

# Of Whales and People: Normative Theory, Symbolism, and the IWC

PETER J. STOETT<sup>1</sup>

## 1. INTRODUCTION

The constructivist (or, more largely, revisited sociological) turn in International Relations (IR) theory was of great significance several years ago, and it has maintained a certain pull among many in the field, awkwardly uniting some liberal institutionalists and critical theorists with a common approach. This paper is not intended to enrich the constructivist purpose, but does assume that the generation of discourse, constitutive actors and actions, and the significance of symbolism in generating political identities are all integral aspects of global ecopolitics. Symbolism—the use of socially constructed images to convey a cause—has seldom been so important as in the case of the struggle over whaling rights and responsibilities.

The related conceptual assertion made here is the importance of normative theory. The continued value of ethical analysis in world politics, ecopolitical and otherwise, is demonstrated with reference to the ongoing debate over cetacean management at the international level. Revisiting a core of central ethical questions, this paper will reiterate the centrality of ethics in international and transnational relations. While often eschewed as lacking in both positivistic promise and in sound policy direction, it is simply impossible to understand the story of whaling—and the conflicts that dominate the International Whaling Commission (IWC) *ad nauseam*—without reference to questions of value: the value of nature; the value of resource utilization, the value of certain political spaces where exceptions to more general rules are permitted, and even the value of what we might term the contemporary global governance effort.

It would be a feat of analytic gymnastics to deny the central role played by symbolism, and the significance of cultural difference, in the whaling

---

<sup>1</sup> Associate Professor, Department of Political Science, Concordia University, Montreal. The author is grateful to the Social Science and Humanities Research Council of Canada for related funding. An earlier version of this paper was presented to the International Studies Association Annual Meeting of 2003 in Portland, Oregon.

story.<sup>2</sup> Indeed, this is the case for the broader area of resource conflict and management: The conflict over territory and subdivisions of the resource has been joined by a contest of ideas related to the ethical validity of exploitation/utilization, and the endless back-and-forth between the cornucopians and Malthusians continues to mix survival and moral imperatives. An important factor here, of course, has been the extolment of the virtue of crisis, as both a point of normative departure and a call for renewed vigor in policy circles. Indeed, it would be impossible to measure just how many times the phrase “environmental crisis” has appeared in the last few decades. What it means is less clear, however. Stressing the approach of ecological ruin has become a common technique, and denying it has been a central theme of those opposing radical transformations in human–nature relations.

In 1973, two conservative journalists coauthored a little-known polemical text entitled *The Disaster Lobby: Prophets of Ecological Doom and Other Absurdities*.<sup>3</sup> On the cover was a photograph of a well-bearded Farley Mowat look-alike, holding a pair of opened scissors to his nose, about to cut it off—in spite of his face. The implication that ecologists have been raising alarm for their own pursuit of popularity is not a new one, but it can be argued that the voice of the alarmist is as necessary as it may be misleading, as the tendency toward denial and passivity needs to be challenged for problems to receive attention. This essayist, for one, is certainly grateful for the clarion calls of Rachel Carson, Paul Ehrlich, David Suzuki, and others, including the famous *Meadows Report*.<sup>4</sup> At the same time the risk of the environmentalist lobby dismantling itself with unbalanced claims or fear mongering is a real one.

Whaling is an issue-area in which, it can be argued, the prophets of doom were in retrospect quite justified. It is a truism of world politics today that the story of whaling is indicative of not only poor shared resource management but unbridled, frontier-style exploitation of the commons. The contemporary debate on whale populations aside, there is no doubt that most species of whales were seriously threatened with extinction, and indeed many remain

---

<sup>2</sup> I use the word “story” here carefully. There is no objective description of events that can adequately capture the history of whaling (although one popular book suggests as much by its title [F. Francis, *THE GREAT CHASE: A HISTORY OF WORLD WHALING*, 1990], and, of course, there is the classic history by J. Tonnessen and A. Johnsen, *THE HISTORY OF MODERN WHALING*, 1982). We are consigned in all historical accounts to storytelling, although some of it is decidedly better than others in terms of accuracy and plot development. R. Webb, *ON THE NORTHWEST: COMMERCIAL WHALING IN THE PACIFIC NORTHWEST, 1790–1967* (1988) provides a nice example of good whaling history; I make no claim to, here or elsewhere.

<sup>3</sup> M. Grayson & T. Shepard, *THE DISASTER LOBBY: PROPHETS OF ECOLOGICAL DOOM AND OTHER ABSURDITIES* (1973).

<sup>4</sup> R. Carson, *SILENT SPRING* (1962) was a landmark publication, questioning the popular use of synthetic pesticides and other industrial chemicals in the United States; Ehrlich was the author of the book (and phrase) *POPULATION BOMB* (1970), which projected a demographic catastrophe, *alia* neo-Malthusianism; Suzuki has authored and coauthored many books, but is probably best known for the Canadian Broadcasting Corporation’s series, “The Nature of Things.” *The Meadows Report* was the Club of Rome’s impactful *THE LIMITS TO GROWTH* (1972).

so; that whaling was the principal cause of this rapid diminishment, although there are larger present threats related to habitat; that the political turmoil of *cetapolitics*<sup>5</sup> was indicative of normative transitions in several key states, a change in perspective that was in turn related to growing fears of ecological destruction. It is tempting to tell the story in teleological terms: We whaled, we learned, we stopped. We stared our own cruelty and selfishness in the face, were repulsed by the image, and (with notable exceptions) reinvented ourselves. Any return to even small-scale whaling with possible commercial applications would be a digression, a step back toward an ugly past. Few would advocate a return to the days of racial slavery. Why would we want to resume an activity that often is viewed with similar, if not equal, repugnance: large-scale pelagic whaling?

There are many problems with this analogized ethical formula, popularized by the work on “global prohibition regimes” and other evangelical multilateralist designs.<sup>6</sup> Nonetheless, it remains a central storyline: Ethical progress was made on whaling and, while vigilance remains essential, we have turned one of many necessary corners. Indeed, one might suggest that, in the Western public mind, whales have become one of the many symbols of the larger need to preserve the natural environment, and their condition is interpreted as an indicator of the state of the biosphere as well as human–nature relations.<sup>7</sup> In short, then, the whaling story often is perceived as one of the central pillars in the social construction of modern ecological thought; if this is too grandiose a claim, it certainly is one of the main lesson blueprints for how not to manage a common resource, but at the same time for how mismanagement can be overcome with vigorous activism and the support of key states.

To argue this symbolic narrative alone has sunk prospects for a renewal of a voracious whaling industry would be problematic. There are not enough whales in the oceans for the type of take we saw in decades past, which exceeded 50,000 whales per year on several occasions.<sup>8</sup> But beyond this, the suggestion that nonwhaling states have (with the partial exception of aboriginal

---

<sup>5</sup> P. Stoett, *THE INTERNATIONAL POLITICS OF WHALING* (1997).

<sup>6</sup> E. Nadelmann, *Global Prohibition Regimes: The Evolution of Norms in International Society*, 44 *INTERNATIONAL ORGANIZATION*, 479 (1990).

<sup>7</sup> Norman Myers points to the October 1988 incident of three grey whales trapped in Arctic ice that led to great public support for their salvation, including \$800,000 (U.S.) spent by government bodies and conservation agencies. “It is this role of whales,” he writes, “to stand as a measure of our global conscience, that should give us hope . . . whales . . . are universal standards by which we can assess our stewardship of the planet.” N. MYERS, *Sharing the Earth with Whales*, in *THE LAST EXTINCTION*, 93 (L. Kaufmann & K. Mallory, eds., 1993).

<sup>8</sup> It is easy to forget the numbers, as current debates focus on such low numbers of proposed or actual Norwegian and Japanese hunts. In 1961–1962, almost 70,000 large whales were killed, and this statistic does not reflect revelations about intentional Soviet underreporting. Bureau of International Whaling Statistics, *INTERNATIONAL WHALING STATISTICS*, LXI (Oslo, 1968), at 8.

whaling, which assumes a different justification, based on cultural identity and subsistence hunting) moved on, transcending old habits and replacing them with earned perspective, is but partial truth. Whaling was doomed as a commercial activity because of a rate of diminishing return. (Some would explain the cessation of slavery along these econometric lines as well.) Simply put, the possibility of future whaling was radically altered by routine overwhaling, and this was common knowledge even in the 1960s. Furthermore, the symbolic significance of the whale—the leviathan of the sea, with the gentle intelligence of a superior species, becoming the victim of human folly—has had great influence in select regions of the globe, but little impact in the rest. It is an exaggeration to say that even nations with no coasts or history of the whaling conflict or repeated exposure to *Free Willy* and other Hollywoodisms consider the whale the standard-bearer for nature in the epic of its assault by man. To claim the normative shift witnessed in the IWC, from whaler's club to antiwhaler's club, is barometric of broader shifts in paradigms is phantasmal. Surface regime analysis is not much more convincing. For example, a popular text on global ecopolitics focused largely on regime formation and maintenance summarizes the story this way:

“The fight to ban whaling worldwide illustrates the transformation of an international regime from one that permitted virtually unregulated exploitation of an endangered species into a global conservation regime, despite the continued resistance of a veto coalition led by a powerful blocking state: Japan.”<sup>9</sup>

However, this interpretation would be quite alien to both the facts and the fiction that has resulted from several decades of protracted struggles between whalers, nonwhalers, and those who take strong stands along the conservationist–preservationist spectrum.<sup>10</sup>

Regime analysis has changed the landscape of whaling studies, removing the tendency toward romantic interpretations of the “struggle” against large-scale slaughter. Gone are the days when an historian such as Daniel Francis would rely primarily on books written by activists such as Robert Hunter, Paul Watson, or even David Day to research the movement toward, and the politics of, the moratorium on commercial whaling adopted in 1984.<sup>11</sup> For while regime analysis may be (rightly, in my view) criticized for its focus on process, it does encourage a more balanced approach to that process among

---

<sup>9</sup> G. Porter et al., *GLOBAL ENVIRONMENTAL POLITICS*, 3rd ed., 93 (2000).

<sup>10</sup> Kelly-Kate Pease argues the whaling story “illustrates the spectacular failure of the liberal promise of markets, science, technology, and shared values in solving, or even effectively managing, international problems.” However, she does not offer a coherent alternative explanation but a routine and rather sketchy application of realist, Marxist, and feminist interpretations. K-K PEASE, *INTERNATIONAL ORGANIZATIONS: PERSPECTIVES ON GOVERNANCE IN THE 21ST CENTURY* 231 (2003).

<sup>11</sup> D. FRANCIS, *THE GREAT CHASE: A HISTORY OF WORLD WHALING* (1990); R. HUNTER, *TO SAVE A WHALE: THE VOYAGES OF GEENPEACE* (1978); P. WATSON, *SEA SHEPARD* (1982); D. DAY, *THE WHALE WAR* (1987).

analysts. This said, we are still left high and dry when it comes to more nuanced normative analysis, which, it is argued here, is essential for a variation on our story that captures the human, and ecological, politics involved. For this we need to turn to a less rigorous description of events and to a more explicitly normative discussion; and I would suggest that the whaling story is one of the more prolific episodes, complete with its conflict of cultural orientation, the central role of symbolism played by the whale itself, and the many associated questions pertaining to the morality of interspecies conduct, aboriginal exemptions, the conservationist/preservationist conflict, the humane killing debate, and other factors. The tale is not immune to power politics, either: Indeed, the symbolism of the postcommercial whale is amplified by rigid and sustained, if problematic, American commitment.

This paper derives from critical ecopolitical theory and an effort to revisit some of the normative themes threading their way through earlier work on the IWC and whaling. A section on the significance—indeed, the necessary permanence—of normative theory (where ethics and symbolism meet) is followed by an analysis of several themes one might suggest encourage universality as Western environmentalism continues its dramatic interplay with industrial culture and resource use differentiation. These include the context of human–nature relations, of which the whaling story often is viewed as emblematic; the role of science in both justifying and limiting whaling; sticky aboriginal whaling rights issues and, more generally, the impact of global governance structures on local communities; and the broader imperative of habitat preservation.

## **2. NORMATIVE APPROACHES AND INTERNATIONAL RELATIONS: SYMBOLISM AND ETHICS**

Volumes have been written on international relations theory and the split between empirical and normative approaches, and I make no futile effort to reproduce their breadth or depth here. The efforts at adopting ethical analysis to the field of world politics have offered a wide variety of approaches and arrival. I will argue, however, that it is essential to take ethics seriously, not just because morality is a factor in world politics but also because they cast meaning on the symbolism that has become so instrumental in both policy development and propaganda. If Christian Reus-Smit is correct, then the main debate animating IR theory today “revolves around the nature of social agency, the relative importance of normative versus material forces, the balance between continuity and transformation in world politics, and a range of other empirical–theoretical questions.”<sup>12</sup> Although there are splits on both

---

<sup>12</sup> C. Reus-Smit, *Constructivism* in THEORIES OF INTERNATIONAL RELATIONS 209, 221–222 (S. Burchill et al., eds., 2001).

sides, this broadly translated means a debate between rationalists and constructivists; the latter have animated the central theme of this conference, but the former have dominated the conceptual landscape for many years.

As Ian Hacking reminds us, there is little genuinely new about constructivism (or, to employ a broader term, constructionism).<sup>13</sup> It is less clear, of course, whether constructivism and critical theory overlap, although some theorists would consider themselves of both orientations.<sup>14</sup> However, its emphasis on culture and symbolism, if taken within the context of normative understandings of discursive space, has allowed a revisitation of the theme of ethical development in the often-clinical field of IR studies. I suggest that symbolism is an often-underplayed aspect of constructivist analysis. Ethical positions are built on the edifice of symbols; the latter construe meaning from the former, and vice-versa. Symbols move people from one intellectual space to another; they give bearing and guidance; they shift in composition and appearance with time and experience. They are both agential and structural, influential in their contextual presence. They define ethical parameters, whether they are viewed in written or photographic or sculptured form, and whether they concretize religion, political sovereignty, or social movements. They make sense of and explain ethics, because they serve as accessible referents. The whale has evolved in this socially constructed manner to represent different things to different people, and this is politically fascinating as the normative context of the IWC evolves as well.

But why should we care about ethics, in the Machiavellian world of international affairs? In a recent, refreshingly readable book, Robert Jackson (rather lightly) dismisses the positivist and postpositivist approaches to IR (seeing the latter as a critical theory–constructivist design). Instead, he advocates classical humanism: a prepositivist “disclosure of political life,” which, by taking norms seriously, avoids “an incomplete or partial understanding of the subject [human relations] and at worst as misleading caricature of it.” He borrows from the British School and seeks capture of the international norms that constitute and animate contemporary international society; what he terms the “pluralist architecture.” A late addition, he notes, is that of “responsibility for the global commons,” itself based on a much older norm, *trusteeship*.<sup>15</sup>

---

<sup>13</sup> “Surprise, surprise! All construct-isms dwell in the dichotomy between appearance and reality set up by Plato, and given definitive form by Kant. Although social constructionists bask in the sun they call postmodernism, they are really very old-fashioned.” I. Hacking, *THE SOCIAL CONSTRUCTION OF WHAT?* 49 (1999). Robert Jackson traces constructivism as methodology back to Giambattista Vico. R. Jackson, *THE GLOBAL COVENANT: HUMAN CONDUCT IN A WORLD OF STATES* 53 (2000); see also R.G. Collingwood’s ruminations in his *THE IDEA OF HISTORY* 64–65 (1975).

<sup>14</sup> On this, Wyn Jones concedes, “the mainstream exerts a strong gravitational pull on many constructivists, and this pull may yet serve to blunt the force of many of the more heretical notions to which they currently adhere,” although he does make strong exceptions. R. Wyn Jones, *CRITICAL THEORY AND WORLD POLITICS* 13 (2001).

<sup>15</sup> Jackson, *supra* note 13, at 56, 71, 177.

This approach has merit, as it focuses attention on the important role played by ethical considerations, asked by the central question threaded throughout Jackson's book, one that can be asked of any political agent regarding any policy choice at any time: "How can you justify that?" Of course, the need for normative justification often reduces politics to a symbolic game of showmanship. But the need, nonetheless, persists—and this is why normative analysis retains its validity, regardless of the behavioral and postpositivist revolutions in social scientific thought. As with postmodern approaches, it further frees scholarship from "the positivist fact-value dichotomy in which the anguished social scientist seeks to expunge subjective factors from objective analysis."<sup>16</sup> I would be critical of certain aspects of Jackson's approach, including its lack of materialist analysis and its stalwart rejection of even nuanced structuralism. But as a rejoinder to ahistorical approaches it comes closer to Latham's constructivist "global cultural scripts" than Jackson may be willing to concede, and there is much room for accommodating constructivism within the formal study of ethics as built social parameters mediated by projected—and unevenly digested—symbols.<sup>17</sup>

Although power, in and of itself, cannot be understood as an isolated variable, but is constituted amongst complex webs of human relations, it remains an article of faith that the status of the IWC might empower the antiwhaling normative shift that occurred there, enticing the prowhalers with a postconsumption relationship with cetaceans. The spread of ideas through institutional power is, of course, a popular theme in critical analysis, and it opens the door to discussions on legitimacy. This largely Foucauldian theme demands an expanded reading of the political, and a (re)examination of the "power fields" justifying the global economic order. Beyond general neo-Gramscian interpretations of global economic evolution, international relations theory generally has been reluctant to embrace the Foucauldian effort. James Keeley provided one of the first noteworthy attempts at applying Foucauldian concepts to an analysis of international regimes, part of his broader effort to criticize mainstream regime theorists who, it may be argued, have paid as little analytic attention to the constructivist possibility as they have to neo-Gramscian approaches.<sup>18</sup> Karen Litfin's "discursive analysis" of negotiations for the creation of an ozone layer protection regime stressed the power of scientists as actors; their legitimacy "derives from their socially accepted competence as interpreters of reality."<sup>19</sup> The relationship of power to knowledge,

---

<sup>16</sup> J. Der Derian, *Post-Theory: The Eternal Return of Ethics in International Relations*, in *NEW THINKING IN IR THEORY*, 61 (M. Doyle & G. Ikenberry, eds., 1997). I suspect Professor Jackson would cringe at this post modern-inspired connection, but there are interesting epistemological alliances here.

<sup>17</sup> A. Latham, *Theorizing the Landmine Campaign: Ethics, Global Cultural Scripts, and the Laws of War*, in *ETHICS AND SECURITY IN CANADIAN FOREIGN POLICY*, 160 (R. Irwin, ed., 2001).

<sup>18</sup> J. Keeley, *Toward a Foucauldian Analysis of International Regimes*, 44 *INTERNATIONAL ORGANIZATION* 83 (1990).

<sup>19</sup> K. Litfin, *OZONE DISCOURSES: SCIENCE AND POLITICS IN GLOBAL ENVIRONMENTAL CO-OPERATION* 29 (1994).

of course, is a major preoccupation of poststructuralists, although, as many commentators have pointed out, their work is not “inherently antiempirical” simply because it floats in antifoundationalist space.<sup>20</sup>

Foucault suggests that to analyze “regimes of practices” means to analyze programs of conduct that have both prescriptive effects regarding what is to be done (effects of “jurisdiction”) and codifying effects regarding what is to be known (effects of “veridiction”). For example, in his famous study of the French penal system, he “was aiming to write a history not of the prison as an institution, but of *the practice of imprisonment*: [how this came to seem] altogether natural, self-evident, and indispensable.”<sup>21</sup> While we would be hard-pressed to claim the story of whaling is susceptible to such an understanding at this relatively early stage, it is perhaps the unspoken intention of antiwhalers that, one day, the IWC and other bodies will be regarded as institutions that normalized the symbolic understanding of the whale as victim, or even friend, and as immune from direct physical attack by man. Clearly, we would be admonished both by prowhalers for cultural imperialism and by antiwhalers for complacency, if we adapted that perspective today. But my essential point is that ethical questions, and their interpretation and transmission through global governance structures, remain central to the evolution of both jurisdiction and veridiction.

It might be suggested that, beyond the usual tribute to the problems wrought by “frontier economics,” the embryonic field of global environmental politics suffers from normative paucity at this stage, which is somewhat surprising, given the emotive appeal of environmental issues (perhaps this is the sobering effect of social science). There are few concerted efforts to escape the limitations of regime analysis and to engage multitudinous debates from an explicitly normative perspective, Paul Wapner’s liberal credo to international civil society being a major exception.<sup>22</sup> Analytically, difficult questions are explicated: Can this form of agency—the communication of ethics—be framed by global public policy networks in the era of globalization? Has a global public policy network emerged on the whaling issue? This term is used in various ways: Networks establish an agenda and offer discursive mechanisms; they facilitate negotiation and set global standards; they play key roles in “the development and dissemination of knowledge that is crucial to addressing transnational challenges,” functioning “not by absorbing governance authority from other actors but by conditioning the range of

---

<sup>20</sup> On this, see E. Laferriere & P. Stoett, *IR THEORY AND ECOLOGICAL THOUGHT: TOWARDS A SYNTHESIS* 146–147 (1999); and E.F. Keyman, *GLOBALIZATION, STATE, IDENTITY/DIFFERENCE: TOWARD A CRITICAL SOCIAL THEORY OF IR* (1997).

<sup>21</sup> Quoted in J. Faubion, ed., *MICHAEL FOUCAULT, THE ESSENTIAL WORKS 1954–1984*, Vol 3: POWER 225 (1994).

<sup>22</sup> P. Wapner, *Environmental Ethics and Global Governance: Engaging the International Liberal Tradition*, 3 *GLOBAL GOVERNANCE* 213 (1997).

policy alternatives such actors consider.”<sup>23</sup> But, given the divisive nature of the whaling issue, any resultant transformation of ethical positions into universal knowledge is far away.

There are many factors contributing to the establishment of an ethical position. One’s relation to the subject is of prime importance. For example, attitudes toward whaling, which tend to polarize people on both sides of the resource use debate, probably shift according to the geographic and economic proximity from the practice of whaling and other forms of marine mammal utilization. This would by itself be an incapable indicator, however. For example, we can certainly predict that most people in Portland, Oregon, would not support a renewal of large-scale whaling—although they live close enough to the Makah to have different opinions on the resumption of that whale hunt in recent years. The whale-watching tour guides on the West Coast of North America coexist with the World Whaler’s Council and other groups reluctant to adopt anti-whaling attitudes. Even in these localized cases, the symbolic pull of the whale is apparent.

It is possible, however, to suggest that an excess of symbolism is not always a good thing. The IWC became hamstrung by popular opinion in Europe and the United States, driving the IWC into a chamber of hardened positions. Most ecologists (in the scientific sense of that word) would agree that the focus on charismatic megavertebrates reduces the potential attention paid to broader and more important issues related to ecosystem health, especially habitat preservation. A critical perspective would go further, suggesting the whale has been subsumed by global capitalism as a marketing tool. Indeed, the imagery is common in terms of theme parks, *Free Willy* movies, millions of toys, posters, and other merchandise. Love of whales has become a part of the Western social construction of childhood, and this carries into adulthood and what Steinberg and Kincheloe call “kinderculture.”<sup>24</sup> It is a gentle irony, perhaps, that children in the West are habitually taught to love cuddly representations of wild animals, while the capitalist machine providing their lifestyles continues to devour the resources on which those animals must depend.

Symbolism is an integral aspect of the social construction of ethics, and any discussion of the IWC or other regulatory efforts related to whale conservation should bear this in mind. It is apparent that an explicitly normative

---

<sup>23</sup> D. Detomasi, *International Institutions and the Case for Corporate Governance: Toward a Distributive Governance Framework?* 8 GLOBAL GOVERNANCE, 421, 423, 424 (2002).

<sup>24</sup> S. Steinberg & J. Kincheloe, *KINDERCULTURE: THE CORPORATE CONSTRUCTION OF CHILDHOOD* (1997). On the social construction of childhood under modern capitalism (and for an interesting example of where constructivism meets critical social theory, albeit out of the IR context), see R. Robbins, *GLOBAL PROBLEMS AND THE CULTURE OF CAPITALISM*, 26 (2002); he argues that the “appropriation of childhood as a vehicle to encourage consumption at all ages and rationalize capitalism culminated in the creation of Walt Disney World.”

approach, one that focuses our attention on the ethical dilemmas inherent in resource management, is the only one that enables us to make sense of the issues; neither a purely structural analysis (be it of materialist or realist inspiration) nor a neoliberal regime approach can suffice. We turn now to a more detailed discussion of a chosen few of the many questions related to resource utilization and consumption, the role of science and technology, aboriginal whaling, and habitat preservation.

### 3. DISCUSSION: ETHICS, SYMBOLS, AND CETAPOLITICS

The heart of the ethical debate over whaling remains the conservationist/preservationist split; and this extends to the broader Convention on International Trade in Endangered Species (CITES) regime as well.<sup>25</sup> Essentially, conservationists seek to conserve whale stocks, but are not opposed to their utilization by humans, including lethal utilization. Preservationists want to preserve whale populations as a whole, and (with notable exceptions) abolish lethal utilization of all whale species, endangered or not. Although some analysts insist we have somehow moved beyond this conundrum and are merely counterproductive by fleshing it out over and over again, it continues to dominate the debate between the polar regions of pro- and antiwhaling, and more generally affects the entire issue-area of wildlife management. We can go before this, however, and suggest that views toward nature have an axiomatic impact and that they are sustained not only by material needs but by symbolic imagery, from trees to whales to the entire globe captured by space-based photos.

This is, of course, an old theme, quite familiar to political theorists, if less popular in the world of IR. O.P. Dwivedi and others have written of the Baconian and Cartesian view of nature at some length. Ontologically, human beings are viewed by disciplinary ecologists as outsiders, and

“consequently the concept of nature in science carries no ethical value, since various organisms and animals are considered to be as morally neutral as molecules, atoms, or objects falling from space. Such a concept of nature places human beings in a position of dominance over nature, and makes it acceptable morally to exploit nature for the “benefit” of humans.”<sup>26</sup>

Here is the essential understanding of postivist science, with its subject/object dichotomy and structured approach to hypothesis testing. It is as much an understanding of what constitutes nature, however, as it is a view of humanity.

---

<sup>25</sup> See P. Stoett, *The International Regulation of Trade in Wildlife: Institutional and Normative Considerations*, 2 INT'L ENVIRONMENTAL AGREEMENTS, 193 (2002).

<sup>26</sup> O.P. Dwivedi et al., *SUSTAINABLE DEVELOPMENT AND CANADA: NATIONAL AND INTERNATIONAL PERSPECTIVES* 273 (2001).

In fact, it leads to an incomprehensible perspective on humanity separate from nature, whether or not we argue that various religions have supported this absurdity in various theological forms. At the same time, the environmentalists who eschew the utilitarian perspective of nature often fall short of grasping the difficulty and cultural resonance of the subsistence lifestyle. To compound matters, we need to come across this divide at the level of global governance if the latter is to obtain sustained legitimacy among those subject to its influence.

We are, in some sense, little more than highly complex organisms at a particular moment in evolution. Whales are similarly creatures of their environment, and although there are endless debates over cetacean intelligence, we might safely conclude that they are the most cognitively oriented of all marine life, as humans are on land. The clash between these two species, however, does not fit with the usual pattern of land-space conflict one sees in the natural wild, which has a self-regulatory impact within ecosystems. The whaling story was a case of extreme predation. The nobility suggested by the coastal whaling advocates, especially regarding aboriginal whaling's symbolism and cultural resonance, escapes this label, as survival and not commercial profit is the main motivation. Yet it is difficult to escape the conclusion that, as a signifying event, the whaling story evokes little less than a destructive period of temporary insanity in human–nature relations. Further, whaling (pre- and poststeam engine) was by all accounts a harsh life, wherein the super-exploitation of human labor was commonplace, although often covered by romantic interpretations.

There is much in a word, as literary deconstructionists are constantly reminding us. How we choose to describe certain activities, carried out by humans and nonhumans alike, will influence our perception of those events. The success of preservationist groups is at least partly attributable to their ability to corner the emotional marketing of the issue, referring to killing instead of harvesting seals, whales, and terrestrial wildlife. Although prowhaling groups are sure to call themselves conservationists, and they focus on the sustainable utilization of natural resources, this lacks the exciting connotations of the preservationist vocabulary, especially in the nondiplomatic context of environmental activism, where reference to “whale slaughter” or “killing,” not “utilization” or “harvest,” became familiar. The effort to personify the whale, to allude to a psychic connection to humanity, to even suggest, as does Michael Tobias, that the Japanese “cannibalized 2,000 tons of whale meat” in 1992, drives conservationists to understandable frustration.<sup>27</sup> The implication—that whale meat is murder—is not just a propaganda tactic on the part of the more forceful NGOs (similar to the antifur campaigns we have seen). It is predicated on the twin assumptions that whales are special and that past folly will

---

<sup>27</sup> M. Tobias, *WORLD WAR III: POPULATION AND BIOSPHERE AT THE END OF THE MILLENNIUM* 316 (1994).

be repeated if whalers are not strictly controlled—eradicating, in the case of commercial whalers—by antiwhaling forces. One is an assumption premised by a Western acceptance of species hierarchy; the other assumption is based on the idea that history repeats itself in the absence of regulatory intervention. Both are problematic, if popular, themes that, regrettably, force whaling states such as Japan, Norway, and Iceland to harden their positions in self-defense of not just their pride but also their morality. It is at heart an ethical challenge, regardless of the power politics accompanying it.

I am perhaps unfair in offering this caricature of the symbolic meaning of the whale, especially in the case of Western societies with a whaling history and where aboriginal whaling continues today. There are normative splits within the Western perspective. The whale is sacred, according to some: Its intelligence and rarity should make it immune from human utilization. Beyond this, as mentioned above, the whale is viewed as a barometer of human–nature relations. For example, one popular collection of such sentiments begins with the following:

If we can destroy such remarkable marine mammals—beasts who do not compete with us for living space, who are not predators on our domestic livestock, who are not physical threats to us in any way, and whose beauty are impressive and enriching—then nothing is safe from our destructive impulse.<sup>28</sup>

At the same time, many (although certainly not all) environmentalists support aboriginal whaling, which is often viewed as reflective of a pre-European environmental paradigm, similar to the Plains Native Americans' reliance on the buffalo. When the subsistence question is raised, easy ethical divides fall prey to more complicated human rights issues, and the IWC walks a dangerous ground here, open to accusations of exceptionalism: Are the cultural needs of coastal whalers ignored in the process of sanctifying the aboriginal hunt?

We need to backtrack somewhat at this juncture, as, whether we like or dislike the fact, animal rights are an issue here. It would not be exceptionally exaggeratory to suggest that, for many, the whale has assumed a political voice, defined and amplified by antiwhaling activists.<sup>29</sup> This is fascinating in terms of our ethical understanding of the animal kingdom. Generally, the very idea of such a voice has been rejected. Hobbes believed that mammals' lack of speech rendered political\ethical relations with them impossible (this makes the debate over advances in our understanding of cetacean and

---

<sup>28</sup> F. Stewart, *THE PRESENCE OF WHALES: CONTEMPORARY WRITINGS ON THE WHALE* 15 (1995).

<sup>29</sup> This, in two senses: as an individualized, hunted species, a victim; and as a cognate representative of the natural environment as whole. The eerie songs of the humpback, and other vocal recordings, add a literal component to the voice metaphor.

primate communicative abilities even more interesting).<sup>30</sup> The view that nature is voiceless is predicated on the denial of its *intrinsic value*. Ecological economics, and especially environmental ethics, is more accepting of an intrinsic value of nature, and although this raises fascinating (if highly esoteric) epistemological questions, addressed by philosophers and others, it does not relieve us of the burden of discerning the political role of nonhumans. Certainly, attitudes toward whales have changed remarkably in this century. In economists' terms, they have shifted from being "stocks giving rise to private goods" to public goods with an "existence value" akin to nonconsumptive value.<sup>31</sup> This is, partially, what makes the discourse on the Makah hunt so interesting (I return to this below). Once the source of oil for reading lamps as well as industry, the whale outlived this usefulness and became hunted largely for meat; in the case of the former Soviet Union, it provided food for mink fur ranches. Now, many argue that whales are more valuable, economically, as objects of admiration and study than as flesh for consumption, and that the IWC has an obligation to consider this economic activity as part of the broader whaling industry it was initially designed to protect.<sup>32</sup>

Of course, some are inclined to argue that all species must be treated as perfectly equal. This has interesting consequences for the whaling issue, pitting a universal animal rights-view against one premised on the anthropomorphically assigned value of certain species. More than one IWC delegate has pointed to the hypocrisy of condemnations of whaling by societies addicted to the annual consumption of hundreds of millions of cows, pigs, sheep, and billions of chickens. A vegetarian might not quibble between different species, although even vegetarians often make qualitative distinctions—for example, between fish and other animals. At any rate, we hardly live in a vegetarian world. Why not eat whales? Taste preferences aside, the answer may lay in a collective sense of guilt. It is the symbolic value of the great extinctions, or

---

<sup>30</sup> "To make Covenant with bruit Beasts, is impossible; because not understanding our speech, they understand not, nor accept of any translation of Right; nor can translate any Right to another; and without mutual acceptance, there is no Covenant." LEVIATHAN, published in 1651; this quote from the edition edited by C.B. MacPherson (New York: Penguin, 1968), p. 197.

<sup>31</sup> Y. Kuronuma & C. Tisdell, *Institutional Management of an International Mixed Good: The IWC and Socially Optimal Whale Harvests*, 17 MARINE POLICY, 235 (1994).

<sup>32</sup> In this regard, see Palazzo, who rejects broader ethical concerns and argues that Brazil's protection laws are purely economic rationality: "it must be emphasized . . . that the apparently disproportionate interest in formulating policy and taking action regarding cetaceans in Brazil and other developing countries is not based on philosophical or aesthetic considerations. Any policy based solely on these grounds would not survive in a nation beset by problems that are more down-to-earth. Rather, the conservation of cetaceans is viewed as one mechanism to help Brazil achieve the elusive objective of sustainable development." J. Palazzo, *Whose Whales? Developing Countries and the Right to Use Whales by Non-Lethal Means*, 2 JOURNAL OF INTERNATIONAL WILDLIFE L. & POLICY, 69, 73. However, this would seem to miss a salient point; without the discarded "Philosophical or aesthetic considerations," even of non-Brazilians, there would be no extrinsic value in the first place; further, *sustainable development* is a term rife with ethical and symbolic connotation in itself.

threat thereof, that separates the whale from most species, leading to a rather clear construction of a species-specific hierarchy by cetologists and others.<sup>33</sup>

If blue whales, humpbacks, right whales, and bowheads are threatened with extinction, then we might argue that we have a moral obligation to save these species. At the very least, one could argue we are obligated to future generations to avoid driving today's species into extinction, and the imperative of intergenerational ethics was even accepted in the Rio Declaration emerging from the United Nations Conference on the Environment and Development (UNCED). This logic certainly applies to the question of habitat protection today for all living things; but it is challenged by the recovery of once-endangered species, such as Gray whales and African elephants. In favoring popular mammals such as whales for protection beyond the mere fact of their rarity, we make certain assumptions operational: that whales are intelligent, magnificent, capable of teaching us much in terms of marine biology and perhaps even sociobiology, and—not least important—capable of attracting curious tourists.

This does lead to some problems itself, however, as Scarff pointed out in his 1980 article. If intelligence is the defining characteristic—if killing whales is wrong because they are closer to us in intelligence than most mammals, save perhaps primates—then there are questions concerning the intelligence of various cetaceans (generally, toothed whales or *mysticetes*, which include dolphins and porpoises, are considered brighter than *odontocetes*, or baleen whales, although this is, of course, open to dispute). Further, we've yet to arrive at an acceptable universal standard for measuring human intelligence, much less nonhuman intelligence. The Japanese Whaling Association insists that whales exhibit no more intelligence than that of cows or, in social terms, herds of deer. Regardless, their place in the marine ecosystem food chain certainly warrants extra concern for their future and gives some scientific credence to the establishment of not just "whaling sanctuaries" but protected marine regions in general.

Neither conservationist nor preservationist would argue with the cause of avoiding cetacean extinction. Whales are special. However, this does not mean that they are necessarily unhuntable. Aboriginal societies often have been praised by Western environmentalists for their intrinsic connection to

---

<sup>33</sup> Robert Payne, who was partially responsible for the first recordings of humpback singing, and whose career has included groundbreaking studies of southern right whales in an out-of-the-way research station at Peninsula Valdes in Patagonias, writing of the huge Russian factory ships constructed and employed in the late 1950s and early 1960s, relates that he "used to wonder what had become of the two *Sovetskayas*. A recent article in an Australian newspaper reports that they are to be spruced up for use as floating slaughterhouses for sheep in transit between Australia and the port of Vladivostok (the *Sovetskaya's* homeport). According the article [which he does not cite], ten million sheep per year will get a final cruise aboard these ships, interrupted only by their own deaths. It's a bit tough on the sheep [!] but at least keeps these vessels off the whales' backs for the nonce." A "bit tough on the sheep"?! R. Payne, *Among Whales*, 266 (1995).

their habitat, reflected in cultural artifacts and tradition. Of course, this can be exaggerated, as anyone who has suffered through a recent Walt Disney historical rewrite might realize. But many coastal aboriginal societies historically have taken whales—or, in the case of the Makah, wish to resume limited whaling—while simultaneously believing whales are very important in a profound spiritual sense.

What has become the accepted ethical position for American policy-makers is that whaling for commerce is bad, but whaling for subsistence and cultural purposes is justified. This leads to many necessary questions. Does the IWC have the necessary legitimacy to determine the distinction between commercial and subsistence whaling? The IWC is a voting body; there is no IWC judiciary to decide this question, and the Japanese claim that several coastal communities share ancient cultural links with whaling activities similar to the few aboriginal whaling communities in North America. The United States delegation also is willing to accept the importance of aboriginal whaling of Gray whales by the Russian Federation, fin and minke whales off of Greenland, and humpbacks off of St. Vincent and the Grenadines, but has habitually (with some recent compromises in the mix) rejected Japanese, Norwegian, and Icelandic assertions of cultural resonance.

Aboriginal whaling in the United States is regulated at numerous levels, and though the U.S. government ultimately relies on IWC approval before allowing catches, it would be difficult to argue that the United States depends on the IWC for moral support. Although one might argue the IWC, like other international regimes, does set important norms and standards, it has little regulatory muscle itself. The question of sovereign jurisdiction, inevitable in international affairs, arises. While the United States has insisted that, if limited commercial whaling were ever to resume, part of the RMS would involve an active observer scheme wherein whaling vessels would be accompanied by observers from other nations, Norway and Denmark's delegations (the latter speaking for Greenland, although they may have had the Faeroese Pilot Whale hunt in mind as well) refuses this possibility. (There also is a debate over whether the whaling nations should have to pay the costs of such an intrusive observer scheme, or whether the entire IWC membership should be forced to contribute.) In the mid-1970s, when it became apparent that the IWC's Scientific Committee would begin opposing any take of the extremely rare Bowheads, Alaskan whalers formed their own group—the extant Alaskan Eskimo Whaling Commission (AEWC)—which did not recognize the authority of the IWC but now cooperates with the world body.<sup>34</sup>

---

<sup>34</sup> In Canada, the Inuit Tapirisat of Canada is an importantly related group. For their perspective, which denounces the IWC for its preservationist perspective and quite clearly insists Canada not rejoin the IWC as a full-fledged member, see the article by its President, Rosemarie Kuptana, in *THE GLOBE AND MAIL*, May 27, 1993, A28.

The debate in the late 1970s was over whether the U.S. government should agree with those who called for the outright prevention of the killing of any Alaskan bowhead and Greenland humpback whales because of their relative scarcity. The American delegation to the IWC argued, to the contrary, that the hunt should be increased, as the cultures dependent on whaling were themselves threatened with extinction. At the time, the Americans even agreed to increased quotas of Sperm whales in order to achieve agreement over the aboriginal hunt. The Americans, at that time unable to obtain the two-thirds majority needed for the IWC to adopt a complete moratorium on whaling, in 1977 agreed to an enormous increase in the Sperm whale quota for Japan and the USSR—from 763 to 6,444 kills. This was derided by environmentalists at the time, but reflects the sincerity with which the American delegations have taken Alaskan aboriginal whaling rights. So we have the added ethical dilemma, assuming it is a trustworthy representation, of whether a biological extinction is worth risking if and when a cultural extinction becomes a possibility. Indigenous peoples argue, entirely correctly of course, that whale hunting has been an intrinsic part of their spiritual life for over 2,000 years, and that it was not until contact was made with commercial whalers in the late 1800s that the Bowhead (or, on the Pacific Coast, the Gray whale) became endangered. Nonetheless, the threat of human-induced extinction would, for most observers, constitutes reasonable grounds for the application of situational ethics.

When whales are threatened with extinction, one might plausibly argue that even indigenous communities must refrain from hunting them. In the case of gray whales, however, it is difficult to stretch the biological argument to the extent that the very limited resumption of whaling by the Makah along the north Washington/British Columbian coast even remotely threatens that species with extinction. It also is rather unlikely that this will lead to an uncontrollable increase in demand for whale products, even among aboriginal coastal peoples. American officials would have a difficult time arguing that the Alaskan Inuit have a greater need for hunting the endangered bowhead than the Makah do the Gray, because, as tourist guides will proudly tell visitors to the area, whaling was once an integral aspect of their culture, although the Makah have not hunted since the 1920s. The tourist guides seem to like to tell this story as a part of some glorious, wild history. But it is told as a thing of the past; the bigger story of Europeanization, apparently, rendered such primitive activities superfluous. The Makah are suggesting that this is not necessarily the case, and it opens up a rather messy ethical frontier, which ultimately pits those who accept the conservationist position and those who argue strongly for the cultural sovereign rights of aboriginal groups against the nonconsumptive outlook. The former group will include the Makah leadership, which at present believes the troubled community can survive only with a return to ancient traditions. The latter include groups such as the self-labeled “World

Whale Police,” and other, often transnational, antiwhaling groups.<sup>35</sup> Canada’s withdrawal from the IWC, in retrospect, was a sensible, situational abrogation: It avoided confrontations between the Inuit community and a shifting global normative environment.

Indeed, the aboriginal question raises broader issues, as yet largely unexplored, about the meaning of contemporary sovereignty, in terms of both community-level governance and the relationship between communities and the states in which they find themselves, through processes of colonization and intracolization. The legitimacy of international organizations is on permanent trial, and (rather than the functionalist design envisioned by David Mitrany and others) the increasingly challenged nation-state cannot implicitly transfer, or even lend, legitimacy their way. The whaling story indicates this is nothing new, however. Once the IWC entered the stage of explicit ethical contestation, this fate was sealed.

The idea that the Japanese will eventually lose their fondness for whale meat is not without some merit, as this may be gradually occurring and whale-watching itself is becoming more fashionable. Given the time imposed by the global moratorium, and the fact that only southern minke meat can be sold legally in Japan, the Japanese might change their outlook toward whales entirely. However, it is obvious that this argument is based on a rather condescending cultural orientation, one resented by the Japanese and used publicly by the Japan Whaling Association, a powerful lobby group backed by Japan’s strong fisheries sector, to stoke anti-IWC flames.

Cultural relativism surfaces here. The antiwhaling lobby often has pushed forward the powerful idea that efforts to abolish whaling are reflective of a new, global consciousness. Clearly enough, the Japanese, Norwegians, and Icelanders are the vociferous leaders of a small minority of nation-states. But does this, in itself, make them wrong? In the environmental policy world, there are no angels. Surely the most consistent and powerful proponent of the anticommercial whaling stance, the United States, the world’s biggest polluter in several areas, the mecca of the wasteful consumption-oriented culture itself, is subject to rather harsh criticism regarding its own environmental policies. Even more problematically for American delegates, the idea that Japan can be internationalized on a host of issues related to and reflecting its important position on the world stage may be sensible. But to suggest this will occur in this issue-area through integration into some international consensus against whaling begs a question: Shouldn’t modern Alaskan or coastal aboriginals be

---

<sup>35</sup> Although the 1855 Treaty of Neah Bay guarantees whaling rights to the Makah, in December 2000 the Circuit Court of Appeals (No. 02-35761) overturned a lower court decision and suspended the hunt until a more detailed impact assessment is produced by National Marine Fisheries Services. The plaintiffs-appellants included the Fund for Animals, the Humane Society of the United States, Australians for Animals, Cetacean Society International, and the West Coast Anti-Whaling Society.

similarly integrated, so that they, too, overcome their insensitive urge to kill advanced mammals such as whales and seals?

The Japanese delegation, of course, consider the moratorium an insult to Japanese sovereignty, and fears remain that the Japanese might follow the Icelanders, who left the IWC in 1993 over the issue (they have, in typically confused IWC fashion, since rejoined). Several states, including Grenada and St. Vincent and the Grenadines, have formed a small supportive cast for Japan; antiwhaling activists insist this is related to inducements provided by Japanese development aid. The Japanese certainly have a point when they refer to the economic hardship caused by the dislocation of small-type whalers, and in fact the ban inevitably helps drive an underground trade. But any quotas outside the conventional definition of aboriginal whaling, as the Swiss delegation and others have insisted, would require lifting the moratorium, and the majority of members remain unprepared to do this. Similarly, repeated attempts to lift whales from Appendix One listings at CITES have been rejected by a majority of voting states.

The claim that such a delisting and a resumed minke hunt would not damage the species as a whole is based on estimates of populations. The Japanese have claimed consistently that the American position has little to do with “science,” and everything to do with the imposition of the current American value position on whaling on other members of the IWC. A small majority of IWC members agree with the American anticommercial-whaling position. Again, the historical transition of the symbolic significance of the whale is important here. The Eastern Coast of the United States was, in fact, heavily dependent on commercial whaling in the 1700s and 1800s, and the whale catch was representative of industrial progress to many. But by the 1900s it had diminished as an economic activity as other nations began to dominate the industry in the deep seas. This led to the race toward extinction that characterized the pre- and post-World War II era, one free from American participation (a very small West Coast fishery existed until the late 1960s). Added to this is the idea of scientific progress: During the long years of prolific American whaling, and despite their romantic representation in classics such as Melville’s *Moby Dick*, we knew very little about whales, which were considered rather large fish; as we now know so much more, we are inclined to believe that selling whale products is unacceptable (this merges into the interspecies arguments outlined immediately above). The Japanese and Norwegians have not come to the same conclusion—but given time, they might.

Conservationists accept neither premise. It is not the case that commercial whaling is inherently bad, that it will necessarily lead to an unmanageable tragedy of the commons, or that the whaling nations have somehow been steered down a delinquent ethical path. Indeed, whales may be quite special, and we should take extra care not to endanger them. However, one might argue that the long-sought Revised Management Schedule (RMS) the IWC will

eventually put in place does just this. It will eventually include tough observation formulas as well: Better to have legitimate regulated activity than to rely on groups with limited resources and preservationist agendas like Greenpeace to monitor illegal commercial whaling everywhere. The revised scheme fulfills the original mandate of the IWC, which is to regulate, not stop, whaling. Members of the IWC's Scientific Committee have expressed dismay over their inability to have the RMS implemented. Indeed, one chairman of the IWC's Scientific Committee resigned over this contentious matter.<sup>36</sup> Antiwhalers argue that the IWC should represent whatever is the majority opinion within its membership, and if this is against the resumption of commercial whaling, then so be it.

At any rate it is clear that science, in the sense of legitimizing global governance decisions and directions, has a key role to play in wildlife management and other issues, especially those related to the commons. The role of science, its authority and construction, remains a major issue for those engaged with global ecopolitics. Animal-rights groups often are divided on the issue, with some placing trust in technocratic committees removed from political glare, and others decrying the restoration, to the aid of global capitalism, Western science. This said, it is inescapable that ethics are involved. Some conception of what is good, what is right, what is justified (to use Jackson's inquiry) is intrinsic to all scientific enterprise. It acts to motivate as well as delineate acceptable research designs. Hence the controversy over the cloning issue, for example. The whaling situation is complicated by the Japanese refusal to cease the practice of so-called scientific whaling. It is, of course, widely accepted that the practice is intended to keep a small whaling enterprise alive, although there may some "scientific" benefits to occasional takes. There is a note of angered irony in the Japanese refusal to stop scientific whaling.

A related ethical question we might briefly raise here concerns the nature of whaling itself, which often is seen as an especially cruel form of hunting, as harpoons rarely kill instantly. One of the many questions Scarff raises in his 1980 article concerns the humaneness of killing techniques. He quotes Alistair Hardy of Australia: "What an outcry there would be if we hunted elephants with explosive harpoons fired from a tank and then played the wounded beasts upon a line."<sup>37</sup> Great whales are typically killed with explosive harpoons, which, ideally, are ruptured near enough the whale's brain to kill it instantly or at least render it unconscious. Of course, this was not always the result and, as antiwhalers point out, whales can survive the initial blast and struggle for life before finally succumbing. This was more the case, of course, before modern technology rendered the battle between the sea's leviathan and its hunters a

---

<sup>36</sup> Letter from Philip Hammond, ex-Chairman, IWC Scientific Committee, to Ray Gambell, Secretary, IWC, 26 May 1993.

<sup>37</sup> *Ethical Issues in Whale and Small Cetacean Management*, 2 ENVIRONMENTAL ETHICS, 241, 248.

decidedly one-sided affair. In a victory of sorts for whale enthusiasts, the last few decades have seen the eventual (although not the entire) elimination of the particularly cruel “Cold Harpoon,” which was used primarily on smaller whales such as the minke to minimize damage to the meat. Today, Alaskan Inuit use penthrite projectiles, small grenades designed to ensure a quick death when a whale is harpooned. But an intense ethical question arises regarding the aboriginal hunts: The more traditional-style hunts were almost certainly agonizing affairs for the whales involved, involving hours of bleeding. Today’s aboriginal whaler has recourse to shotguns and other technically expeditious devices, minimizing the pain and suffering of the captured whale; yet when does a traditional hunt end and a modern one begin?

Beyond the utilization dilemma, and the complexities of coastal, scientific, and aboriginal whaling, avoiding cetacean extinctions at this point in time is an ethically acceptable priority on a universal scale, one both conservationists and preservationists would support. We must step further and admit that this is inextricable from habitat protection itself. There is little use, in the long term, of thinking about saving the great whales in captivity. Although one might experiment with genetic material, whales are appreciated for their social as well as biological distinctions, and the captivity of even smaller cetaceans raises great concerns about this dimension. And their sheer size alone makes the question of the captive breeding of the large whales an entirely academic one. Therefore, we can only conclude that species must be preserved at sea—and therefore, the sea must be preserved insofar as it serves as the irreplaceable habitat of these mammals. This would be as axiomatic to anyone determined to continue whaling in the future as it would be to anyone determined to stop or preclude it.

It is here that the recent work of William Burns becomes essential, both in terms of outlining the threat climate change poses to cetaceans (in each major habitat region, but especially the polar seas) and in relation to the responsibility to operationalize Jackson’s notion of trusteeship and actively reduce the likelihood of future calamity.<sup>38</sup> There is a striking need for more research on the link between the whaling story and the global warming story—although both are evolving largely independent of the other. Clearly, the IWC cannot be expected to delve deeply into the issue, but it has become a mainstay of scientific research, and cetologists are increasingly concerned. Although states move slowly on climate change policy and risk embarrassment, they are willing to emphasize the importance of the issue in IWC fora. If there is a moral consideration here, it may well lay in the quicksand of hypocrisy. U.S. power and dedication on this issue, while analytically intriguing and complex, are viewed as hypocritical in light of the unilateralist impulse from contemporary Washington. Some things are easy to say: We are all responsible for the

---

<sup>38</sup> W. Burns, *From the Harpoon to the Heat: Climate Change and the IWC in the 21st Century*, 13 *GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW*, 335 (2001).

commons, via the stewardship principle discussed above. This is a universal ethical obligation. This sounds sufficiently global but avoids the much more difficult political questions about contributions to the state of the oceans, the depleted fisheries, the pollution threats from oil tankers, and the even broader threat to phytoplankton, and thus the entire marine food chain, associated with ozone layer depletion. American antiwhaling policy is less impressive if we realize that American industry has led the world in contributing to these types of threats (though, to be fair, the Japanese contribution to oceanic depletion has been prolific). Furthermore, those benefiting most from oceanic exploitation are, arguably, causing the most harm in the process, while noncoastal states and others with minimal impact will suffer the climatic effects of disturbed current patterns, increased seafood prices, and loss of potential benefits that could have been realized under a common, if highly unlikely, resource-sharing regime similar to that advanced by the Law of the Sea.

Whales exist in an incredibly complex ecological and, whether we like it or not, political context: They are ecopolitical mammals. Meanwhile, the drama of developing country affiliations, complete with issues of vote-buying and more coercive measures, continues to discolor the legitimacy of the IWC. The North–South contours of the issue take a novel twist, as LDCs state their claim to a right, along common heritage principles, to the nonlethal use of whales. There are precious few mammals (the African elephant in the CITES context would be another) that can inspire this level of interest. Details aside, in terms of public opinion and policy, environmental ethics are situation-specific; indeed, one might suggest they are species-specific, as well.

Unless we manage to maintain the biological diversity and resource level of the seas, and we are clearly failing to do so, whales may well become endangered again. In this respect we need a balanced approach, which stresses both the celebrity of the whale and the centrality of its habitat. Arguably, this is not the function of the IWC; it has no explicated mandate to generate symbolic power, to instill broader ethical themes in the agendas of the member states. But one might argue it remains in a position to do so, if there is a strong desire among members to supersede the tiresome bickering and move on toward more substantive matters. It may even be possible to see the IWC, or even the North Atlantic Marine Mammal Commission or other regional bodies, as part of a broader climate change global policy network. Whether the whale has come to represent the canary in the goldmine, or acts as a barometer of human–nature relations, or is a symbol of religious and cultural significance, or represents the efforts of traditional whalers to live their traditional lives, it is a special creature, indeed, and its habitat deserves greater attention. Although rhetoric can easily outrun firm policy action on such matters, the world's major industrialized and industrializing states all have affirmed their commitment to the preservation of the commons, in many fora. If the whale has moved us closer to realizing this imperative, then it has served as a vital symbol, indeed.

#### 4. CONCLUSION

It is tempting to end on this note of rare congruence. However, even in this space we notice large differences between various ethical groupings. There is the eternal disagreement over the meaning, in distributive terms, of the “common heritage of humankind,” and differing integrations of intragovernmental rights and obligations in that context. There is the more immediate concern over differentiated responsibilities. (Although here we can perhaps link the United States and Japan in a common bond of guilt-induced indebtedness, there is little empirical evidence to suggest large-scale efforts are forthcoming from either.) As the rejection of a South-friendly Kyoto Accord by the U.S. Senate and presidency suggests, the idea that drastic investments in marine preservation is the sole obligation of the advanced capitalist societies is a hard sell. The state-friendly Rio Declaration, meanwhile, with its soft advocacy of the precautionary principle, has been rendered largely irrelevant, beyond interspersed mention in communiqué and declaratory statements. There is no common framework for the preservation of the oceans; the Law of the Sea is but a distant set of partially accepted and discriminatorily ratified rules, not a coherent reflection of well-established norms. E.H. Carr’s warning that a supposed essential “harmony of interests” was nothing more than a masking of dominant opinion, based on liberal internationalists’ precepts, retains relevance.<sup>39</sup>

The story of whaling, as a symbolic construction of redemption, is firmly (if unevenly) embedded in Western political mythology. As in the past, whaling issues will grab future headlines, and their utilization by environmental activists will continue. This is hardly a complaint of that basic fact; frustrations of the IWC aside, it serves to keep a vital human–nature relationship somewhere on the international agenda. The academic community, meanwhile, can learn more from the story, as it remains one of the more pronounced and, increasingly, examined areas of common pool resource management regime maintenance. The political confrontations scarring the regime in recent decades, and the repetitive rounds of acrimony exhibited between U.S. (and Australian) and Japanese (and Icelandic) delegations, guarantee fireworks to come for political scientists. But are there softer lessons to be learned from the role of ideas and the construction of the universal whale?

---

<sup>39</sup> At the same time, we should note that, to Carr, Morgenthau and other seminal realist minds, morality and ethics mattered much more than their subsequent representations would suggest. Carr also had a precursory constructivist strain: “There is a world community for the reason (and for no other) that people talk, and within certain limits behave, as if there were a world community. There is a world community because, as Señor de Madariaga put it, ‘we have smuggled that truth into our store of spiritual thinking without preliminary discussion.’” E.H. Carr, *THE TWENTY YEARS’ CRISIS 1919–1939: AN INTRODUCTION TO THE STUDY OF INTERNATIONAL RELATIONS* 147 (2001 [1939]).

It is tempting to conclude that the whaling story has led us inexorably down the path toward what Eckersley and others have termed *ecocentrism*.<sup>40</sup> Perhaps the whale has pushed us further toward what Daniel Deudney refers to as “earth identity claims,” reflecting a deep green environmental awareness that “lays claim to precisely those parts of the human culture and group identity that nationalism has held largely uncontested since the decline of traditional religion,” or what he labels the state’s “pseudo-primordial claims.” Indeed, whales, and their borderless, submerged worlds, would make excellent candidates for the ushers/midwives of such a paradigm shift.<sup>41</sup> Yet this is at best premature, and at worst places excessive pressure on the symbolic aspect of whales while ignoring the problems inherent in global governance efforts. The universal application of ethical positions, when it derives from coerced imposition, is little short of cultural imperialism. Even the adoption of the still-contestable and unclear precautionary principle must not be done as a steadfast rule, but left as an “open-ended process, involving evaluative judgements.”<sup>42</sup> Again, situational ethics apply, and this makes the abolishment of whaling a difficult policy when endangerment is not a clear possibility.

Finally, we might ask what potential utility a constructivist approach has regarding the whaling story. Although weary of some of constructivism’s grander claims, I would argue there is certainly much to be gained from any effort to infuse ideas, sociology, and discourse, and their relationships with power, into the study of a topic usually reserved for much less adventurous regime analysis. It is clear that there will be dominant ideas among the cetalogists of the Scientific Committee, comprising an epistemic community. It is clear that the preservationist–conservationist divide offers a menu for ideational choice as well. Further, the impact of the story of whaling, as it is popularly known, has been widespread. If the symbolic significance of the whale is not lost on the Greenpeace crowd, it is certainly not lost on the “wise-use” crowd either, who can point with some satisfaction to the human

---

<sup>40</sup> Defined by Matthew Paterson in his excellent survey of Green Politics in IR theory as a fourfold orientation: It recognizes the “full range of human interests in the nonhuman world [;] it recognizes the interests of the nonhuman community . . . the interests of future generations . . . adopts a holistic rather than atomistic perspective—that is, it values populations, species, ecosystems and the ecosphere as a whole as well as individual organisms.” Green Politics, in *THEORIES OF INTERNATIONAL RELATIONS* 277, 281 (S. Burchill et al., 2001).

<sup>41</sup> D. Deudney, *Ground Identity: Nature, Place, and Space in Nationalism* in *THE RETURN OF CULTURE AND IDENTITY IN IR THEORY* (Y. Lapid & F. Kratochwil, eds., 1996), 129, 131. He suggests there are four core features to “earth identity claims”: whole earth iconography, inspired by photo images of the earth taken from outer space; ritual space and ceremony; intergenerational community; and a credible cosmology. The latter is premised on ecology as science and Gaia. The idea that common ecological concerns can inspire the transcendence of state sovereignty and nationalist impulses is a strong one, although others have noted how mobilization on environmental issues can lead to a reawakening of traditional national groups: see B. Jancar-Webster, *ENVIRONMENTAL ACTION IN EASTERN EUROPE: RESPONSE TO CRISIS* (1993).

<sup>42</sup> B. Dickson, *The Precautionary Principle in CITES: A Critical Assessment*, 39 *NATURAL RESOURCES JOURNAL* 211, 228 (1999).

rights claims of resource users. This issue, which in itself can generate negative publicity for NGOs and others who are sometimes arrogant in their approach to those reliant on traditional hunting and trapping economies, suggests that environmentalists must be sensitive to local concerns, and avoid the implications of causing human suffering, and a constructivist approach might encourage sensitivity in this regard. An important intervention by the constructivist approach is the insistence that a “commitment to constructivist IR theory requires . . . a comparative and historical analysis of how cultures conceptualize others.”<sup>43</sup> It would seem that an engaging area for learning, in this regard, would be those lines of communication, distortion, and mutual animosity often revealed between the whaling and antiwhaling communities. So we can say that the constructivist approach would be of benefit in the case of the IWC, but not so much because of what goes on in the IWC but, rather, in the flurry of discourse, events, protests, linkages to broader projects, and other factors that make the whaling story such an integral one in the contemporary environmental discourse.

While the whaling saga presents ample opportunity for sustained regime analysis, complete with the nastiness inherent in highly politicized issues that evade direct management by state participants, the broader long-term significance for IR theory is that normative analysis is as vital as ever if we are to attempt to understand the ebbs and flows of world politics. Both ethical positions (subject to modification, in the constitutive sense employed by constructivists) and symbolic meanings are as relevant to process as they are to theory. The whale has come to signify radically different things to different people; the IWC, although it is considered obscure by many, is in fact a well-known institution in the global ecopolitics (GEP) literature, signifying discord, cultural imperialism, human progress, and many other serious issues/signposts along the road to a more sustainable future. To remove the symbolic aspect from this story is to disserve its more profound meaning, and it is arguable that this is the case with most other issues that generate similar media coverage and academic scrutiny.

The human element cannot be lost in the story, in terms of both whalers and antiwhalers who see the whale and perhaps the IWC as beacon. The imagery suggested by the popular understanding of that most classic of cetaceans, Moby Dick, is of a threatened, hunted albino Sperm whale who finally strikes back at its devilish pursuant. Of course the book had much more to say about the whaling industry, including an empathetic description of the vagaries of the seamen’s lives; large-scale whaling has always been a nasty business,

---

<sup>43</sup> N. Inayatullah & D. Blaney, *Knowing Encounters: Beyond Parochialism in International Relations Theory*, in *THE RETURN OF CULTURE AND IDENTITY IN IR THEORY* (Y. Lapid & F. Kratochwill, eds., 1996), 65, 82.

unfair to whale and whaler alike. If you really wanted to understand whaling, Melville wrote in *Moby Dick* (first published in 1851), you would have to descend into the blood-soaked, slippery, heaving, smoky “blubber-room,” where flensed blubber was cut into smaller pieces with pickaxes for burning, and “have a long talk with its inmates.” Here awaits a “scene of terror to all tyros, especially by night. . . . Toes are scarce among veteran blubber-room men.”<sup>44</sup> In the end, this may be as meaningful an image of the whaling story as the graceful behemoths that inspire such passion among activists, whalers, and scholars.

---

<sup>44</sup> H. Melville, *MOBY DICK* 346 (2002 [1851]).