



Dr. Roger Payne is a biologist who, with Scott McVay, discovered that humpback whales sing. He has studied whales in all seven seas and observed in the wild every species of large whale that exists. He founded the Long Term Research Institute and is president of the Whale and Dolphin Conservation Society. He is a senior scientist at the World Wildlife Fund, his laboratory has conducted four major studies of the effects of whale-watch boats and of human-generated noises on whales. He has also pioneered many of the benign techniques for studying whales that are now in use worldwide. (He points out that he neither invests in the whale-watch industry nor receives funding from it, directly or indirectly.) Dr. Payne is a recipient of a MacArthur Fellowship and has been knighted in the Netherlands.

IS WHALING JUSTIFIABLE ON ETHICAL AND MORAL GROUNDS?

In trying to determine whether whaling is ethical, we need to decide whether animals, particularly whales, are proper objects of moral concern. One way to approach this is to look for something widely believed to be such an object and examine the characteristics which make it so. We can use people as our example but we soon find that when we narrow our definitions too much, it is not possible to be logically consistent without running into the necessity of excluding from the ranks of those worthy of moral concern, human infants, the insane, the comatose, the senescent, or criminals. When we go through the exercise of developing the full argument we find that to fall within the area of moral concern an entity must be alive, have interests and needs of which it is aware, and that it must be possible for these interests to be advanced or denied by another being which is capable of acting morally.

The pivotal point in the preceding argument which differentiates whales from, say, cancer cells (which we might have no moral qualms about killing) is that we need to be confident that life matters to whales – that they are aware of their lives. Cancer cells are not appropriate objects of moral concern because there is no basis for concluding they have interests of which they are aware. They can experience stimuli that impinge on them but not their lives as such.

So what evidence is there that whales possess enough neural sophistication to be aware of their lives and to have an interest in them? Neuro-anatomical comparisons between whale and

human brains suggest that theirs have a complexity equal to or surpassing ours. But this approach gives no proof that they use their brains for anything we would recognize as self-awareness. So how can we be sure that whales have thought processes which constitute awareness when we cannot even be sure of the thought processes of our fellow humans? For example, when we watch someone who is thinking, we cannot be sure that anything at all is going on – for all we know they are simply day dreaming. We can sometimes deduce their thoughts by noting their ensuing actions. We can apply the same approach to whales, examining their behaviour for clues to their mental abilities, and looking within that behaviour for evidence of mind.

Most whale species are highly social animals which sometimes aid each other. They form long-lasting, dependent bonds between mother and young (typical of animals in whose lives learning plays an important role). Whales and dolphins show complex and varied play behaviour, both among themselves and with objects they encounter. When their companions die some porpoises may show the same classical signs seen in grieving humans, including loss of appetite, depressed breathing, widened pupils, respiratory changes, and withdrawal from social situations.

Many whale species sing songs, and humpback whales improvise upon their songs (within the constraints of a complex set of rules). The new material they put in their songs adds up after a few years to create completely new songs. The same



A humpback whale raises its flukes as it dives against the setting sun.

*Photo Courtesy
Bob Talbot*



Roger Payne patting a right whale. The skin of whales is, like that of other mammals, highly sensitive.

Photo Courtesy
Flip Nicklin

species also incorporates rhyme in its songs, but only in songs that are very complex, suggesting that, like humans, they may be using rhyming as a mnemonic device.

Given the evolutionary affinities between whales and primates it is simply not parsimonious (and is therefore bad scientific procedure) to argue that a better explanation for a long list of these and many similar complex behaviours is likely to be found in some set of unknown mental processes, distinct, even unrelated, to the kinds of neural activity going on in human brains which, during behaviours like these, are showing classic evidence of self-awareness and interest in their lives. We conclude therefore, in the absence of evidence to the contrary, that whales are aware of their lives and of their interests, simply because that seems to be the most parsimonious conclusion.

It must be borne in mind that the argument about which beings are proper objects of moral

concern makes no judgement as to what is right or wrong when applied to either animals or people. It simply points out that, regardless of what moral theories are espoused, or what one believes to be right, logic demands that these theories and principles be applied to animals. The philosopher Kant argued that only rational beings are eligible for consideration under moral laws and used language as a dividing line between eligible and ineligible beings. But his argument really comes down to how much we depend on language to determine unequivocally what the needs and wants of another being are, rather than what falls within the territory of moral concern. The logical necessity of including living creatures as subjects of morality refutes Kant, and, as Rollin says, we find; "We have established that animals have a very basic right, a right that is on a higher level than any particular right, namely, the right to be dealt with or considered as moral objects by any person who has moral principles, regardless of what those moral principles may be!"


The basic aims of the whaling industry are the production of marketable goods and products for many purposes. But there are successful manufacturers that produce marketable products saleable for the same purposes to the same markets which do not cause the deaths of whales. These people can easily be identified; they are the manufacturers who do not use whale products, but who nevertheless compete successfully with the products produced by the whalers. These same manufacturers also demonstrate that the basic aims of the whaling industry can be achieved without products from whales. Since killing any animal robs it of all of its rights, it is wrong unless some unique justification for doing so is considered. Because all of the products which come from whales have much more abundant synthetic or naturally occurring alternatives, and because we can live rich, full lives without killing whales, the killing of them is gratuitous and therefore morally wrong.

Much has been made of the pain caused by the techniques used in killing whales. But, this is an entirely separate issue. Even if an entirely painless method could be found to kill them, it would not remove the immorality of killing whales. It would remove the wrong caused by the gratuitous suffering visited on whales by the current whaling techniques, but that would not make the killing of whales, to fulfill purposes which do not require their killing, any less wrong. If we were to take something that is morally wrong and make it less wrong, it is not made right. It remains morally wrong. If you could find a way to kill someone so painlessly that it did not even

disturb their sleep, it would not make it morally right to kill them.

In the earliest attempts to stop whaling, the conservationists frequently charged whalers with cruelty. However, the term cruel has a specific meaning implying a particular mental state: specifically someone who enjoys damaging others or causing pain. But all people who cause pain are not necessarily cruel. For example, we do not think of all dentists or those who administer painful treatments like chemotherapy as cruel just because they cause pain – just as people who love animals but eat meat are not necessarily cruel though they are causing pain. Indeed, there is no evidence to support the notion that whalers as a class contain a higher percentage of cruel people than the rest of humanity. It is time we realized this and stopped accusing all whalers of cruelty. We will not get on with the business of stopping the amoral practice of whaling if we destroy our opportunities of dialogue with its practitioners by gratuitously insulting them. It may relieve frustration but it offers no real relief to whales and dolphins.

We see from the above that not just whales but many species must hold legitimate claim to moral concern. Getting many people to recognize this claim will require a major change in their intellectual and emotional views towards animals. The difficulty of achieving that is not a reason to delay the process. As John Stuart Mill put it, "Every great movement must experience three stages, ridicule, discussion, adoption."

I say: let us get on with this movement! 

Close-up of a breaching humpback whale, the water runs down its grooved underside which adds to the beauty of this scene.

Photo Courtesy Bob Talbot



Why

WHALES?



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