The Old School, Brewhouse Hill, Wheathampstead,
Hertfordshire AL4 8AN, UK
www.ufaw.org.uk

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Animal ethics and the work of the International Whaling Commission

R Garner

University of Leicester, University Road, Leicester LE1 7RH, UK
Email: rwg2@leicester.ac.uk

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Introduction

Animal ethics is concerned with an examination of the beliefs that are held about the moral status of non-human animals. It is concerned, therefore, not with describing how animals *are* treated but with how they *ought* to be treated. This paper focuses upon two particular ethical approaches chosen because they enable us to understand more clearly the debate about the moral status of animals in general, and whales in particular, as well as offering a way of maximising consensus in the debate. The first, which describes the dominant discourse within the International Whaling Commission (IWC), is based on the argument that our duties to non-human animals are indirect, such that their protection is dependent upon the degree to which it is in our interests to do so. This is the logic behind the discourse of anthropocentric conservation. The second approach is the ethic of animal welfare. Unlike anthropocentric conservationism, the animal welfare ethic is not based upon denying, or ignoring, the moral standing of non-human animals, and is consistent with the widespread acceptance, in theory and practice, that we do have direct duties to animals, that they do have moral standing.

The IWC and anthropocentric conservation

The ethical position denoted by anthropocentric conservation is equivalent to the so-called indirect duty view approach to animals. This represented the moral orthodoxy prior to the nineteenth century. Thus, for philosophers such as Kant (1965/1797), the treatment of animals may raise ethical issues, but animal interests do not matter in their own right. In other words, ill-treating an animal does not infringe any morally important interests that animals themselves possess, but we may infringe the interests of other humans in the process. The obligation to treat an animal well is, then, an indirect obligation since it derives from the direct obligation to another human.

From the perspective of anthropocentric conservationism, since the intrinsic value of animals is not recognised, their protection depends entirely upon whether it is in the interests of humans to do so. For example, the need to conserve whale stocks was, at least for the whaling nations, the reason behind the moratorium on commercial whaling which, as an indirect consequence, has protected at least some whales. An indirect duty ethic also justifies protecting whales on aesthetic grounds as in the case of whale watching. In addition, of course, there are economic benefits to be had from facilitating whales being seen.

In theory, few philosophers would deny now that we owe at least something to animals directly. What we do to them, in other words, matters to them and not just to those humans with a vested interest in their protection. Such a position derives from the widespread recognition, deriving initially from Bentham's utilitarianism (1948), that animals are sentient, that they can suffer, and that they therefore have an interest in avoiding suffering, independently of human interests. The evidence that some animals are sentient, coupled with the ethical claim that we have an obligation to avoid causing them unnecessary suffering, forms the basis of the animal welfare ethic.

Animal welfare and the IWC

In practice, the acceptance of the animal welfare ethic has led to the introduction of animal welfare laws in most developed countries which limit what can be done to animals in the pursuit of human gain in a variety of spheres (Garner 2004). Not only has this animal welfare ethic come to predominate within many countries. It is also increasingly the basis for international agreements involving animals — see, for instance, the animal welfare guidelines of the World Organisation for Animal Health (OIE 2009; Chapter 7.5).

Significantly, too, the recognition that whales can suffer, and that this suffering matters morally because it is in the interests of whales to avoid it, has informed the work of the IWC itself in its deliberations on such issues as ship strikes and entan-

glements in fishing gear (Johnson *et al* 2005). These issues do not just affect whale conservation but also the individual welfare of whales. Indeed, the decisions made on whale entanglements reveal that, in some circumstances, it is accepted that welfare concerns should be prioritised over conservation. For example, at the IWC meeting in Agadir, Morocco in 2010, the report of a workshop on welfare issues (originally proposed by Norway) associated with euthanasia and the entanglement of large whales was endorsed. This report accepted that, in some circumstances, euthanasia is often the most appropriate option because it is the most humane option (IWC/62/15 2010).

Given that principles of animal welfare are widespread, consistency would therefore seem to demand that these principles play a larger role in the deliberations of the IWC, including in the debate about whaling. To fail to do so makes the IWC look rather anachronistic morally. This does not mean, of course, that whaling should necessarily be prohibited on ethical grounds. Rather, the application of an animal welfare ethic to whaling would require us to weigh up the costs to whales against the benefits to those who seek to catch them.

References

Bentham J 1948 *An Introduction to the Principles of Morals and Legislation.* Hafner Press: New York, USA

Garner R 2004 *Animals, Politics and Morality, Second Edition.* Manchester University Press: Manchester, UK

IWC/62/15 2010 Agenda item 5.2.1. *Report of the Workshop on Welfare Issues Associated with the Entanglement of Large Whales Submitted by Australia, Norway and USA.* http://iwcoffice.org/_documents/commission/IWC62docs/62-15.pdf;

Johnson A, Salvador G, Kenney J, Robbins J, Kraus SD, Landry S and Clapham P 2005 Fishing gear involved in entanglements of right and humpback whales. *Marine Mammal Science 21*: 634-645. http://dx.doi.org/10.1111/j.1748-7692.2005.tb01256.x

Kant I 1965/1797 *Metaphysics of Morals.* Bobbs Merrill: New York, USA

OIE 2009 *Terrestrial Animal Health Code.* http://www.oie.int/eng/normes/mcode/en_sommaire.htm

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