

Running Head: LOBSTER WAR

This Lobster's Mine:

A Case Study of Maine's Great Lobster War

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Abstract

In 1995 five fishermen from Maine's Friendship harbor set out in their respective lobster boats, packed with a week's supply of provisions, and headed for the forbidden lobster grounds off Monhegan Island. Their action led to significant conflict in Maine's Mid-coast lobster fishery that was resolved only after substantial effort on the part of a skilled mediator. This paper, based largely on personal field observations and interviews, chronicles what is known locally as "the mother of all fishing disputes," and attempts to demonstrate that mediation can serve a valuable role within this important sector of Maine's economy.

## This Lobster's Mine: A Case Study of Maine's Great Lobster War

### Introduction

*Five fishermen from Maine's Friendship harbor set out in their respective lobster boats, packed with a week's supply of provisions, and headed for the forbidden lobster grounds off Monhegan Island. Their action led to significant conflict in Maine's Mid-coast lobster fishery that was resolved only after substantial effort on the part of a skilled mediator. While mediation resolved the particular conflict initiated by the "Friendship Five," it was used only as a stopgap measure. The conflicts that exist within the Maine lobster fishery often require adoption of formal rules to overcome inherent conditions of conflict and this incident has raised a number of questions for Maine public policy decision makers. Paramount among these questions is whether mediation is an appropriate tool to use in the resolution of conflict within this important sector of Maine's economy or whether is it more politically and fiscally cost effective to move immediately to regulatory or statutory intervention when conflicts arise.*

A family friend first told me about the war between lobster fishermen from Monhegan Island and Friendship when I was home visiting my parents in Maine one weekend. Always curious about the circumstances surrounding decisions to use mediation as a form of conflict resolution, and the effectiveness of doing so, I set out on a quest to understand the details of what happened. This paper is the culmination of what I learned on that voyage.

The Maine lobster fisherman is commonly stereotyped as a rugged individualist willing to defend personal independence with violence if necessary. However, the survival of the lobster fisherman, I quickly learned, also depends on the ability to coordinate efforts and work collectively in order to preserve a community.

A former fisherman, whom I interviewed, likened lobstermen to mackerel. “They aren’t good on a community level of cooperating except under pressure and in crisis. They are like mackerel – magnificent creatures – they do their own thing except when they are threatened. Then they school.”

One such threat is territory encroachment. “The most distinctive feature of lobstering clusters or harbor gangs is that they claim and defend fishing areas. Territoriality does not exist in any other Maine fishery,” (Acheson, 1988, p.3). Proprietary rights over lobster grounds while not recognized legally have traditionally been expressed through practices of self-management such as trap molestation and verbal threats. Fishermen claim ownership of the areas in which they set traps and until recently, trap cutting and destruction of property have been the primary methods of social control. Slowly, however, self-management is giving way to state and federal government control.

“Strictly speaking, managing the fishery in this country and state remains a government prerogative,” said Bill Brennan (personal communication, July 17, 2000), a former commissioner of the Maine Department of Marine Resources (DMR). And recently there has been an increasing level of government involvement with the management of all marine fisheries. For example, evidence suggesting the over-fishing of certain fish stocks led the U.S. government to pass the Fishery Conservation and

Management Act in 1976, now known as the Magnuson-Stevens Fishery Conservation and Management Act. Ensuring a healthy supply of fish became a federal responsibility carried out by the National Marine Fisheries Services (NMFS) and eight regional fishery management councils.

Maine's lobster fishery is experiencing a transition in management practices and it is often times seemingly unclear who is doing the managing. Rights and responsibilities overlap and depending on whether local traditions or state practices are being followed, different courses of action are taken. Exasperated, one lobster fisherman exclaimed, "Conflict?! It is all over the place!"

Whether over territory, gear, or the over-fishing of certain stocks, the industry is rife with conflict. Mediation can serve a valuable role in addressing these various manifestations of conflict and furthermore, it will be necessary if local control is to work in Maine because the alternative is a regulatory or legislative solution.

### Theory

The frequently cited article, "Tragedy of the Commons," published by Garret Hardin in 1968, argues that rational individuals with free and open access to a resource with no ownership increase their potential consumption of that resource at the cost of eventual exhaustion. Hardin's theory has been challenged over the years because of its assumption that only government institutions can arrest a trend towards over exploitation. In fact, social science literature focused on the generation of governance structures demonstrates that self-generated rules of organization and property rights systems are practical and possible. Communities practicing self-management in various locations

throughout the world demonstrate that Hardin's thesis is flawed<sup>1</sup>. Local control is one way to ward against such tragedy in Maine's important lobster fishery. The struggle becomes, then, when and where government intervention ends and local self-management begins.

To begin my understanding of lobster fishing in Maine, I relied on the works of Dr. James Acheson. Anthropologist and professor at the University of Maine, Acheson has recorded the lobster fishermen's culture -- including their local legal system, "which rules lobstering off the rocky coast, [and] sometimes runs counter to the laws of the state and nation" (1972, p. 60) – in ethnographic detail. He coined the term 'harbor gang' to describe the local lobster fishing community and it is the title of his most recognized book, The Lobster Gangs of Maine (1988). While fiercely independent, lobster fishermen also cooperate to defend their territory from encroachers. Throughout my project, Acheson's work served to confirm much of what I was hearing in the field as well as to provide points of clarification. It was inevitable that I would become familiar with his book because many of the fishermen I interviewed referred to it.

In order to place the lobster war within a conflict theory context, I applied the ideas of organizational theorist Louis Pondy (1967 and 1992) and those of Blair Sheppard, Roy Lewicki and John Minton (1992) in their book Organizational Justice: The search for fairness in the workplace to the events that took place. While not an organization in the typical sense, the three parties to the lobster war (the fishing communities of Monhegan Island and Friendship, and the State of Maine) operate within

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<sup>1</sup> Community-run fisheries existing without government approval include: Valensa, Brazil, Nova Scotia's Port Lameron Harbor, and Alanya, Turkey. Government supported community-based management fisheries include: Scotland's private salmon fisheries, Norway's Lofoten fishery, and Japan's fishing cooperatives (Leal, 1996).

a 'system' and the ideas of organizational conflict theory highlight this important understanding.

Louis Pondy's (1967, 1992) theory provides us with an overall framework for understanding conflict as it occurs within organizations. He describes organizational conflict as a series of "conflict episodes"<sup>2</sup> whereby each episode interlocks with the next so that the aftermath of one alters future interactions. He identifies three classes of conflict: bargaining, bureaucratic, and systems. When superimposed on the Monhegan/Friendship conflict, these classes of conflict, or models, each bring to light various tensions within an organization. In effect, each model serves as a different lens from which to view the conflict.

Pondy expounds upon the importance of organizational adaptability and flexibility in dealing with conflict in organizations. Not only does an organization need to be able to tolerate and withstand existing conflict, it needs to promote conflict in order to survive. Pondy understands conflict to play an essential role within an organization because it balances the existing opposite tendencies that left to their own, would drive the organization to its death.

Sheppard, Lewicki and Minton's (1992) theory on injustice in Organizational Justice: The Search for Fairness in the Workplace offer possible explanations for why the five Friendship fishermen chose to raid Monhegan's traditional territory. They suggest that decisions to pursue an injustice are predictable and they describe how past feelings can influence future decisions.

Toward the completion of my paper I stumbled across the recently released book, The Lobster Coast: Rebels, Rusticators, and the Struggle for a Forgotten Frontier by

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<sup>2</sup> This is also explained in terms of "distribution fights." (Knight, 1992).

Colin Woodard (2004) and discovered that the author and I conducted research on Monhegan at the same time. Although we never met, nor discussed our individual projects, reading the first chapter, I might as well have been reading my own notes! Many of his quotes are identical to quotes I collected. Dismayed as I was, I eventually took solace in the fact that he too thought the topic warranted attention.

### Research Method

This project is designed as a descriptive single-case study using methodology supported with research data developed through participant-observation, a standard and well-accepted research technique utilized in many social sciences. My personal field observations and interviews provide a unique perspective on the events that led to the Great Lobster War. Other data gathering methods include various ethnographies on the industry, document reviews, newspaper articles, opinion pieces, and television news transcriptions.

Through case studies, this project attempts to demonstrate that mediation can serve a valuable role in addressing various manifestations of conflict and that doing so will be necessary if local control is to work in Maine because the alternative is a regulatory or legislative solution. This work is bolstered by detailed presentations of the theory attendant to local control, organizational conflict and perceived injustice.

### Participant-Observation

#### Visiting Monhegan Island

Monhegan Island lies approximately twelve miles off the Maine coast, accessible only by boat. I conducted my Monhegan research during the winter months since counter to all other lobster seasons, Monhegan's runs December to May.

Lobster fishing is a major source of revenue for these residents and over the years, industry traditions have taken hold: Trap Day marks the first day of the season and is honored by the entire Monhegan lobstering community. It has been a tradition on the Island “since the beginning of time,” recalled one fisherman.

Monhegan Plantation is not quite a square mile in area, and most of the land is preserved by a trust. The winter population, roughly 75 people, lives on the northeasterly portion of the Island, hugging the harbor. While there are a few roadways, none are paved. Year-round residents are allowed cars, which are brought over by barge. Most are old pick-up trucks, while the nicer automobiles are left on the mainland for trips to Walmart, the grocery store, and doctors’ appointments.

After sharing with one year-round community member my feelings of fondness for the island, he remarked: “Yes, there are people who identify with this island -- even people who have never been here. They follow it and they care. They really care and in some cases they care more than they do their own hometown. It’s a romantic throwback that appeals to everybody; and also, the incredible beauty of the island. It’s hard not to make the error of transferring physical beauty to the sociological aspects of the island. For the people that are away and looking at the beautiful pictures, they don’t see... (and his voice trails off).”

At the turn of the century there were 300 year-round island communities along Maine’s coast, according to the 2000 U.S. Census Bureau; 15 remain (“Island towns undergo rebound in population,” 2002). Preservation of this way of life is important to the islanders and to those that visit.

I arrived on Monhegan in mid-January of 2002 when the lobstering season was in full swing. The weather was frigid and it was hard to believe anyone, in their right mind, would choose to live out here, much less, haul traps during such deplorable conditions.

Stepping off the mail boat, the island vaguely resembled that which I remembered from summer visits. Absent were the people, the bustle, and the green. Restaurants and inns were boarded up and the ground was covered in ice and snow. It was desolate and uninviting.

A fellow greeted me, quickly picking me out as the “island guest,” and helped me load my gear on his flatbed. On the way up to the B&B he told me he was originally from Revere, Massachusetts.

As I walked down the main street looking for signs of life that afternoon, I happened upon Ed at the post office. “Well look what the ocean brought in,” he said. “It’s nice to see a new face. It’s nice to see there’s life out there,” and he motions his head west toward the mainland.

Ed is a retired lobsterman. He recalled the war with Friendship but wasn’t actively involved with it. I tell him where I’m from and he smiles. He grew up in Cambridge and fears going back after all these years. “I wouldn’t recognize a thing,” he said.

Months later I came across the following description of the island: “Few adults on Monhegan Island today were born there. A number came during the troubled late sixties and seventies (the time of the Vietnam War) to seek solace from a crippled world; they squatted in their parents’ drafty cottages until they could make shift for themselves. But they stayed. Most of the fishing fleet today is made up of such recent arrivals” (McLane,

1992, p. 242). While the characterization does not account for everyone on the island, it accurately portrays a number of the individuals I met.

Ed said the fishermen I would want to talk with could be found in the fish house, “just over there,” and he pointed to a large gray barn on stilts by the beach. “What’s inside?” I said. “Oh, not much, just lots of fishing stuff... And rum,” Ed replied with a smile. “You can find people at the general store, too. When it’s open, that is.”

I thought about living a lobsterman’s life on this remote island, miles and miles from shore. Survival depends on a strong and supportive community. Hospitals, fire engines, state laws and the police are distant ideas with little consequence. And yet, these are rugged individuals competing for a finite resource in order to make a living and provide for their families: A precarious balance.

I met Katy at the general store. The wife of a lobsterman, store proprietor, a mother, and frequent writer of the Monhegan column published in the Boothbay Register and Courier-Gazette. We conducted an impromptu interview at the back counter, where I began to learn about a complicated chain of events.

That evening, after packing extra audiotapes, batteries for my recorder, and a hefty flashlight (the island has no streetlights) in my backpack, I made my way to Sherm’s fish house as Ed had suggested. I walked up the ramp leading to the barn door and tugged hard. Inside I found three men and a woman gathered around a table, chatting. I quickly introduced myself, feeling like an intruder. The older fellow, who I came to learn was Sherm, seemed intrigued by the premise of my project and remarked: “That was a long time ago. It’s hard to remember much.”

Another younger fellow chuckled and said, “It would take a lot of trees to tell the history of Friendship and Monhegan.”

Sherm said to come back tomorrow. “If the weather isn’t so bad we’ll try to drop traps in the morning. Otherwise, I’ll be around. Probably up here. Stop by if you want.”

The following morning I peered out my window. The weather was grey and the fog dense. It hung like curtains around the periphery of the harbor. The boats were nestled close together, bouncing about on their moorings – everyone was island-bound. My life in Boston felt light years away and I wondered if I would make it a whole week.

I quickly got dressed and set out to Sherm’s fish house as he had suggested the night before. He was hard at work hunched over his upside-down dingy hammering long cotton strips into the spaces between the wooden planks. He called it caulking. His hands were rough and worn. It was clear he had been hauling traps for a long time.

His grandfather was a Monhegan Islander and his grandmother was originally from Friendship. Both his dad and granddad fished on the island, making his family one of the longest-standing resident families on the island. With relatives from both sides of the dispute, I hoped he might have some insights into its origins. Unfortunately, he did not offer much in the way of explanations. He recalled over the years receiving phone calls from Friendship fishermen, drunk and hanging out together, making threats like: “We’re going to burn your house down.” He said he just hangs up. “What can you do with someone in that state of mind – drunk and impressing friends?” I figured I was lucky to be getting 1/8 of the story.

Later that afternoon I met the Boynton's at their home and learned about the war from their perspective. In no time at all I was launched into the world of lobstering where I began to grapple with the nuances of fishing off the Island.

Originally from New York, they have lived on Monhegan for 30 years and recall fighting with Friendship for as long. "It's tradition that there is pushing and shoving between harbors to maintain exactly where the territory lines are and there are a lot of little disputes," explained Doug. "Friendship and Monhegan happen to have it particularly contentious. We aren't there to hold our bottom for six months, it makes it very easy for them to come inside our territory and creep in."

Monhegan lobstermen have some unique fishing traditions. Localized differences include setting traps six months a year - during the winter. (For the rest of the state, a typical season can run early summer through late fall depending on the ambitions of the lobsterman.) Monhegan has been fishing a six-month season since at least 1907 when it was written into law that a two nautical mile radius around the island would observe a six-month closed season.

"Lobstering had replaced most other forms of fishing early in this century as the chief source of revenue for the islanders," reports McLane (1992, p. 227). "It was their concern with the protection of this fishery that led them to petition the state legislature in 1907 for a closed season around the island during the summer months. The difficulty for Monhegan fishermen was that they were still engaged at this time in trawling, purse-seining, and mackerel dragging along the coast, activities that necessarily were carried out during the summer - while their waters could be (and were) freely plundered by lobstermen from nearby mainland communities. Since Monhegan is ice free, fishing

could be carried on as easily in the winter as summer – or if not as easily, as least as profitably” (ibid).

Over the years, Monhegan has instituted self-management practices such as imposing island-wide trap limits and adhering to an apprenticeship program (which, the islanders are quick to point out, have since been adopted by the State<sup>3</sup>). But the most important aspect of the lobstering culture, and that which this dispute centered around, pertained to Monhegan’s traditional fishing territory.

According to the Islanders, traditional Monhegan fishing territory included a two-mile radius around the island *plus* an additional three miles, or so, to the southeast side of the island (totaling five, or so, miles to the southeast). This entire traditional fishing ground observes the six-month closed season and only Monhegan Island lobster fishermen fish it during the open season.

Ask any fisherman off the coast of Maine and they will tell you that backed by legislation or not, tradition carries weight. As Doug explained to me, “tradition has more force than law in these waters. Tradition in these parts has force enough that on Matinicus Island if you want to fish, you have to fish for a family that owns the island<sup>4</sup>. Tradition has a lot of pull.”

So when Doug explained that Monhegan and Friendship’s relationship is particularly contentious because the Monhegan lobstermen are not there to protect their bottom for six months out of the year, I saw the threat Friendship posed.

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<sup>3</sup> Statewide trap limits have been in effect since the zone management law was enacted by the Maine Legislature in the spring of 1995. The state apprentice program went into effect statewide in March, 2003.

<sup>4</sup> On Matinicus, fishermen strictly control who will be accepted into their fishery. One must either live on the island and have island kinship ties or purchase property from a local fisherman, who then becomes an informal sponsor (Bowles & Bowles, 1989, p. 241).

After explaining to one Island fisherman that after visiting Monhegan I was headed to Friendship to see things from their side, he exclaimed in no uncertain terms: “Jesus Christ! You don’t want to go down there alone. You’re going to have to bring someone else with you. A fresh young thing like you going down there? They’d have you chained to the living room. They wouldn’t let you out...It’s a dangerous f\*cking place. It is. People get shot down there. They beat each other up with pipes and clubs. All of them spend time in jail. Jail time is fun for them. It’s like a vacation.”

It was at this point, and compounded by the fact that this was not the first reaction of its kind (though definitely the most colorful), that I realized the strength and power of the islanders’ prejudice.

“You can even read in the local newspaper that they are having problems in Friendship right now,” says Katy. “They break the law a lot. They have criminal records, a lot of them. We don’t use guns -- we don’t shoot people’s boats if we are unhappy with them. We don’t threaten our neighbors and set their cars on fire. These things happen in Friendship. We are pretty peace loving out here.”

The islanders’ comments clearly communicated to me a belief system whereby Friendship is the antithesis of what it is to be a Monhegan Islander. While on the surface the conflict was over a scarce resource, they were also fighting over their identity. They were fighting over their ‘otherness.’

“Friendship is less educated and more intimidating than Monhegan,” said a Monhegan fisherman. “It is a little hole of Appalachia,” said another.

One fisherman told me this story: “When a warden caught [a fellow from Friendship] with four or five deer in the back of the truck one time, instead of yielding to

the warden this guy jumped in the truck and drove off and the warden fell off the truck and clipped his pants on the bumper and got dragged down the road and was hospitalized for a long time and the guy got off [without any jail time]. This is the kind of thing that happens and you hear these kinds of stories and they'd [Friendship] come out to the island totally trashed and yell at people on the dock and be mischievous in a big way and we never reciprocated things back to my knowledge. They are a small very disrespecting group. Friendship was a little isolated community and it's a bit of the Wild West where you could break the law and get away with more."

What began the conflict spiral is unknown. "I guess it's lost in the Hatfields and McCoys," one interviewee suggested, shrugging his shoulders.

### Visiting Friendship

Friendship, located fourteen miles north of Monhegan Island along Maine's mid-coast mainland, is on the end of a peninsula ten miles south of Route 1. It is not a pass-through town as it is located at the end and convergence of two roads – Maine's 220 and 97 – with no reason to travel down either except to arrive at the fishing village itself.

Friendship's winter population of 1200 is spread sparsely across three peninsulas and various islands situated close to shore. With an expansive area of land and two working waterfronts, the sense of community is divided into pockets.

Two stores exist in Friendship: Wallace's Market and Friendship Village Hardware. "Resisting tourism is a concerted effort," said a summer resident of Friendship. "In the 1980's the town mailed questionnaires asking residents whether they wanted to promote tourism. The consensus was no. And recently the issue came up again at the town council and again it was clear, tourism is not wanted in Friendship."

While Friendship has been able to avoid the tyranny of tourism due to its location off the beaten path of Route 1, it also may have avoided the lessons of tolerance and acceptance of differences.

Case in point: the Friendship Sloop races. The original Friendship Sloop was made in Friendship, Maine in the 1800's. Today, owners and sailors of reproduced sloops frequently convene at big regattas. Until 1984, the Town of Friendship hosted an annual racing event; that is until some local fishermen drove them out. A bunch of boats were cut adrift and the owners were told not to come back or they would be shot. "The Marine Patrol boat stationed in town was vandalized, too," said a local fellow. "The state flag was flying overhead and that didn't deter them." Needless to say, Friendship Sloop Days are now held in a neighboring harbor town.

While Friendship has chosen to shelter, preserve and protect itself from outside influences, Monhegan readily adapts to changes that result from the influx of summer tourists. In fact, the islanders have chosen to rely on tourists for a portion of their annual income. Revenue generated from the island's restaurants and inns subsidize their winter lobster profits.

In Friendship I met three of the Friendship Five involved in the war. Karl, the spokesperson of the group, had since hung his traps. He left fishing, he said, in order to spend more time with his four daughters. He is now the owner of the town's only grocery store and was recently elected the town alderman.

Don Sr. met with me in his fish house overlooking the harbor. With a map spread out across the billiard table he showed me the territory under contention and recalled the

somewhat confusing chain of events. At the end of our meeting, Don Sr. suggested I take a drive to his son's house in order to hear his perspective, which I did.

As for the remaining two men, based on the advice from the Islanders and coupled with the sense of reluctance I felt on the part of Karl and Don Sr. to share with me their contact information, I decided not to push my luck. Karl said they probably would not want to talk and that it had been so long they probably had forgotten the details. I chose to leave it at that.

### Local Control

“If they cut our traps, we cut theirs,” explained a Monhegan fisherman. “Keep it all to yourself and do what you have to do. The code, though, has changed over the years with new folks on the island.”

While most fishermen were cagey when it came to exactly how they defended their territory (some asked that I stop the tape recorder before only alluding to their technique), there were a few who outright stated they cut traps, and this was usually when Jim Acheson's book was referenced. Just about everyone mentioned it, and I wondered if in their minds it functioned to legitimize their illegal behavior.

“It is all over Maine. Everybody knows when you set traps and you know where your area is. Have you read The Lobster Gangs of Maine?” asked the wife of one fisherman. “You know where the area is and if you don't know where the area is, somebody is going to tell you where your area is.”

While there is no fixed response, violators are warned “sometimes by verbal threats and abuse, but usually by surreptitious molestation of lobstering gear,” reports Acheson (1988, p. 74).

The claiming and defending of fishing areas is the most important and distinctive feature of the lobster fishing community. No other fishing group (i.e. swordfish, shrimp, scallop) claim proprietary rights to fishing areas. “Territoriality does not exist in any other Maine fishery,” notes Acheson (1988, p. 3). This behavior is shared and respected up and down the coast and it serves to nurture social coordination on the water. Its violation is socially disruptive and punished through informal, folk justice systems. For instance: “A few people, not necessarily Friendship, have showed up on Trap Day with loads of gear in the past and they tried to fish Monhegan waters,” explains a Monhegan lobsterman. “And there’s nothing in state law saying that you had to be a resident. And they’d come back and their gear was gone. And that’s why it’s a territorial business and everyone in the business knows.” The fishing community works in tandem to protect their area.

The term ‘lobster gang’ (Acheson, 1988) describes the fishermen’s level of commitment. They band together for mutual protection and profit. While some feel it is an unfortunate term, the negative connotations are also true. Lobster fishermen are territorial and not afraid to exhibit outward hostility. In fact, aggression is both accepted and encouraged.

Beginning with minor gear manipulation (“two half-hitches of rope may be tied around the spindle of the buoy” [Acheson, 1988, p. 74]), it can escalate to violation of property and sabotage (cutting lines, burning boats). “Destruction of traps does not usually lead to direct confrontation since the owner can only guess who destroyed them or even whether they were destroyed on purpose,” explains Acheson (ibid). It can be an insidious war.

Aggression against perpetrators is intended to preserve the status quo and to maintain order without law<sup>5</sup>. The lobster fishermen's social norms legitimate using force (an implicit form of conflict), creating, in turn, an environment particularly conducive to the use of violence in conflicts.

### Episodes

The following section briefly outlines in chronological order the events that comprise Maine's Great Lobster War. Beginning with the Friendship raid in the fall of 1995, each event is a power play in response to the one preceding it. Louis Pondy's (1967) theory of conflict describes these power plays as a series of 'episodes' that strung together constitute the 'conflict relationship.'

#### Conflict Episode #1: The Staged Raid

In November of 1995, during Monhegan's closed season, five Friendship fishermen motored out to the waters surrounding Monhegan, setting traps just outside the two-mile line on the southern side, in what was known to be Monhegan's traditional waters. The five fishermen anchored among their gear for an indeterminate amount of time knowing full well that to leave their gear was to lose it. It was a significant act in the lobstering industry and in the history of the relations between the two fishing communities.

"Of course that set of fireworks out here," recalls a Monhegan fisherman. "There were a lot of problems. The coast guard and marine patrol had to come out."

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<sup>5</sup> A significant portion of a community's social control takes place outside the government hierarchy and its laws (e.g. language development, urban growth, financial markets). The interplay between the legal system and less formal systems of social control is written about extensively. Ellickson (1991) demonstrates that people frequently govern themselves and resolve disputes cooperatively without the use of law in Order without law: How neighbors settle disputes.

“I remember boatloads of gear and the wardens and coast guard and National Guard all on high alert,” recalled another.

### Gentlemen’s Agreement

Within a few short hours of the Friendship fishermen setting traps, the federal warden boats arrived and sat watch in Monhegan’s harbor while the Monhegan and Friendship fishermen went to shore for a meeting.

Various discussions ensued between the fishermen, the Department of Marine Resources (DMR), and the Coast Guard before the two communities were able to formalize a “gentleman’s agreement” that would put to rest the invasion.

The Marine Resources Commissioner, Robin Alden, brokered the agreement. “The islanders ceded claim to all but a mile of ocean outside their zone; Friendship and Cushing agreed to respect that mile as Monhegan’s,” reported the *Portland Press Herald* (“Monhegan lobster war draws in state,” 1996)).

### Conflict Episode #2: Boat Sinks

However, tensions were mitigated only temporarily. A newspaper reported that vandals at Port Clyde sank the boat of Monhegan’s John Murdock. Reported the *Bangor Daily News*: “The strife started last fall when mainlanders, mostly from the Friendship – Cushing area, moved in close to the two-mile zone and began setting traps within Monhegan’s traditional lobster turf. That led to threats of violence, and charges and countercharges of vandalism, including numerous allegations of trap molestation and a boat sinking” (“Monhegan lobstering deal official”, 1996). With this the islanders pushed to codify the gentleman’s agreement.

### Conflict Episode #3: Monhegan Island Conservation Area – July 16, 1996

The Monhegan fishermen pushed to codify the gentleman's agreement, which led to the passage of a special lobster conservation zone entitled "Monhegan Island Conservation Area." Monhegan agreed to concede any traditional territory outside the zone except for Cash's Ledge – 50 miles offshore. The DMR was instrumental in writing the language, and based it largely on Swan Island's zone: the only other island off Maine with its own conservation area.

"And I supported its passage," remembers a state official. "That was that. At that point, I guess, everyone thought it settled. There had been some winners and some losers. There is area for Friendship to fish outside Monhegan that they can continue to fish but they can't fish right up to the two mile limit."

#### Conflict Episode #4: Changing of the Season – Spring 1997

"So, the next year [April 1997]," explained a Monhegan fisherman, "we probably irritated the Friendship guys when we filed a petition with the state that we wanted to change our season. We originally wanted to change it to November [to increase the season by two months]."

The request was intended to "offset economic problems due to loss of traditional bottom, lower January lobster prices, and to avoid gear conflicts with shrimpers whose season also starts January 1," stated a document prepared for a legislative hearing that chronicled the Monhegan Island events.<sup>6</sup>

The Monhegan fishermen claimed they were making less money because of the reduction in size of their territory. "We are dropping every year and that is because of pressure down below. We originally wanted two months added to our season and that

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<sup>6</sup> The request caused internal island community tensions to mount because requesting a longer season appeared to fly in the face of 'conservation,' the basis for the island fishermen's argument to keep Friendship from fishing in their waters.)

fired those Friendship guys up something awful because basically if we started in November then we'd be right out there in the keyhole area [shape of the newly formed fishing territory] with them lobstering. And they wanted it all to themselves during November and December now that they are three miles below.”

Summarized the *Bangor Daily News*: “Earlier this year, as the ink on the new regs was still damp, islanders asked that their season be extended by moving the opening day from Jan 1 to Nov 1. While the request, now scaled back to Dec 1, makes sense economically – lobster has become a holiday favorite and fetches a premium price during the season – the timing was imprudent; it only added to Friendship’s perception that Monhegan gets special treatment” (“Home rules,” 1997).

The state granted Monhegan their request for a one-month extension on their fishing season.

#### Conflict Episode #5: Friendship Signs Up – Fall 1997

Prior to the new opening of the Monhegan lobstering season (December 1), the five Friendship fishermen submitted applications for Monhegan Area fishing permits. Nothing in the regulation prohibited Friendship from participating in the zone as long as they observed the Monhegan closed season and keep all traps out of the water until the Monhegan season opened.

Reported the *Bangor Daily News*: “Lobster fishermen and state officials are bracing themselves for what could be the trap war to end all trap wars” (“Monhegan trap war brewing,” 1997).

Reported the *Courier-Gazette*: “Marine law officers are preparing to deal with a potential conflict between lobstermen from Friendship and Monhegan, as tradition and

law seem headed for a collision in the waters southwest of Penobscot Bay...Several Friendship fishermen possess state permits to set as many as 600 lobster traps each in the waters that, by tradition, are fished exclusively by Monhegan men” (“State gears up for pan bay turf battle,” 1997).

Said Friendship’s Donald Simmons to the *Bangor Daily News*: “There’s plenty of lobsters out on Monhegan. They could catch lobsters all year-round out there if they wanted to. Every town would like to have it that easy” (“Fishing for protection,” 1997).

“We’re giving up all our rights to Maine waters to do this,” said Friendship’s Karl Pitcher. “We’re doing that because we think it’s a good opportunity for us. To be able to fish with less traps, to fish during the time of year when the price is better, and to fish in an area less populated with traps” (“Lobstermen argue their rights,” 1997).

#### Conflict Episode #6: Monhegan Files Lawsuit and Postpones Season

The DMR granted the five Friendship registrants’ permits and trap tags for the Monhegan Conservation area. Because the Friendship fishermen had been fishing traps all summer, they were also granted a grace period to remove their gear from state waters before the Monhegan season opened. (The Monhegan Island Conservation Area regulation states that lobster fishermen registered in the Monhegan zone cannot simultaneously fish traps outside the zone.)

Monhegan, enraged, responded by mailing a petition to Governor Angus King demanding action. “The problem is the governor has no power to institute a freeze and neither do I,” said DMR Commissioner Robin Alden. “The authority to limit entry to the zone rests only with the Legislature” (“Monhegan asks state to help stem lobster war,” 1997).

“We well pretty much made it clear we weren’t gonna’ fish like one big happy family,” said a Monhegan fisherman. “If you mess up your area you just don’t move on and lay waste to another...This is a conservation issue. In Maine we’ve killed every fishery by unlimited entry and greed. This is a chance to prevent that...Maybe the state doesn’t care if another island goes down but I do,” said Monhegan’s Doug Boynton (“Monhegan asks state to help stem lobster war,” 1997).

Quoted a Monhegan fisherman in the *Bangor Daily News*, “We’re talking about the death of a community. We’re strong, but not strong enough for this” (“Monhegan trap war brewing,” 1997).

The Monhegan fishermen filed a lawsuit with the state and announced that they had voted to postpone the opening of the season.

#### Analysis

Maine’s Great Lobster War is best understood as a sequence of six conflict episodes. What led to this chain of events eludes the Monhegan fishermen, or so they claim. But when I asked the five Friendship fishermen why they set out for Monhegan’s waters in the fall of 1995 I heard a different sort of answer. I discovered a pervasive sense of injustice by the Friendship fishermen. They explained how Monhegan was stretching the rules and the State of Maine’s Marine Patrol was turning the other cheek.

“The Monhegan people would never let anyone fish traps in federal waters or even four, five, six miles below the island” explained a Friendship fisherman. “They’d go out and cut them off...It’s a known fact, they admit it. They say, ‘Yeah, that’s ours. We understand.’...They would see you coming out or going in and on a day when no one was around, or just before dark, they would go out and cut your traps,” he explained. “You

could stay a ¼ of a mile away from their line and they'd come up for the [heck] of it some nights and steal your gear."

The Friendship fishermen feel certain of this, especially because two massive piles of traps were found in Monhegan's harbor by a sea urchin diver. It appeared to the diver, and to the Friendship fishermen he told, that Monhegan fishermen were hauling traps and dumping them near the island shore where evidence of the crime could be hidden.

"We are aware of the two-mile conservation area," admitted a Friendship fisherman. "It's law." But then he tells me of a time recently when he was setting traps north of the 2-mile line and the wardens came by and nodded in approval of where he was setting his gear. Then the next day, the fisherman set out to haul his traps and noticed the ones set on the northern side of the island, just outside the two-mile line, were nowhere to be found. Another fisherman from Friendship said he had seen someone from Monhegan cutting traps in that area.

While this might have been an isolated incident, "it's the little stuff that piles up over time," explained another Friendship fisherman I was interviewing. "It adds up and frustrates a man to such an extent that you got to stop it."

In organizations, people have a number of alternatives to dealing with perceived injustice, say Sheppard, Lewicki and Minton (1992): "Propose a change, leave the scene, initiate sabotage, follow bureaucratic rules to the letter of the law, bite the bullet, rationalize, campaign for reform, gripe, and so on" (p. 48). Friendship followed the rules and called on the Marine Patrol. Quickly, however, they realized the futility in that approach.

“We tried -- we actually caught them red-handed, hauling our gear on the line and just outside the line,” explained a Friendship fisherman. “See, from a distance, you can’t tell because on the water things look different. But they was coming out and hauling a lot of our traps and you know things like that and we caught them in an airplane one day and so we didn’t like that either.” According to the Friendship fisherman, the sergeant was not interested in going up in a plane to see for himself because he was dating a fisherman from Monhegan.

Friendship felt that “Monhegan just about had the commissioner in their back pockets...We was within the law and they should have been more on our side than they were...It don’t matter who you are, if you’re within the laws...They are kind of one-sided, I felt, with Monhegan,” said the fisherman.

Said another from Friendship, “It just an island community and it don’t matter if they’re criminals or murderers, or murdered someone, they always get away, they haven’t murdered anyone, but I mean, no matter what they have done to us fishermen, they always get away with it. Everyone stands by them, no matter what we say. It’s all led to like, that’s how this whole conflict got started...marine patrol weren’t helping us.”

The perception of injustice as expressed by the Friendship fishermen demonstrates one of Pondy’s (1967) three major classes of organizational conflict phenomena: bureaucratic. The bureaucratic model is designed to deal with “the analysis of superior-subordinate conflicts or, in general, conflicts along the vertical dimension of a hierarchy. This model is primarily concerned with the problems caused by institutional attempts to control behavior and the organization’s reaction to such control” (p. 297-8). If

the State of Maine is the authoritative figure, and technically speaking it is, then the State appears to be shirking its responsibility of maintaining justice.

In order to better understand the role of the State as police monitor, I spent a morning with two Marine Patrol officers in southern Maine's Portland harbor. They were not involved in the Monhegan/Friendship conflict and what they said about trust confirmed my understanding of what was lacking in the waters around Monhegan in the mid 1990's.

The State of Maine's Department of Marine Resources employs 36 marine patrol officers who patrol and protect the interests of the State when laws are broken. Marine patrol officers are highly trained law enforcement agents also skilled in conflict resolution. When fishing groups and fishermen are threatening each other, the Marine Patrol become involved. Disputes are primarily over boundary issues and the Patrol help settle them through informal mediation processes. "There is impetus for fishermen to settle their disputes through mediation offered by the Marine Patrol because the alternative is state regulation," explained one DMR employee.

The officers I met emphasized the importance of trust. Without it, the fishermen would very simply not utilize them. Typically, fishermen will try to settle disputes on their own and only when things cannot be resolved independently do they seek the help and backing of the Marine Patrol. As a result, the officers spend a lot of their time building, and then maintaining, trust. Often times they will pull up to a lobster boat hauling traps and ask how things are going. It is on the surface friendly idle chit chat but the officers know they are building relations with the fishermen that in turn will help them do their job.

Without this support, fishermen resort to their old ways of taking care of things on their own. And in this case, Friendship reasoned they had no other choice.

“I guess [the raid] was my way of getting back at them,” said a Friendship fisherman. “It wasn’t fair.”

Sheppard, Lewicki and Minton’s (1992) theory on organizational injustice offers a way for understanding Friendship’s raid on Monhegan’s traditional territory. “In most cases, if things are really rotten with the system (or the relationship), responding actively to a given injustice may serve as a vehicle to begin redressing a much larger set of problems. Thus, acts that may appear to be irrational as responses to a single incident of injustice will appear significantly more rational when considered as responses to a larger, continuing set of injustices, or to a system that is unjust” (p. 88).

So while to the Monhegan community Friendship’s action went above and beyond anything that had been done before (“It was a declaration of war!” and “It was as if they anchored in my back yard, all of a sudden they did something completely out of bounds of how we normally fought”), when considered to be a response to a much larger continuing set of injustices, the incident appears significantly more rational and perhaps necessary to begin redressing a much larger set of problems.

Disagreements frequently begin over small problems that are then fueled by a long string of bigger problems. “If thought about rationally, the fight should not be avoided, but instead welcomed as a vehicle for improving the overall relationship in which the small injustices occurred,” reason Sheppard, Lewicki and Minton (1992, p. 88).

Fishermen are not natural conflict resolvers. They are not known to call forth meetings and sit down and discuss issues of concern. Yet, left unattended the seemingly insignificant tensions mount and lead to greater problems that require significantly more attention and intervention to deescalate.

Pondy (1992) suggests an alternative model for understanding conflict in organizations. He readily admits that this is a radically different view of the function of an organization and that perhaps his proposal is a bit extreme, but for illustrative purposes he makes a good point. "Let me suggest," he says, "that an organization is precisely the *opposite* of the cooperative system. Think of an organization as a means for internalizing conflicts, for bringing them within a bounded structure so that they can be confronted and acted out. Supposed that we treat organizations as arenas for staging conflicts"(p. 259). The goal therefore – within this proposition -- should not be to avoid conflict and quell it, but to perpetuate it.

In this respect, Friendship's raid on Monhegan's traditional territory was in the strategic pursuit of conflict. The Friendship Five staged "the right conflict episodes, with the right conflicting parties, over the right issues, operating under the right ground rules" (Pondy, 1992, p. 260) as a way of responding to an unjust system<sup>7</sup> and managing it.

#### A Transition within the Industry

I asked the fishermen I interviewed why it was that the conflict was occurring now and not a decade or two earlier.

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<sup>7</sup> Moscovici (1976) is another conflict theorist that suggests that minority voices that challenge the status quo should be considered innovators rather than deviants.

“The boats were smaller and didn’t go so far,” explained an elderly Islander. “We’d set around the shore when we’d first set and then we move off and then fish on the outer bottom and years ago nobody ever bothered us and nobody fished it.”

“Ten years ago a fast boat was 9 ½ or 10 knots, now it’s an average of 15-16 knots for a lobster boat,” said one of the younger island fishermen. “Some are 20-22 knots. Some of these guys fly around 30 knots. So they can get down here [to the Island] in twenty minutes instead of an hour and a half.”

With advancements in technology, navigation improved too. In the old days, a lobster fisherman learned the geography of the ocean bottom through years of practice. Knowledge of the bottom was passed from father to son and grandson. Today, technology has developed to the point where someone with no experience can successfully fish.

“It was possible for people to get going for a number of reasons,” explained a state official. “Wooden traps were replaced by wire ones so you didn’t have to be a full time fishermen working on your gear all year. You didn’t have to sink your traps and put rocks in them and take rocks out of them and all the stuff that’s involved with fishing wooden traps. Now you have these big four-foot wire traps and there’s nowhere near the maintenance of those little wood traps.”

With boats venturing farther and fishing grounds expanding, Monhegan was realizing neighbors for the first time. “...The pressure of those numbers and the fact that everybody was getting gentrified meant that it was less acceptable to do the traditional things that you did to try to keep people out,” explained a state official. Maine’s lobster fishing industry was, and still is, a system in flux.

Monhegan lobstermen had avoided Hardin's (1968) "tragedy of the commons" by devising a governance system based on consensus. The natural resource decision-making was done from within the community, in the fish house, behind closed doors. Together they established the first day of the season, decided on the rules of entry, trap limits, and license limits. The islanders knew that to ensure long-term economic viability, their natural resource must be preserved and because Monhegan was twelve miles out to sea, they were able to establish and live by their own rules.

"[But] in the 1990's," explained a state official, "I was witnessing a point in time when things were changing." Traditional norms were giving way to state control and the resulting chaos made government intervention necessary. "I felt like I was looking at one of those moments when the culture changes and all of a sudden a combination of technology and will, there was something that traditional practices could no longer handle. And so then there had to be a judgment made as to whether the state had a place in it or not."

#### Conflict Resolution

Unprecedented in the history of Maine's lobster fishing industry, the State proposed that the two historically contentious communities attempt to resolve their differences through mediation. While the approach was in keeping with the notion of local responsibility and local control, and promoted the important skills of participatory decision-making, it had never before been suggested and many of the fishermen had never heard of it. "I had never done one and didn't know much about it but once it was explained, we knew what was coming," said one fisherman.

It was understood that should a resolution be reached, the terms of the agreement would be effective only for that season while the state legislators decided on a ruling. (As dictated by state regulations, decisions to change the Monhegan Conservation Zone rested with the legislature.)

“This way,” explained a fisherman, “when we got to the legislature we could prove that at least we had tried to work something out to show that we weren’t a bunch of idiots. That we had tried to work everything out that could be worked out.” He said he thought it would have looked bad to the state if they did not put in a good faith effort.

The 30-hour mediation took place in November 1997 over the course of 2 days. The Trade Winds Motor Inn in Rockland hosted the event and Patrick Coughlan, of Conflict Resolutions of Portland, was the state-hired mediator brought in to facilitate the process. (His stepdaughter, at that time, was employed at the DMR and probably played a part in suggesting this form of conflict intervention.) The three parties to the dispute were twelve Monhegan fishermen, five Friendship fishermen, Maine’s Department of Marine Resources Acting Commissioner Penn Estabrook and a delegation from Marine Patrol including the Marine Patrol chief, Colonel Joseph Fessenden.

“[The mediator] was a tough guy,” recalled a Monhegan fisherman. “His style worked for us. I thought he was an a\*\*hole.”

“[The mediator] kept coming back and he had no mercy,” recalled another. “He had a way of irritating a lot of people. As it worn on, the first day was 12 hours and the second day was like 18 hours and when someone who works on the water or someone

who works outdoors, has meetings like that it is very tedious because you're sitting around and waiting."<sup>8 9</sup>

Reported the *Portland Press Herald*: "Pat Coughlan, a mediator from Conflict Solutions in Portland, called the sessions the hardest two days of his life. 'The parties really felt strongly about their positions, and it was difficult for them to be flexible,' [said Coughlan]... 'We created a demilitarized zone and divided up the pie on a temporary basis,' Coughlan said. 'I may have another job a year from now if the Legislature doesn't come up with a solution. I think there will be some extremely serious consequences.'" ("Monhegan lobster feud ends in compromise," 1997).

Reported the *Maine Times*: "Everyone was there – all 17 fishermen, lawyers, wives – and 'They all would have bet a million dollars that we wouldn't have settled,' Coughlan said. Success came at 12:05am on the second day, after Coughlan found a way to 'make the pie bigger' by opening the season a month earlier than normal. It also helped that the groups were kept apart for almost the entire negotiations" ("Common sense in the commons," 1997).

"He knew better than to put us in the same room. It wouldn't have been good to have us all in the same room," recalled a Friendship fisherman. "There was so much anger between the parties. It would have been a hollering match and I'm not saying we would have fought, but there was so much anger that we wouldn't have accomplished anything. Finally we would have just said, 'Good, I'm leaving.' So they had to set us apart."

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<sup>8</sup> One fisherman recalled that the mediator would hang out in the bar when he was not shuttling between the parties, and that all the waiting served to wear people down.

<sup>9</sup> Pat told me himself that the reason he was able to bring the parties to agreement was because he had the longest batteries. (Personal communication, December 6, 2000).

Under the mediated agreement Friendship received the fishing ground from mile 2 to 3 on the island's southeast side (this was the arc legally added to the Conservation Area the prior year) for one season – December 1, 1997 through June 25, 1998.

“When the season opened up [following the mediated resolution], they allowed us to have the one-mile area from the two to three,” said a Friendship fisherman. “They let us have that -- us five guys – for that winter [1997-8]. They let us have that through the mediation. This is what we gained for the interim. We knew we would then have to go to the legislature and if we won we would be able to fish around the whole island and if we lost we were kicked out forever.”

“The mediation hurt us,” recalled one of the Friendship fishermen I interviewed. “We agreed in mediation not to use our grandfathering rights.”

A Monhegan fisherman sympathized. “Part of the resolution was that Friendship waived any rites to be included in the legislation...this was huge for Monhegan. Friendship was short-sighted.”

“Monhegan got hosed with the mediation,” said a disgruntled island fisherman. He neither liked the mediator nor the process. “I left with a lingering certainty that we got screwed,” and he felt that “mediation doesn't make anyone happy.” He said the mediator was pushy and that there was no time to make decisions. He felt that by the end the fishermen would have agreed to almost anything. When I asked if he thought the mediation saved lives he said, “Perhaps, but probably not. Maybe saved a few traps.”

#### Reflections

Hardin's (1968) thesis on the tragedy of the commons assumes only government institutions can arrest a trend toward over exploitation. The Monhegan Islanders proved

otherwise and they provide hope for the future of that fishing area and the industry in general. Due to government regulations, conservation efforts and a change in technology, the State of Maine recently began an over-active management of marine resources. Based on this case study, perhaps the top down approach should be reconsidered. Government as manager is not effective given the nature of the resource. There is a fishing culture wrapped around the lobster fishing industry. Regulating the lobster is addressing only part of the problem. The regulated community needs to be a part of the regulating. This will increase stewardship and promote an ethic for effective management.

Mediation works for divorcing couples because being a part of the process empowers the participants. They are a part of the solution and not a part of the problem. As a result, settlements are more likely to be kept and followed through. This is the same in the fishing industry.

"In most cases, conflict episodes that arise are a result of a few individuals acting in response to issues that are fundamental problems in the fishery that just happen to manifest as local problems," explained Bill Brennan. "The regulatory or statutory solution is usually always the first thing that aggrieved parties holler for because, from their perspective, it is the only way to ensure that all actors will abide by the rules...The easy way out is to have somebody do the work for you and that is why the fishermen are always looking to the Marine Patrol, the DMR, or the Legislature to intervene" (personal communication, September 10, 2004).

If there is to be a sharing of management authority then there needs to be a developed means for resolving disputes. The typical dispute mechanism is the court system. The traditional means for handling disputes is intimidation. A new means for

resolving disputes needs to be expected. While fishermen demonstrate an understanding of dispute resolution and problem solving skills in town council meetings and other similar settings, the culture of the lobster fishing community does not ask that those skills be used.

Monhegan and Friendship must work together to regain local control of their waters and eliminate the necessity for further state intervention. The regulatory and legislative approaches should be reserved as a last approach for addressing fundamental problems such as proprietary access (trap limits, limited entry, etc.).

As we have seen with the development of the Monhegan Conservation Zone, it is almost impossible to guarantee compliance if the participants do not agree with the basis for the regulation or statute. Self-governance, however, requires real participation and that involves a willingness to work through problems using tools and techniques such as mediation when problems arise.

Unfortunately it is hard to say how effective the mediation was in resolving the conflict between Monhegan and Friendship because it was used only as a stopgap measure; the legislature determined the real outcome the following spring.

### Conclusion

Conflict is inherent in the lobster fishing industry and it is the stable force in the Monhegan/Friendship relationship. The conflict that exists in the industry is played out in their relationship, and those involved (the fishermen, patrol officers, and state officials) can benefit by understanding and learning from this microcosm of the greater fishing community. Mediation can serve a valuable role in addressing its various manifestations, and furthermore, it will be necessary if local control is to work in Maine because the

alternative is a regulatory or legislative solution. Unfortunately, the mediation between Monhegan and Friendship did little to resolve long-term differences between the two fishing communities. It was not used to bring the parties face to face and I believe this was a missed opportunity. As evidenced during my interviews, each community holds a general, stereotypical understanding of the other. (“There’s a huge cultural difference...for an island, we’re cosmopolitan,” stated an Islander. “They are like a little hole of Appalachia.”) Through dialogue, the communities can begin to push through the walls of generalization, understand what it is like to be in the other’s shoes, and work to bridge the differences.

It was evident to me that neither side had a clear understanding of the other, but each enjoyed speculating. This was especially apparent when meeting with the Monhegan fishermen. The islanders had absolutely no idea what drove Friendship to raid their territory. Because the Friendship Five were the minority voice – even the newspapers were one-sided in favor of Monhegan Island – Friendship’s voice was neither heard nor legitimized. Dialogue between the two parties is the first step toward understanding.

Lobstermen are not known to sit down and talk about their feelings and their perceptions, so rather than communicate, anger snowballed into hardened positions that served to further polarize the communities. Little by little, tit for tat, things escalated.

“We have lots of meetings at the fish house,” explained a Monhegan fisherman, “and lots is supposed to be said, and nothing is. And sometimes it does take someone to pull it out of people. Sometimes people don’t feel comfortable in certain areas so I think a lot of mediation has to include common ground. To get something out of the mediation

you have to have someone who's asking the questions. Don't leave it up to the group, so I think mediation is key to any conflict, when you have conflict. You have to utilize it."

One glaring commonality between the two fishing communities was their frustration with the role of the Marine Patrol. (Said a Monhegan fisherman: "[Patrol] wants us to call them and there've been times we call and call and call them and they don't do anything about it. They say it's too rough or we don't have a boat this week. We're a pain in their a\*\*. Monhegan is far from shore. It's a pain for them.") And yet, I do not believe this was brought out in the mediation. Pointing out this common frustration and reframing their issue as such could have provided a shift in thinking whereby the two fishing communities could have began some mutual problem solving. The two communities are individual parts of a greater system and they are dependent on one another to operate within this framework. By expanding the scope of their conflict, the opportunities for resolution increase.

With high pressure to make a decent living, a dwindling supply of fish, competing interests on the water, and fishermen fighting for what is left in the Gulf of Maine, conflict in this industry - in this organization - is not going away.

An alternative model for understanding conflict in organizational settings is suggested by Pondy (1992). He proposes that the essence of an organization is to perpetuate conflict and it is worth considering for a moment:

If there were no active conflicts [within opposing tendencies], then one of the polar extremes would gradually become dominant...the organization would lose its capacity for adaptation in the face of environmental change, and it would run a high risk of eventual failure. Thus...conflict is not only functional for the organization, it is essential to its very existence (p. 260).

If we accept that conflict is both inherent in the industry vital to its survival, it becomes of utmost importance that local communities develop the skills needed to work within it.

### Epilogue

After extensive lobbying in the spring of 1998 in the State's capital, a bill was signed into law. Monhegan gained an extra mile to the southeast (added onto the two mile radius prescribed in the 1907 law). Their season remained at six months, opening a month earlier (i.e. December 1). The Monhegan fishermen lost federal fishing permits during their closed season.

Friendship acquired Monhegan's traditional fishing grounds south of the island from three miles out. Since Friendship had agreed during the mediation to give up any grandfathering rights, they were not included in the Monhegan waters. ("We weren't mad about the grandfathering clause," said a Friendship fisherman. "Just like SH\*T! But we agreed to it. It had nothing to do with the mediation, it just happened to happen there. That's what came out of it.")

"[Today] there is not so much conflict as there was. Now Monhegan doesn't go over their line," said one of the Friendship Five. "I feel like we gained out of it," said another. "And now you can fish around the line and they don't cut your traps anymore."

Ironically, none of the Friendship Five fish the bottom for which they fought. "All the time and effort we spent to gain that and all the times we asked for help and it's kind of funny that [greater fishing community] took all that bottom over. It's not productive now because too many people are on it, so we just go different places."

"You've talked to some of the guys down there?" a Friendship fisherman asked. "They have pretty hard feelings against us, don't they – my nephew fishes down by

Monhegan now. He bought my boat. He said that they have been waving to him. He said that something must be happening because they're being awfully friendly."

A few Monhegan fishermen still stew about losing their federal permits, and they think it is illegal for the state to take them away. "Does the state have authority over federal waters?" They asked me. "Do you know anyone who is a lawyer that would want to take this case on?"

Some of the Islanders involved in the dispute no longer talk to one another. A few have since moved off the island. One in particular now lives in Rockport. He gave up lobstering and to this day does not speak with islanders, including his sister who lives there. Among other things, he holds a grudge against the community for not representing his interests when he was unable to attend the mediation.

"I hope it doesn't happen here again," said an Islander. "I don't want to go through that stuff again. It took up so much of our time. Mediation was a smart thing to do, as it turned out. I think the mediation was the whole key when it came to the legislation."

#### Suggested Further Research

Mediation and other conflict resolution tools are relatively new concepts in the fishing industry and therefore suggestions for research are boundless. Comparing and contrasting how localized conflicts are handled in the various fishing communities could provide insight into what works and why. Similarly, it would be valuable to compare this case study to a localized conflict in another industry. It is difficult to determine how effective mediation was in resolving the conflict between Monhegan and Friendship because it was used only as a stopgap measure. Moving forward, it will be important to structure conflict interventions such that should a resolution be achieved, its durability

will be put to the test. In this way, step-by-step, the skills and tools will begin to be adopted by fishermen -- and their effects measured.

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