

and in accordance with Article VIII of the 1946 International Convention for the Regulation of Whaling (ICRW), whaling is, even in spite of the 1986 whaling moratorium, legal for scientific purposes.

The present edited volume approaches the judgement of the ICJ from a multitude of angles and the legal scholar trained or untrained in international law will be taken through a lesson of sophisticated legal scholarship and analysis. A look at the table of contents already shows that the editors have attempted, and in my opinion very successfully, to include different sides of the whaling debate. Seven out of 11 contributions are written by Japanese experts on the whaling issue. One of these, Professor Joji Morishita, is the Japanese commissioner at the IWC. Many of the papers also stem from a conference on the *Whaling in the Antarctic* case held at Kobe University from 31 May to 1 June 2014. Moreover, the book is subdivided into five parts: *The law of evidence and standard of review*; *Substantive law aspects: the law of treaties*; *Procedural law aspects*; *Institutional implications of the judgement*; and *Domestic and international implications of the judgement*.

To this end, the book is not only an academic, scholarly book in which legal theory is explained practically using the *Whaling in the Antarctic* as a case in point, but a highly political one too. To exemplify this, let us take a closer look at Malgosia Fitzmaurice's chapter *The Whaling Convention and thorny issues of interpretation* (Chapter 3) and the aforementioned contribution by Joji Morishita *IWC and the ICJ judgement* (Chapter 8). The former constitutes the longest chapter in the book and gives a profound insight into the differences of interpreting the provisions of the ICRW, starting with its overall objectives (and purposes). The underlying point of reference, the 'substantive law aspect', so to speak, is the Vienna Convention on the Law of Treaties (VCLT) of 1969 and how it is applicable in the context of the ICRW. While providing the reader with her own opinions on the way the convention can be interpreted, these opinions follow the submissions and pleadings of the different parties, first and foremost Australian and Japanese, the judgement itself and the opinions of different judges and in how far Fitzmaurice (dis)agrees with the way the ICRW is interpreted. By doing so, Fitzmaurice enables the reader to understand how complex the issue of the whaling context really is and that both sides bring forth valid arguments in support of their claims. Moreover, the chapter brings the broader perspective of treaty interpretation to the fore and the complexity associated with it, especially in light of the role of the court itself and its

way of dealing with the provisions of 'scientific whaling' in the ICRW.

Morishita's paper in this fascinating book takes a rather critical approach to the issue of how the judgement was received by media outlets and anti-whaling non-governmental organisations. This, of course, does not come as a surprise, and if read by somebody with an anti-whaling attitude could be considered as biased, given the author's position in the whaling debates. However, Morishita does not argue based on his own or his government's opinions. Rather, he looks at the deliberations within the IWC regarding the adoption of the whaling moratorium in 1982 (starting for the season 1985/86). Following the official records, the moratorium was concluded as an establishment of catch limits and not as a 'ban' that makes whaling illegal *per se*. Nor did the judgement label Japanese scientific whaling 'illegal' as such. Instead, it requires Japan to alter its research objectives and does neither judge on other whale-related research programmes, such as in the North Pacific, nor on any future research programmes in the Antarctic (NEWREP-A). Not surprisingly, as Rothwell shows in *The whaling case: an Australian perspective* (Chapter 9), the Australian response as the country having initiated the lawsuit was rather modest. The observations of this reviewer at the IWC66 meeting in 2016, however, reaffirm Morishita's claims that those opposed to whaling still treat the judgement as rendering scientific whaling in the Antarctic carried out by Japan as illegal. That, as is being shown throughout the book, is not the case.

There are certainly many things to be said about whaling, the judgement in the *Whaling in the Antarctic* case and the way politics, emotions and general perceptions on human–animal relations contribute to the dysfunctional manner in which the IWC operates. The present volume, however, takes a rather 'dry' and 'matter-of-fact' approach in which the authors eloquently lay out their arguments based on the legal nature of the ICJ judgement. The reader also gains significant insight into the way the whaling discourse is shaped and how it is evolving (or not). The book is therefore a crucial part of the scholarly and political landscape surrounding whaling and should be part of the library of anyone who is interested in the whale hunt. Needless to say, other areas of human–animal interactions, such as marine management, seal hunting, etc., also play a role when reading through this book (Nikolas Sellheim, Polar Cooperation Research Centre, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe 657-8501, Japan (nikolas.sellheim@people.kobe-u.ac.jp)).

Scottish Arctic whaling. Chesley W. Sanger. 2016. Edinburgh: Birlinn. xx + 220 p, illustrated, softcover. ISBN 978-1-906566-77-7. £20.00. doi:[10.1017/S0032247417000213](https://doi.org/10.1017/S0032247417000213)

Whaling. A word that has become synonymous with the destruction of the environment driven by greed, driven by lack of respect for other fellow creatures of this world, driven by wasteful interests in the goods animals directly or indirectly produce. But as many authors have shown, the interest in whale products has waned and there are only but a few whaling nations left that either hunt whales for their meat and oil and/or as part of scientific programmes. In order to avoid overhunting

of the past, in 1946 the International Whaling Commission (IWC) was established by a few whaling nations to oversee the implementation of the International Convention for the Regulation of Whaling (ICRW). Ever since the foundation of the IWC and the moratorium on commercial whaling it established in 1985/86, the organisation has been in a deadlock in which pro- and anti-whaling nations do not find a way to overcome their differences (see for example Fitzmaurice & Tamada, 2016).

When looking into the history of whaling one quickly finds reference to the main actors in the whaling business: the Americans and their infamous city of Nantucket; Basques who were the first to engage in Arctic whaling; or the English that charted the seas while engaging in their bloody business.

But behold! It is easy to point fingers. And even easier to point fingers at people long gone. And particularly easy to point fingers when contexts are oversimplified. And here we enter the content of the fascinating book by Chesley Sanger with the simple and content-encompassing title *Scottish Arctic whaling*. Leaving aside any moral opposition to whaling the reader of this book might have, from the very beginning of this detailed study of Scottish engagement in the whale hunt of the Arctic it becomes clear what important contribution whaling has had in fostering globalisation and competitive trade particularly between European nations 'in a time of almost continuous conflict' (p. 35) as a response to Arctic interests – an issue which, in Arctic contexts, is little explored (see for example Heininen & Southcott, 2010). At the same time it becomes unmistakably clear how the Arctic marine environment and the establishment of an industry go hand in hand with one another. Unsurprisingly, in the 18th century it was, to a large extent, (un-)favourable environmental conditions as well as times of war that impacted the establishment of an English and Scottish whaling industry. With regard to the environment, especially in light of current oil prospecting in the Arctic, this should be borne in mind and Sanger's treatise is a stark reminder that industries of the south are merely guests in the high north, albeit very powerful ones.

This notwithstanding, Sanger shows in great detail and supported by a great number of graphs and tables how the Scottish whaling industry in the 18th century was subject to 'complex forces often working towards both expansion and reduction in the Scottish trade' (p. 58) but that it 'displayed remarkable consistency in the inter-war period' (p. 61). Unfortunately, Sanger does not engage further in discussing the fact that during times of war whaling endeavours were weakened *inter alia* by the desertion of the ships by their crews due to forced enlisting to the navy (see for instance p. 67). To be fair, however, it is doubtful that much information on these men exists in the first place. This would, in any case, be of tremendous interest from a socio-legal perspective. In general, the book does not engage in a more detailed discussion of the local economies, meaning the economies in specific harbour towns dependent on whaling, but rather provides a very detailed overview of the dynamics that drove or hindered the whaling economy in Scotland, closely paralleled by the whaling economy in England. Only very marginally socio-legal issues are touched upon and for this reviewer more details on the on-the-ground impacts of Scottish Arctic whaling would have greatly benefitted the book. This is particularly the case since the complexity of the interplay

between Arctic whaling and the local economy is highlighted by the author who notes that 'the whale fishery permeated all sectors of local economies and contributed to the growth and diversification of the economic base of each whaling town' (p. 49). Once again, however, the question remains whether much information exists that allows for an analysis of that kind.

This being said, the book is in itself impressive and provides a long overdue addition to the history of whaling in the North Atlantic and in the Arctic. *Scottish Arctic whaling* therefore adds wonderfully to the better understanding of the global interest in whales as a resource and the dynamics that drove the establishment of modern economies in (sub-)Arctic regions. Read in conjunction with, for example, Dickinson & Sanger's treatise on *Twentieth-century shore-station whaling in Newfoundland and Labrador* (Dickinson & Sanger, 2005) or Ryan's very detailed history of Newfoundland sealing (Ryan, 1994) a picture of the maritime and resource-based economies emerges that allows for the better analyses of contemporary issues of Arctic scholarship. This is especially relevant since the author shows how the whaling industry in Davis Strait had transferred to a sealing industry, an economic branch still very much disputed to this day (see Sellheim, 2016).

I can therefore conclude with a strong recommendation of this book for audiences interested in the history of whaling in general and particularly in the Arctic. Also scholars of Newfoundland and North Atlantic histories will find this book, which also contains several photographs, truly enriching (Nikolas Sellheim, Polar Cooperation Research Centre, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe 657-8501, Japan (nikolas.sellheim@people.kobe-u.ac.jp)).

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The magical world of the cold seas. Alexander Semenov. 2016. Moscow: Paulsen. 270 p, illustrated, hardcover. ISBN 978-5-98797-131-4. US\$60.00.
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One of the most interesting developments in what might be called 'polar publishing' has been the recent emergence onto the scene of Paulsen of Moscow. This publishing house has a list, mostly in Russian but some in English, that has many items of interest to readers of *Polar Record*, and the current volume is certainly one of those. It is a combination of 'coffee table' book, setting out wonderful photographs in this case of submarine wildlife in the

Arctic, with a very informative and detailed text. This is rare; in such cases one is usually confronted by photographs with a short and fairly trivial text, or a meaty volume with limited illustrations that seems to be intended for specialists. This book manages to be both.

The first chapter relates to plankton ranging from hydroids through the clinging jellyfish, larger jellyfish and ctenophores to the elusive appendicularians. There are some simply magnificent portrayals of these life forms and the colour reproductions are superb. Of particular interest is the section on *Aequorea*, the bioluminescent jellyfish that shimmer with a bright blueish-green light. It is noted that these colours arise from various proteins and that work on them resulted in the award of the 2008