

ARGUMENTS

Canada's Commercial Seal Hunt

It's More Than a Question of Humane Killing

DAVID M. LAVIGNE and WILLIAM S. LYNN

David M. Lavigne, International Fund for Animal Welfare, Guelph, Ontario, Canada. William S. Lynn, the Center for Environmental Studies, Williams College, Williamstown, Massachusetts.

Canada's commercial seal hunt has been the subject of controversy for over 40 years. Much of the debate has centered on the question of humane killing. The reality, however, is that debates about commercial sealing are political debates involving conflicting values and ethics. We argue that the time has come for conservationists, scientists, managers of free-living animals, bureaucrats, politicians, and society at large to think beyond populations and ecosystems and consider also the well-being of individual, sentient animals. The fundamental question then becomes, "Can commercial seal hunts be morally justified in the twenty-first century?"

Imagine a litter of newly weaned golden retriever puppies frolicking together in a public park. Two men approach, one with a rifle, the other with a cricket bat. They start shooting and clubbing the animals, killing some instantly and wounding others. When all the puppies have been stopped in their tracks, the man with the bat goes around and clubs any that remain alive. The incident is captured on a bystander's mobile phone. The story leads on the television news. Imagine the public outcry.

Now, move into the real world. Newly weaned harp seal pups lie on ice off the east coast of Canada, a public space of a different kind. Men with rifles and steel-spiked clubs called *hakapiks* approach. They start shooting and clubbing the young seals. Some are killed instantly; others are wounded. Some of the wounded slip into the water, where they almost certainly will experience prolonged and painful deaths. Others lie on the ice bleeding from their injuries, until a sealer returns to dispatch them with skull-crushing blows to the head. The scene is captured on video.

In this second case, television stations do not rush to show the footage. In Canada, many will refuse to air it because it would offend public sensibilities, especially during the supertime news hour. The disturbing images are posted on the Internet, but who really wants to watch them? Except for protests by individuals and advocacy groups who are already campaigning against commercial sealing, public outrage in Canada has become muted. Many mistakenly believe that commercial sealing ended years ago. Others blithely deny reality and misrepresent the evidence. Despite documented observations

and a number of veterinary reports to the contrary (summarized in European Food Safety Authority [EFSA], 2007), the Canadian government (Fisheries and Oceans Canada, 2009a), Canadian politicians of many stripes (e.g., Standing Committee on Fisheries and Oceans, 2009), and even the odd Canadian government scientist (e.g., G. Stenson, cited in Brand, 2009) continue to claim that Canada's commercial seal hunt—the largest remaining commercial seal hunt in the world—is “humane.”

These thoughts and observations have come to mind repeatedly since the European Parliament passed a resolution to impose a ban on trade in seal products within Europe (Schlyter, Casaca, Florenz, Murko, & Lucas, 2006; International Fund for Animal Welfare, 2006). Following a review of killing practices (EFSA, 2007), widespread public consultation, and a hearing on trade in seal species organized by the European Parliamentary Committee on the Internal Market and Consumer Protection, the Parliament voted overwhelmingly (550–49) in favor of a seal trade ban on May 5, 2009 (European Parliament, 2009). That decision was accepted by the Council of Ministers on July 27, 2009, and the ban came into effect in August 2010 (Council of the European Union, 2009). In 2009, the Inuit Tapiriit Kanatami and others (including sealing industry representatives in Canada, Norway and Greenland) launched a legal action in the European Court seeking an annulment of the EU regulation. While that matter remains before the court, two subsequent applications for “interim measures” to suspend the ban have been dismissed by the President of the General Court (2010, 25 October). Canada and Norway have also announced plans to challenge the EU ban through the World Trade Organization (WTO) (Fisheries and Oceans Canada 2009b, Foreign Affairs and International Trade Canada 2009; Government of Canada, 2009). Formal consultations with the EU, a necessary precursor to any request for a dispute panel, took place in December 2009 and December 2010.

Now, perhaps, is a good time to acknowledge frankly that the sealing controversy is not just a debate about humane killing (Kirkman & Lavigne, 2010) or, for that matter, about conservation; sustainable use; “culling” seals, ostensibly to protect fisheries; economic necessity; taxpayer-funded subsidies; free trade; or precautionary management (Johnston, Meisenheimer, & Lavigne, 2000; Hammill & Stenson, 2007; Lavigne, 2003; Leaper, Lavigne, Corkeron, & Johnston, 2010; Livernois, 2010). Ultimately, it is a political debate grounded in ethics (e.g., Lavigne, 2009; Linzey, 2009).

From an evolutionary perspective, the puppies and the seal pups referred to previously are closely related cousins. They are both carnivores; they have similar, well-developed nervous systems; and they exhibit complex social behaviors. The only major differences are that the ancestors of golden retrievers remained on land and were eventually domesticated by humans, whereas the seals' ancestors ventured back into the sea more than 20 million years ago and remained free-living.

Charles Darwin (1871/1981) recognized a continuity of moral and social capacities between humans and other animals based on evolutionary relations, an insight increasingly accepted by biologists and philosophers (e.g., Bekoff & Pierce, 2009). Yet if evolutionary relationships guided our treatment of animals, modern society would no longer tolerate commercial sealing that targets newly weaned pups any more than it would tolerate

the indiscriminate killing of recently weaned golden retriever puppies. But obviously, evolutionary relationships rarely dictate ethical choices.

From an ethical and social perspective, dogs and seals are part of what Mary Midgley (1998) terms “mixed communities.” These are communities of human and nonhuman beings who interact socially and ecologically. Key to understanding the implications of Midgley’s concept is the moral standing both humans and other animals ought to have in these mixed communities. Like people, many animals are aware and self-aware (sentient and sapient, in more technical language) with a well-being that can be helped or harmed. Like humans, dogs and seals think, feel, and relate, not in the same ways we do, but in ways that are appropriate to their kind. Like us, they also have an individual worth independent of the use anyone might have for them. Ethicists call this “intrinsic value.” That free-living species have intrinsic value is already recognized in a number of national policy documents (including, ironically, in Canada) and international conservation agreements (for a review and discussion, see Lavigne, Kidman Cox, Menon, & Wamithi, 2006).

The point here is that the individual and collective actions of Canadians and many other people around the world have consequences, for good or ill, on the lives of dogs, seals, and other animals. Considering their moral standing as members of a mixed, moral community is a prerequisite for ethically informed environmental policy (Lynn 2006, 2007).

The crucial point is this: Seals are not simply government property or a “natural resource” to do with as we please. Seals are sentient (e.g., EFSA, 2007) and sapient creatures whom we ought to treat with care and respect. This means thinking beyond whether a particular killing technique is humane or not. It means, minimally, considering the well-being of seals *as individuals*, in addition to considering them as populations and as functional components of marine ecosystems (Lavigne et al., 2006). It also means asking the more fundamental question: Is Canada’s or any other commercial seal hunt morally defensible in the 21st century?

Acknowledgments

We thank those who provided comments and suggestions on earlier drafts of this commentary. They include S. Fink, J. Hannah, K. Lauria, A. Linzey, L. Marino, L. O’Donnell, and S. Wallace. This work was produced with the support of the International Fund for Animal Welfare.

References

- Bekoff, M., & Pierce, J. (2009). *Wild justice: The moral Lives of animals*. Chicago, IL: University of Chicago Press.
- Brand, C. (2009, January 22). *Canada, Greenland defend annual seal hunts*. Retrieved from <http://www.thestar.com/news/world/article/575222>
- Council of the European Union. (2009, July 27). *2957th council meeting, General Affairs and External Relations* (Press Release No. 12353/09). Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/109452.pdf
- Darwin, C. (1981). *The descent of man, and selection in relation to sex*. Princeton, NJ: Princeton University Press. (Original work published 1871)

- European Commission. (2010). *Commission regulation (EU) no 737/2010 of 10 August 2010 laying down detailed rules for the implementation of regulation (EC) no 1007/2009 of the European Parliament and of the Council on Trade in Seal Products*. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R0737:EN:NOT>
- European Food Safety Authority. (2007). Animal welfare aspects of the killing and skinning of seals: Scientific opinion of the Panel on Animal Health and Welfare. *EFSA Journal*, 610, 1–122. Retrieved from <http://www.efsa.europa.eu/en/scdocs/doc/610.pdf>
- European Parliament. (2009). *MEPs adopt strict conditions for the placing on the market of seal products in the European Union* (Press Release No. 20090504IPR54952). Brussels, Belgium: Press Service, Directorate for the Media.
- Fisheries and Oceans Canada. (2009a, March 20). *Minister Shea announces the 2009 management measures for the Atlantic seal hunt*. Retrieved from <http://www.dfo-mpo.gc.ca/media/npress-communique/2009/hq-aco6-eng.htm>
- Fisheries and Oceans Canada. (2009b, February 20). *Minister Shea continues to defend the Canadian seal hunt*. Retrieved from <http://www.dfo-mpo.gc.ca/media/statement-declarations/2009/20090220-eng.htm>
- Foreign Affairs and International Trade Canada. (2009, July 26). *Canada requests that the European Union reconsider seal products trade ban* (News Release No. 207). Retrieved from http://www.international.gc.ca/media_commerce/comm/news-communiqués/2009/387423.aspx
- Government of Canada. (2009, June 27). *Canada to pursue WTO consultations in response to European Union's seal products ban* (News Release No. 208). Retrieved from <http://news.gc.ca/web/article-eng.do?m=/index&nid=469979>
- Hammill, M. O., & Stenson, G. B. (2007). Application of the precautionary approach and conservation reference points to management of Atlantic seals. *ICES Journal of Marine Science*, 64, 702–706.
- International Fund for Animal Welfare. (2006, September 6). *New EU trade resolution to protect seals welcomed* [Press release]. Retrieved from http://www.ifaw.org/ifaw_united_kingdom/media_center/press_releases/09_06_06_10602.php
- Johnston, D. W., Meisenheimer, P., & Lavigne, D. M. (2000). An evaluation of management objectives for Canada's commercial harp seal hunt, 1996–1998. *Conservation Biology*, 14, 729–737.
- Kirkman, S. P., & Lavigne, D. M. (2010). Assessing the hunting practices of Namibia's commercial seal hunt. *South African Journal of Science*, 106(3–4), art. 166. Retrieved from <http://www.sajs.co.za/index.php/SAJS/article/viewArticle/166/211>
- Lavigne, D. (2003). Marine mammals and fisheries: The role of science in the culling debate. In N. Gales, M. Hindell, & R. Kirkwood (Eds.), *Marine mammals: Fisheries, tourism and management issues* (pp. 31–46). Collingwood, Victoria, Australia: CSIRO. Retrieved from <http://www.aad.gov.au/Asset/whales/Lavigne%202003.pdf>
- Lavigne, D. M. (2009, April 15). Seal hunt is about playing political gamesmanship. *Embassy*. Retrieved from http://www.embassymag.ca/page/view/seal_hunt-4-15-2009
- Lavigne, D. M., Kidman Cox, R., Menon, V., & Wamithi, M. (2006). Reinventing wildlife conservation for the 21st century. In D. M. Lavigne (Ed.), *Gaining ground: In pursuit of ecological sustainability* (pp. 379–406). Guelph, Canada: International Fund for Animal Welfare and University of Limerick.
- Leeper, R., Lavigne, D., Corkeron, P., & Johnston, D. W. (2010). Towards a precautionary approach to managing Canada's commercial seal hunt. *ICES Journal of Marine Science*, 67, 316–320.

- Linzey, A. (2009). *Why animal suffering matters: Philosophy, theology, and practical ethics*. New York and Oxford: Oxford University Press.
- Livernois, J. (2010). The economics of ending Canada's commercial harp seal hunt. *Marine Policy*, 34(1), 42–53.
- Lynn, W. S. (2006). Between science and ethics: What science and the scientific method can and cannot contribute to conservation and sustainability. In D. M. Lavigne (Ed.), *Gaining ground: In pursuit of ecological sustainability* (pp. 191–205). Guelph, Canada: International Fund for Animal Welfare and University of Limerick.
- Lynn, W. S. (2007). Practical ethics and human-animal relations. In M. Bekoff (Ed.), *Encyclopedia of human–animal relationships*. Westport, CT: Greenwood Press.
- Midgley, M. (1998). *Animals and why they matter* (reissued ed.). Athens: University of Georgia Press.
- President of the General Court (2010, 25 October). *Order of the President of the General Court. Applications for interim measures—Regulation (EC) No 1007/2009—Trade in seal products—Ban on import and sale—Exception in favour of Inuit communities—Second application for suspension of operation of a measure—New facts—No Urgency*. Luxembourg City, Luxembourg: General Court of the European Union.
- Schlyter, C., Casaca, P., Florenz, K.-H., Murko, M. D., & Lucas, C. (2006, May 15). *Written declaration on banning seal products in the European Union* (No. 0038/2006). Brussels, Belgium: European Parliament.
- Standing Committee on Fisheries and Oceans. (2009). *Fourth report*. Ottawa, Canada: House of Commons. Retrieved from <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3864923&Language=E&Mode=1&Parl=40&Ses=2>