meaning if fishermen were popularly considered to be wise stewards of the sea.

This argument, however, still seems remote from the pitching fishing boats and smelly piers wherein fishers spend most of their time. Following geographers and feminist theorists, I suggest that to rectify this, attention needs to be paid to the embodied, discursive and social processes that produce 'fishermen' (Longhurst 2001; Rose 1993). In other words, the places within which fishers not only fish, but also the spaces where they interact: the pier, on boats, in meeting halls, at family gatherings, etc. are critical to the formation of the subject, contexts that are always laden with power. Here work on gender, race and ethnicity is particularly salient (Longhurst, 2003). Fishing produces particular kinds of bodies and emotions that are not insignificant when it comes to sitting around a table trying to draw up management agreements. Men who are uncomfortable, literally, sitting in meeting rooms, or who are used to coping with dangerous and physically demanding environments find the meeting room to situate their bodies and subjectivities differently. In other words, what it *means* to be a fisherman changes in different contexts and this change is as much an embodied experience as it is a political and emotional one. A fisherman working on his boat, providing food and income for his family is often in a relatively powerful position. I've met few fishermen who are not proud of their occupation. And yet, that same identity changes to a very different kind of subjectivity when they find themselves the target of decommissioning schemes, blamed personally for degradation of their fishing grounds or forced to interact with policy makers. The exercise of power changes in profound ways and they end up in a more defensive position relative to their occupation.

Conceptualising power dynamics in this way brings into focus the kinds of relationships and practices that shape how cooperation occurs within the commons,

many of which are not 'rational'. Every relationship is imbued with power, from that between policy makers and resource users, to internal user-group dynamics, to those between resource users and the larger community living near the commons. Those relationships all contain the possibility for power over as well as productive power wherein people seek to work collectively to protect the resource or protest policy decisions. Conceptually, it shifts the focus from institutional design to the everyday spaces and practices wherein commons management occurs. It is those elements that shape whether management rules are accepted, who accepts them, who policies them and the kinds of social *and* environmental transformations they produce.

### ***Embodiment, emotion and subjectivity***

As argued above, subjectivity helps to give insight into the operation of power and it provides a lever for conceptualising gender, kinship, community and other kinds of relationships that shape commons management. In this section I want to develop a bit more fully the importance of these elements of subjectivity for commons management and add in some preliminary thoughts on the importance of emotion to these processes. In Scotland, the in-shore fishery is dominated by skipper-owned boats, and often these boats are the lifeblood of small, coastal villages. Many places literally have no other industries or job possibilities outside of tourism, which itself is dependent on selling the 'fishing village' image to guests. As one older woman told me in response to a question what had caused the biggest changes in the community,

*Well mainly the fishing, the prawn fishing, years ago now I suppose 10 or 15 years ago, there weren't that many boats out of here and most of the young ones were really going away from the place, but now a lot of the young ones are back, the young men before could never think about buying a house in the area. But now they are buying houses and they are building houses and the prawn fishing, how many people are at the fishing of the local boys?*

Fishing, then is far more than an occupation, it is one of the activities that keeps the community viable. In this community many of them were concerned that there were now too many boats trying to fish the same ground, but none of them suggested that people should be actively excluded. Rather they highlighted the ways they cooperate, as one fisherman said,

*Everyone is free to go where they want but I mean basically your ..... is marked and its...well its more of a kind of gentleman's agreement that you don't go and shoot over the top of someone else's creels. And it's a pain in the backside as well for the person who has done it and...I mean it does happen you know, it does happen now and again basically because people think maybe somebody else is getting something better but it doesn't...it doesn't happen an awful lot and its generally put down to a mistake with tides and all that but if someone was blatantly doing it, moved in here and just plastered on top of everyone there would have to be something done that maybe you wouldn't put down on paper. (LAUGHTER)*

He suggests that if someone was really making trouble then they would take action against them, but otherwise most people try to cooperate. Another fisherman spoke

at length about how it was unpleasant to have confrontations with people and in areas where two communities' fishing grounds overlapped, they actively tried to avoid any actions that might cause conflict.

In many respects, these are 'irrational' actions in the face of competition in the fishery. One would expect fishers to try to exclude new boats or to try to capture as much catch as they can, even if it meant conflict with people they didn't know. Yet, in this context, avoidance of conflict, informal resolution and 'gentlemen's agreements' are preferred to formal rules or self-interested behaviour. For them, it is more important that they maintain their relationships in the community than it is to maximize their profit from the fishery. Other village members spoke about the ways in which people worked together and their commitments to getting along and keeping the village viable. As one of the fishermen said, [fishing] *keeps a lot of the jobs in the village you know, so I worked from here so that is a ..... you know. Now I've got 3 boats and a few people working for me.* He would be able to make more money by going further afield, but he has been trying to keep his boats 'local'.

Similarly, in two fisheries I've worked in on the west coast, the creelers know that they would have bigger and more prolific prawns if trawlers were banned from their fishing grounds. But they are also acutely aware that the trawlers also need to make money and that the fishing ground has to be shared. It is part of their community ethic and the sense they have that they need to stick together. Instead they seek to contain the trawlers to specific places by shooting a barrier of creels to mark off their area. In theory, they ought to be able to intimidate or negotiate the trawlers out of their area as they did in the other community I mentioned. Yet, in both places the creelers are against such a policy. In one place, the brother of a successful creeler is physically disabled and while he can run a trawl boat, he would be physically unable to creel. Everyone agrees that he needs to have an opportunity to fish. It is also common for fishers to trade in their creels for a trawler when they get older and find the physical demands of creeling to be too difficult. It is these kinds of community obligations that make all fishers in those areas committed to a mixed fishery.

Gender is another element of subjectivity that is terribly important in the Scottish fishery. Some women do fish, but they are very rare and in the communities I worked in there were no active women fishers at the time of the research. Rather, many men spoke about how women were bad luck on boats or justified the lack of female crew members by discussing the difficulties women faced holding down jobs and raising children at the same time. Fishing was not considered flexible enough to accommodate child rearing. I should point out here that during the fieldwork, there was an on-going conversation between myself and several of the men about women's independence and proper place in terms of work and marriage. Several of them were uncomfortable with the amount of independence I had and sought to simultaneously prove to me that they were enlightened to gender equality but also to assert that women's places should be different from men's places. Fishing was one of the arenas that many of them felt passionately 'belonged' to men. So fishing is very much a masculine activity, and the kinds of conflicts that emerge are linked to ideas of men providing for their families.

What is difficult about these kinds of relationships is that attempting to identify patterns or to associate identities with particular motivations is inappropriate.

Community obligations can just as easily lead to a ban on mobile gear as it can to a mixed fishery. Conceptually and empirically, it is important to recognise that the relationships are complex, contingent and changeable. If common property arrangements are not successful, it is more likely due to problems with these relationships than it is with the institutional design. I want to suggest that a conceptualisation of the (ir)rational commons needs to account for how power operates in the fishery and this includes the kinds of relationships I've described.

I want to conclude this short paper by speculating on another aspect of the (non)rational commons, that of emotional attachments to the resource or the land/sea-scape. Work on environmental activism has looked at the role of emotion in motivating people to work for the environment. Much of this work seeks to understand how people identify with the environment. Milton (2002) has argued that if people can identify with aspects of their ecological environment as 'like' themselves, they are more likely to treat that environment as they would themselves or another person. I would like to move away from an explicit focus on identification and rather think about the process of subject formation and how that process is embedded within and indeed inextricable from both relations of power and the socio-natural environments within which subjects emerge. As I stated earlier, fishermen cannot exist without going to sea and it is these experiences at sea that are deeply embedded in how they understand themselves and their relationships to those around them. As such, they have deep emotional attachments to the sea. One fisherman I interviewed was fed up with fishing and wanted to do something else but he said, "I can't imagine a career that didn't involve going to sea". He would readily embrace something else, provided he was still at sea.

Other fishermen talked passionately about their love of the sea. In response to my speculation that attachments to the sea were important in fisheries management, one fisherman told me a long story about catching a minke whale in his creel line and how he felt when he hauled it up dead. He was one of a small group of fishers trying to close their fishing grounds to mobile gear as they had in the community immediately to the north. He concluded his story by saying, "It is important to me to feel good about what I'm doing everyday so that's why I'm working for a closure. I need to feel that what I'm doing is sustainable." Importantly, he did not talk about landings or the hope that closing the fishery to mobile gear would result in larger (and more valuable) prawns over time. Rather he spoke about how he felt when he inadvertently killed a whale, the indiscriminate catch trawlers pull up and the importance to him of feeling like he was living sustainably. Such attachments can motivate people to be deeply committed to management arrangements or trying to get people together to observe commons rules. They are not rational in that they do not lead to direct gains for those involved. In fact, the fishers in the closed fishery spoke about how difficult it was to maintain their group and the problems of motivating people to come to meetings. The meetings do not help them individually, it helps the collective, yet their commitments to community and their passion for the sea tide them through the difficult negotiations.