

# **“You Want to Capture Something that Will Make People Change”: Rhetorical Persuasion in *The Cove*, *Whale Wars* and *Sharkwater*.**

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**A thesis submitted in fulfilment of the requirements for the**

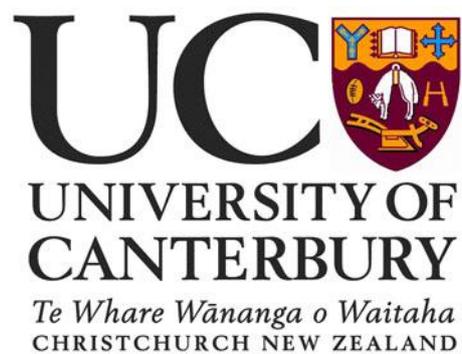
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**by Jessica Stewart**

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## **Abstract**

Dolphins, whales and sharks are some of the world's most iconic animals. Yet, many people will only ever see these animals via the media. The media, then, hold significant power in creating, modifying and/or reaffirming the imaginaries around various species which, in turn, influences how much concern is given to matters related to their welfare and conservation. Given the environmental and ecological concerns presently facing the ocean, protecting, conserving and preserving the marine ecosystem is vital, and time is of the essence. Through the work of activists, three specific marine wildlife issues have received a lot of publicity across various forms of mainstream media: the killing of dolphins in Taiji, Japan for their meat; Antarctic whaling; and the practice of shark-finning.

Three activist films, namely *The Cove* (2009), *Whale Wars* (2008-) and *Sharkwater* (2006), are centred on these issues, and filmmakers attempt to compel viewers to support the activists' cause. For this goal to have a chance of happening, rhetorical arguments must be carefully crafted. However, the study of rhetoric in animal-focused activist films is still an understudied research area.

This project contributes to this area of research by using these three films as case studies and applying Aristotle's rhetorical proofs of ethos, pathos and logos to analyse the rhetorical arguments. Ethos is demonstrated when the activists construct themselves as credible, moral heroes and the animals as possessors of positive traits worth protecting, and the hunters as immoral villains. The graphic, bloody imagery of animal death appeals to pathos to stir strong bodily and emotional responses such as sadness and disgust in order to mobilise audience support for the cause. Lastly, these films appeal to logos by using culturally authoritative discourses such as those of biological science, western conventional medicine, and the legal system.

This thesis contends that these films work rhetorically and discursively to try to persuade audiences to feel a connection with and sympathy towards the animals; to be supportive of the activists; and to prompt antipathy towards the hunters and industry spokespeople to motivate the audience to support each film's cause and be moved into the suggested future action/s.

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# Chapter 1

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## Introduction

***“For in the end, we will conserve only what we love. We will only love what we understand, and we will understand only what we are taught.”***

— *Baba Dioum, Senegalese ecologist<sup>1</sup>.*

### Introduction

The ocean covers 70 percent of the earth’s surface, and is home to around 295,000 to 321,000 different animal species (Costello et al., 2012; Orams, 1999). It is also a place most people only get to see a fraction of, and, being a non-aquatic species, humans can only spend relatively short periods of time submerged in the ocean. Nevertheless, there is something that draws many people to the ocean, and the worldwide increase in marine fauna tourism attests to this (Cater & Cater, 2007; Shackley, 1996). Humankind has always had a fascination with animals, and an inbuilt desire to connect with nature (Wilson, 1984). Yet, out of the hundreds of thousands of different species, only some seem to receive care from the public (Herzog, 2010). Within cultures, particular species are highly esteemed and receive more moral concern than others (Passariello, 1999, p.12; Serpell, 2009), subsequently influencing the cultural categorisation of that animal (Emel & Wolch, 1998, p.8; Hurn, 2012, p.84; Stibbe, 2001). Some are publicly loved, especially animals with ‘infantile’ features such as large eyes and a large head, often evoking a nurturing response or an ‘aww’ (Jolly, 1972; Lorenz, 1981). Some are categorised as pets, and others as ‘wild’, exotic animals—usually the species most often sought after by zoos (e.g. Bouissac, 1985, p.108-122; Kirby, 2012). Others are (or have historically been) revered, such as cats in ancient Egypt (Málek, 2006), and elephants in Thailand (Wylie, 2008). Other species are almost universally disliked (Benson, 1983; Herzog, 2010), such as rodents—particularly rats

(Morzillo & Mertig, 2011), and insects such as cockroaches and flies (Connor, 2006; Copeland, 2003). Some animals are classified—and are generally accepted by most within that culture—as permissible to eat (Hurn, 2012, p.6), whilst others may be seen as “bad to eat” (Harris, 1985, p.45). This is not necessarily because they are poisonous, or inedible in terms of human physiology (*ibid*, p.13-14). Rather, it is because they have been assigned meanings that shape how that animal should be perceived, thus making it a taboo to eat those animals (Joy, 2010). For many Hindus, cows are considered sacred, and some may refrain from eating beef (Agoramoorthy & Hsu, 2012). In many western cultures, eating species like cats and dogs (Herzog, 2010), and, as will be discussed later, cetaceans (whales, dolphins, and porpoises), is taboo.

The socially created meanings and beliefs assigned to different species form an ‘imaginary’ around them. Although a number of theorists have used the term imaginary in slightly different ways (e.g. Anderson, 1983; Castoriadis, 1987; Lacan, 1953; Taylor, 2004), the imaginary is, at its essence, the collection of images, beliefs, meanings, and attitudes held by a culture around a particular subject or object, that morph and change over time (Weber, 2006, p.72). As Strauss (2006) puts it, the imaginary is “just culture or cultural knowledge in new clothes” (p.322). The imaginary around a particular subject or object may be a combination of truth, myth, fiction, and accuracy (Lacan, 1977, p.ix). When it comes to animals, the cultural imaginary around them may not reflect that animals’ true nature, and/or biological and behavioural features (Lawrence, 1993, p.302). The media also play a role in transmitting societal values, and may reinforce or challenge the predominant imaginaries of a particular animal, or the categories certain animals are assigned to (Burt, 2002).

## **Animals in the Media**

The media have considerable power in constructing and representing versions of reality (Hall, 1997; Joshi, 2006), including what certain animals ‘mean’. People may like particular animals even if they have never seen them outside of mediated representations (Bulbeck, 2005, p.xv; Stibbe, 2012, p.1), and therefore ‘learn’ about these species through the media (Lowe, 2012, p.317). Such imagery does not remain stagnant, but reflects the ever-changing, culturally relative and often contradictory relationship humans have with

animals (Herzog, 2007, p.710). Animals may be used in television and film to fulfil various roles: they may simply serve as a form of entertainment (Beatson, 2011, p.40); may be used to educate the audience on the animal itself; to evoke particular emotion; and/or become a symbol or catalyst for some kind of social change (Paietta & Kauppila, 1994, p.vii).

As particular elements of the animal rights and environmental movement have become mainstreamed, it is not surprising that animal-related conservation and welfare causes are appearing more often in the media (Beatson, 2011, p.36; Emel & Wolch, 1998, p.8; Pagani et al., 2010, p.250; Stephens et al., 2006, p.2). There is also a greater public awareness of animal-related issues, and an increase in academic literature around animal-related causes (Serpell, 1996, p.xviii). Activists and animal-related interest groups work to try and stop or modify particular practices, and work to conserve and protect particular species, and educate the public on their plight. Since “animals are incapable of determining or regulating the discourse they put forth” (Lippit, 2000, p.21), the ways in which public discussions and discourses about animals are produced will have consequences on their real-life treatment (Batt, 2009, p.180; Bekoff, 2002, p.133; Kellert, 1996).

In animal politics that revolve around welfare, conservation, and protection, some species seem to easily gain public attention, affection, support, and empathy when something is done to put them at risk<sup>2</sup>. These include companion creatures (Sahlins, 1991, p.282; Serpell, 1996); the animals perceived to be highly intelligent (e.g. Herzog & Galvin, 1997, p.238; Payne, 1995; White, 2007); and those animals perceived as behaviourally and biologically similar to humans (Batt, 2009; Gerstner & Najor, 2007; McIntyre, 1974; Poole & Moss, 2008; Schlegel & Rupf, 2010; Serpell, 1996). For other species though, mobilising the public through welfare campaigns is much harder work, leaving them more vulnerable to exploitation with little public push back (e.g. Ryan, 1998; Ryan & Harvey, 2000).

Sometimes, differences in the categorisation of animals and their subsequent treatment can be a cause of cross-cultural tension to the point that it can lead to diplomatic standoffs between nations (e.g. United Nations News Centre, 31 March, 2014). In terms of marine animal politics, three issues have garnered significant amounts of publicity in the much of the western (particularly American) media: the slaughter of

dolphins for their meat in Taiji, Japan; whaling in the Antarctic (supposedly) for 'scientific research'; and shark-finning—a practice carried out in a wide range of different countries in order to sell only the fins to some of the Asian market—particularly to China and Hong Kong—for soup.

## **Mediated Representations of Marine Life**

Dolphins, whales and sharks are some of the marine animals that tourists most want to see (Cater & Cater, 2007, p.161). While it is true there has been a worldwide increase in ocean-based tourism, many people will never get to see species such as dolphins, whales and sharks in the flesh. Yet, these species are some of the most iconic of all animals, and have been the focus of some of western popular cultures' most well-known media texts, namely the *Flipper* (1963) television series, the *Moby Dick* novel (1851), and the *Jaws* novel (1973) and *Jaws* film (1975). Compared with viewing and studying terrestrial species, there are more "logistical challenges" (Lewison et al., 2004, p.599) when it comes to viewing and studying marine life that may inhibit people from participating in ocean-based activities (*ibid*; Harvell et al., 2004, p.375). These include the risk of seasickness (Steffen et al., 2007, p.484); a high dependency on the weather and sea conditions (Bearzi, 2012, p.72); and the extra monetary costs associated with the required, specialised equipment (*ibid*).

If people never get to see certain animals in real-life, the only way they will see them is via the media (Stibbe, 2012, p.1). Mediated representations of marine animals—be it in documentaries or animated film—influence, at least in part, peoples' perceptions of these creatures (Cater & Cater, 2007, p.156). For example, people may never see a real shark, yet, after watching or reading *Jaws*, may avoid swimming in the ocean out of a fear of being attacked by one (Crawford, 2008, p.8). Environmental groups concerned with the welfare and conservation status of marine fauna can act as the mediators between the public and these animals and do so in a way that promotes conservation-related causes.

For environmental campaigns to become more successful, it is important "to consider the complex histories of specific human interactions with specific animals in specific environments" (Hurn, 2012, p.174). This is particularly relevant to three marine animal causes in this project since cetaceans and sharks are put at risk due to a range of anthropogenic activities, such as:

- overfishing and apex predator decimation (Clarke et al., 2006; Kraemer, 2013; Roberts & Hawkins, 1999; Ward-Paige et al., 2012; Worm et al., 2013)
- being caught as bycatch (Bache & Evans, 1999; Lewison et al., 2004; Read et al., 2006; Slooten & Davies, 2012)
- habitat destruction (Nyström et al., 2012)
- dead-zones induced by anoxia and eutrophication (Dybas, 2005; Heck Jr & Valentine, 2007; Thamdrup et al., 2012)
- noise pollution (Weilgart & Weilgart, 2007)
- accidentally ingesting plastic and other kinds of rubbish (Cliff et al., 2002; Laist, 1987)
- sickness due to an accumulation of toxins in the body (Beckman, 2013; Ross, 2006)
- being injured or killed by vessels (Simmonds & Brakes, 2011a).

The wider, overarching topic of climate change and its ramifications on a range of ecosystems and species is also of pressing concern (Gambaiani et al., 2009; Simmonds & Brakes, 2011a; Stoett, 2011).

The texts chosen for this research mostly address the deliberate hunting of these species as a source of food, thus drawing attention to the various political and diplomatic conflicts that occur around this, but many of the activities listed above are also integral components of the films' advocacy arguments and will be looked at in my analysis.

## **Animal Species**

There has been some research looking at how dolphins, whales and sharks have generally been portrayed in the mainstream westernised media, and how their imaginaries have changed or developed over time (e.g. Crawford, 2008; Epstein, 2008; Fraser et al., 2006; Peschak, 2013; Rauch, 2014; Roman, 2006; Sickler et al., 2006a&b, 2012; Zelko, 2012). An overview of the general portrayals of each of these animals is set out below.

### **Dolphins: They "Have it All"**

The imaginary around dolphins is predominantly one emphasising charisma, affability and brain power. Dolphins seem to just "have it all: intelligence, good looks, refinement and a winning (if not voluntary) smile" (Rauch, 2014, p.8)<sup>3</sup>. Many cultures have deeply respected

and/or revered dolphins, even bestowing them with the status of a god (Lockyer, 1990, p.337). Ancient Greece and Rome's apparent love affair with dolphins, though, is probably the most well-known of dolphin-human relationships, and dolphins frequently feature in ancient art and mythology (Avery, 2009). Dolphins were viewed favourably not only by the people who perceived them as outgoing helpers known to assist fishermen and to rescue sailors stuck at sea, but also by some of the Greek gods<sup>4</sup>. According to other myths, dolphins were said to have once been humans (Simmonds, 2004). Dolphins were beloved for their friendliness, and Pliny the Elder wrote in Volume III of his encyclopaedic series *Historia Naturalis (Natural History)* (circa 77–79 AD) that:

The dolphin is an animal that is not only friendly to mankind but is also a lover of music, and it can be charmed by singing in harmony, but particularly by the sound of the water-organ. It is not afraid of a human being as something strange to it, but comes to meet vessels at sea and sports and gambols round them, actually trying to race them and passing them even when under full sail (trans. H. Rackham, 1967, p.179).

In modern western culture, dolphins have an almost cult-like status (Bekoff, 2006a). As Wynne (2004) writes, "seeing a dolphin in the wild is like bumping into a celebrity in the street. There's a sense of excited recognition, and of one's own unworthiness in comparison to these exceptional individuals" (p.195). Dolphins may be seen as humankind's "friends in the sea" (Doak, 1995), and even "floating hobbit[s]" (Pryor & Norris, 1991, p.2). Yet, at the same time, dolphins, remain enigmatic: wild cetaceans are difficult to study as they spend most of their lives beneath the surface, they move quickly, and rough sea conditions can prevent researchers from getting any further than the jetty (Samuels & Tyack, 2000, p.10). Rather than a negative attribute, their enigmatic nature only adds to the public interest in them (Catton, 1995, p.8; Marino, 2007, p.491; Payne, 1995, p.22). There also seems to be a particularly strong emotional appeal when it comes to the welfare and conservation of cetaceans: they are "aptly named 'charismatic mega-fauna' [and] enjoy much broader public support than more abstract issues such as climate change" (Kollmuss & Agyeman, 2002, p.253).

Any discussion on dolphins would be incomplete without talking about their perceived higher intelligence. Just how smart dolphins are is a subject of debate in the scientific realm, and depends on who is asked (Barton, 2006, R598). It also depends on the

dolphin species that is in question, as some species—such as orca, and bottlenose dolphins—are seen to be the particularly bright ones (Bernd Würsig cited in Carwardine, 2000, p.92). Some researchers speculate that dolphins are “the great apes of the oceans” (Brakes, 2009), whilst others rank their intelligence about equal with elephants (Evans et al., 2007, p.819). Some also entertain the idea that dolphins possess a kind of superintelligence exceeding that of humans (Fichtelius & Sjolander, 1972; Lilly, 1976, 1978). Others believe dolphins are, at least in part, 'divine', and have 'special messages' to share with human beings (Cori, 2011; Lindsay, 2014; Robbins, 1997; Robson, 1976)—a view particularly apparent in New Age literature around dolphins (e.g. Clemens, 1999; Sandoz-Merrill, 2005; Wyllie, 1984, 1993 & 2001)<sup>5</sup>.

Speculation that dolphins may be more intelligent than humans is largely thanks to the work of John C. Lilly (1915-2001), a neuroscientist who attempted to communicate with dolphins. Lilly proposed that, due to their high intelligence, cetaceans should be represented at the United Nations as the “cetacean nation” (Lilly, 1961). Much of Lilly’s unorthodox work on dolphins was not well-received by other scientists (Samuels & Tyack, 2000, p.29; Spong, 2011, p.131; Wilson, 1975; Wynne, 2004). This was largely because of his questionable methods of studying dolphins, such as giving them LSD, or anaesthetising them with the intention of conducting highly invasive brain experiments such as cortical mapping—a task that only ended up killing the dolphins because they are voluntary air breathers (Burnett, 2012)<sup>6</sup>. The fact that Lilly also had his assistant, Margaret Lovatt, live in a research lab for 10 weeks, 24 hours a day with a dolphin named Peter in an attempt to teach him how to speak English further dented his reputation (*ibid*; Riley, 2014a)<sup>7</sup>. Although Lilly’s work was controversial, he, ironically, had a very powerful impact on the imaginary around dolphins, which may have led some to take an interest in more sensible and ethical research on cetacean cognition and communication (Samuels & Tyack, 2000).

All of these assigned meanings and trait associations around dolphins form a positive imaginary<sup>8</sup>, making the thought of eating them a shocking one to most within cultures holding them in high esteem. Dolphins, like whales, are the “charismatic

megafauna" of the seas, and getting western public support for their protection is not too difficult (Dudzinski & Frohoff, 2008, p.162). However, as different cultures may not view dolphins with such high esteem, they may not be positioned as 'off-limits' for consumption (Einarsson, 1993, p.75; Kalland, 2009). As noted by Frohoff (2007), "a dichotomy still exists in how different cultures relate to dolphins. Some view dolphins as little more than food, fertilizer, or a form of commerce, whereas others demonstrate a high degree of respect for these animals" (p.1097).

### **Whales: "Buddhas of the Deep"<sup>9</sup>**

Whales are one of the world's most iconic and recognisable creatures. They are the chosen icons for the contemporary environmental movement, symbolic not only of the fragility and connectedness of the ecosystem, and of humanity's destruction of the natural world, but simultaneously symbolic of humanity's chance at environmental and ecological restoration (Burnett, 2012, p.2; Chaline, 2011; Ward, 2011). Like elephants, whales have become a "flagship species" (Walpole & Leader-Williams, 2002, p.543) for the conservation movement: a species used to "raise public awareness or financial support for conservation." (*ibid*).

Yet, whales, unlike the consistently adored dolphins, have not always been viewed as the oceans' "benevolent monarchs" (Stoett, 1997, p.28). Actually, whales have undergone one of the greatest public image transformations of any animal. Prior to the late 1960s, whales were treated in a utilitarian fashion: their meat was consumed; their oil had an array of uses, including in street lamps to light the streets of early Europe and America (Dolin, 2007); their bones were used as an alternative 'building material'; and their baleen was used to make brushes and corsets (Forestell, 2002, p.958). Essentially, the slaughter of whales hardly appeared on the public agenda, and the practice of whaling barely seemed to raise the public's eyebrow of disapproval (Scarff, 1980). There was a public distance from whales, which were largely seen as "monster[s]" (Simmonds, 2011, p.73), and as dangerous, vengeful creatures that attacked whalers and smashed whaling boats (Roman, 2006). They have also appeared as villains in stories such as the film *Pinocchio* (1940) and the novel *Moby Dick* (1851). In the 1960s, a significant perceptible shift took place.

## **“All Animals are Equal but Some are Cetaceans”<sup>10</sup>: The ‘Save the Whale’ Movement.**

The late 1960s and 1970s ushered in the global environmental movement (Grove-White, 1993, p.18), and were a “true Renaissance in the portrayal of marine mammals” (Forestell, 2002, p.963). The ‘Save the Whales’ movement of the 1970s turned public perception of whales around, effectively framing the whale in more familiar and benign kinds of imagery, like “Buddhas of the deep” (Zelko, 2012); “a nation of armless Buddhas” (Hunter, 1979, p.131); “part human, part animal” (Oslund, 2004, p.79); the “loving leviathan” (Peace, 2005, p.191); and one of western cultures’ mostly “inviolable sacred cows” (Flannery, 1994). The once scant public interest in whales moved to a significant interest in them, reflected in the substantial increase in whale-based tourism (Orams, 1999 & 2000).

This new public interest and fascination was a due to a culmination of events. The increasing popularity of dolphins—reflected in shows such as *Flipper* (1963); movies like science-fiction thriller *The Day of the Dolphin* (1973); the increasing popularity of dolphinariums (Samuels & Tyack, 2000); and the widespread publication of studies on dolphin brain structure, brain power, and sonar (McBride, 1940; McBride & Hebb, 1948; McBride & Kritzler, 1951; Schevill & McBride, 1956)—had a ‘flow-on’ effect for whales by prompting a greater public interest in whale communication, intelligence, and social behaviour. One of the pivotal moments for whales occurred in 1967 when marine biologists Roger Payne and Scott McVay made the discovery that humpback whales could sing (Payne & McVay, 1971). In 1970, Capitol Records released Payne’s whale recordings called *Songs of the Humpback Whale* (Payne, 1970). The recordings made whales seem more ‘human-like’: humpback whales serenaded; were romancers; were “opera stars of the deep” (Day, 1987, p.155), and the recordings were often played at anti-whaling demonstrations (Burnett, 2012)<sup>11</sup>. This was also when the NGO Greenpeace became synonymous with anti-whaling. During the early seventies, Greenpeace protestors used direct physical action when confronting whalers, such as driving their inflatable Zodiacs right in front of the harpooner’s line of fire in the attempt to prevent harpooning of the whale (Pearce, 1991, p.19). Such attention-grabbing, dramatic tactics, sometimes referred to as “image events” made for good photographs (Bailey, 2009; McHendry, 2012; Pace, 2005). These were (and still are) “a crucial weapon in the fight to protect the environment,

a weapon that sometimes shapes tactics" (Morris, 1995, p.72). This, in turn, helped garner more interest in the anti-whaling cause.

In the early 1970s, activists and environmental organisations predominantly opposed whaling on ecological grounds<sup>12</sup>, revolving around the concern that many whale species had been over-exploited, and many had become endangered (Kalland, 1994). During the early 1990s, however, the arguments against whaling took a different direction (Kalland, 1993a, p.124): they were primarily based on moral grounds and 'unique specialness' (Blok, 2008; Bridgewater, 2003; van Ginkel, 2007), that continue to be prevalent in the more recent debates. Rather than being strictly conservationist, anti-whaling arguments are usually preservationist at heart, given that the goal is to banish all commercial whaling rather than reduce the numbers of whales caught (Stoett, 1997). As with dolphins, these arguments focus on the belief that whales are highly intelligent, self-aware beings, and their treatment requires special moral and ethical consideration (D'Amato & Chopra, 1991). It was also during the 1970s that "the insistence of some nations on continuing to hunt in the face of collapsing populations of whales was viewed by many as an outrage, and efforts to thwart commercial whaling grew increasingly stringent" (Forestell, 2002, p.965), and continue to this day. It becomes apparent, then, that "the ways in which these animals are *perceived* by whalers and those who oppose them is an area of significant concern" (Hurn, 2012, p.169), as these differences in the meanings assigned to whales are what cause, at times, dangerous, conflicts.

## **Sharks: “You May Rest Assured That the British Government is Entirely Opposed to Sharks...”**

Sharks have arguably been the most vilified of all oceanic species (Dobson, 2008, p.61; Hoyt, 1990, p.14). There are an estimated 415 types of sharks (Cooke et al., 2008, p.456), and 80 percent of them are no bigger than two metres (Garrison, 2009, p.311). The vast majority of species are either shy around divers or have little to no interest in coming near them (Jackson, 2000, p.16; Rose & Laking, 2008, p.173). Some sharks only eat plankton, and although it is true that some species may be more dangerous than others and should always be treated with caution and respect<sup>13</sup>, most species have never been recorded as biting or killing a human (Compagno et al., 2005; Garrison, 2009, p.311).

In spite of these facts, the words ‘shark’ and ‘danger’ are often treated as synonymous (Anderson, 2007, p.1122). Historically within western culture going back as far as Classical Greece and Rome, sharks have been viewed as the monstrosities of the deep, and have been associated with a raft of negative meanings (Murray & Heumann, 2014; Peschak, 2013). At times, they have been viewed as ‘devils’ (Casey, 2005, p.127); as “treacherous” (Benson, 1983, p.86), “brainless and greedy [with] no soul” (Rush, 1985, p.253); and somehow “intrinsically evil” (Jackson, 2000, p.16). Even Winston Churchill publicly made his dislike of sharks known when he replied to a question in parliament about creating shark repellent that, “you may rest assured that the British Government is entirely opposed to sharks” (Churchill, 1945, cited in Murray & Heumann, 2014, p.xxix). Steven Spielberg’s film *Jaws* (1975)<sup>14</sup> was particularly detrimental to sharks (Compagno et al., 2005, p.43; Molloy, 2011, p.163). It led not only to a spate of senseless shark killings and trophy hunts after its release (Benchley, 2002; Lovgren, 2005), but also fostered a more long-term, lingering fear of sharks (or selachophobia/galeophobia) for many about swimming in the sea (Gibbons & Coodes, 2007). Additionally, when sharks have been reported to have attacked people, the news reports are often sensationalised (Cater & Cater, 2007, p.172). People “react more negatively to animals of which they are afraid” (Batt, 2009, p.186), particularly since negative discourses may encourage or normalise negative attitudes around animals (Stibbe, 2012, p.3). If people at large are afraid of

sharks, then sharks may be shown limited or little concern and sympathy in issues related to their welfare compared with other species, such as cetaceans (Perrine, 2002, p.20).

It is largely because of the vilifying imaginaries around sharks in the past that their populations are now in a significant worldwide decline (McCauley et al., 2012). Particular species, such as the great white shark, are now classified as endangered (Martin, 2007). An estimated 97 million sharks were killed in 2010, “with a total range of possible values between 63 and 273 million per year” (Worm et al., 2013, p.194)<sup>15</sup>. This rapid and stark shark population decline is mostly due to over-exploitation by the fishing industry, including being caught as bycatch (Perrine, 2002), and the shark-finning trade (Lewison et al., 2004, p.599).

In recent decades, however, there has been a ‘softening’ of the sharks’ public image. Public opinion has started to move farther away from unreasonable fear and towards a “healthy respect” for them (Bright, 2000, p.56). Sharks have their own appeal, and the ‘fear factor’ is part of this. The Discovery Channel’s annual “Shark Week” is a good example of this (Discovery Channel, 2014), particularly since it has been running for one week on the channel every year since 1988, making it “the longest-running cable TV programming event in history” (Fetters, 2012). There has also been an increase in shark tourism (Jones et al., 2009), including diving or snorkelling with them—with or without the use of a cage (Barker et al., 2011; Cater, 2008, p.53-57). Shortly after the release of *Jaws*, the predominant attitude was that “humans need[ed] protection from sharks” (Dearden et al., 2008, p.68). From 1999 to more recent times, the attitude leans more towards the belief that it is actually sharks that “need protection from humans” (*ibid*). Apex predators are generally long-lived, slow reproducers, and are at the top of the food chain for good reason: they are keystone species that are vital to the survival and maintenance of any ecosystem and feed on the weak, sick, and injured of their prey, and control the population of other species below them in order to keep the predator-prey ratio in a close balance. To decimate the populations of apex predators from a given environment is a sure way to slowly but surely ruin an entire ecosystem (Cole Burton et al.; Heck Jr & Valentine, 2007; Licht et al., 2010; Ripple et al., 2014; Wikenros et al., 2013). In the ocean, the large, toothed sharks are apex predators (Perrine, 2002) and, according to an

increasing number of scientists, the rapid depletion of sharks from the ocean is quickly becoming an ecological crisis (e.g. Frid et al., 2008; Graham et al., 2010; Robbins et al., 2006; Worm et al., 2013). As a result, a new imaginary has started to form around sharks: one which focuses on their ecological importance and pivotal role in maintaining the balance of the ocean ecosystem—something that will be discussed in upcoming chapters.

### **Activism for Marine Fauna**

The legal system and the actions of governments with regards to animal welfare and conservation are linked to the extent of, role of, and need for activism. If marine-fauna activists and activist-based NGOs feel that there is nothing in place to protect marine species, or the laws/moratoriums/treaties are not being followed or upheld, they believe they need to intervene. Despite some efforts being made to protect whales, dolphins and sharks, it is hard to enforce international treaties and agreements given the open, expansive nature of the oceanic environment (Schneider, 2012, p.119), and the loopholes that may provide states with the option not to honour existing rules (Reeves, 2002). However, whenever activists or NGOs are advocating any kind of social action, points of difference between cultures on a specific topic can become contentious.

### **Universal Agreements around the Treatment of Animals**

There are a number of transnational groups that set up global conservation policies and monitor the populations and prioritise the protection of certain terrestrial and marine species. Many of the major international groups are overseen by the United Nations Environment Programme (UNEP) (UNEP, 2012) such as the International Union for Conservation of Nature (IUCN); The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Convention on Migratory Species (CMS); and World Conservation Monitoring Centre (WCMS) (UNEP-WCMC, 2014). A brief description of the purpose of some of these organisations is set out below.

CITES, also known as the Washington Convention, monitors the conservation status and the transnational trade of flora and fauna (terrestrial and marine) (UNEP-WCMC, 2014). CITES places different species under appendices as to the level of

protection and monitoring they should get. How dolphins and whales fit under CITES will be discussed later on in this chapter.

CMS, also known as the Bonn Convention, similarly “works for the conservation of a wide array of endangered migratory animals worldwide through negotiation and implementation of agreements and species action plans ... with special expertise in the field of marine species” (UNEP, 2012). Like CITES, CMS also places different species under appendices (annexes) that use similar allocation criteria as CITES, except rather than focussing on the trade of endangered and at-risk species, CMS monitors the population status of migratory species and whether they are to be classified as endangered. This informs how much collaboration with other organisations and governments is needed to protect and conserve these species (CMS, 2013).

The IUCN is an international regulatory body that monitors the conservation status of both flora and fauna. Scientists working for the IUCN put out an annual ‘Red List’ which places flora and fauna into different categories, ranging from ‘Least Concern’ to ‘Extinct’ (IUCN Redlist, 2013). Where an animal is listed is determined by the current population and how this may change in the future, current threats to that species, and the ecology of that species (*ibid*). However, as some species' populations have not been evaluated, or the data gathered is insufficient to make accurate estimates, this makes appropriate listing for their protection unsure.

Lastly, the United Nations Convention on the Law of the Sea (UNCLOS), formed in 1994, is a treaty that is focused on maritime law, setting guidelines for the treatment of, and guardianship of the oceanic environment (UNCLOS, 2001)<sup>16</sup>.

With regards to the species that will be studied in this project, there is one major International regulatory body that does exist specifically for whales: The International Whaling Commission.

### **The International Whaling Commission**

The International Whaling Commission (IWC) was established in 1946 to regulate the post WWII recommencement of commercial whaling (Bridgewater, 2003). It initially set the

whaling seasons and catch quotas, banned the killing of mothers with calves and juvenile whales (Day, 1987, p.27), and monitored whale populations to prevent the annihilation of certain species due to overzealous whaling (Donovan, 2002). In 1986, the majority of member states voted to ban commercial whaling as it was deemed to no longer be an acceptable practice and an anti-whaling moratorium was put in place (Miller & Spoolman, 2012, p.250)<sup>17</sup>. As of 2014, 89 governments from around the globe are IWC members (IWC, 2014d), and any sovereign state can join, or leave at any time (Epstein, 2008). Japan is an IWC member state that has claimed numerous times its whaling is “scientific whaling”. Technically, Japan could leave the IWC—like whaling states Iceland and Norway have—and would no longer be bound by any present or future moratoriums, resulting in far less international criticism (Payne, 2014)<sup>18,19</sup>. However, in a world of interdependent economies, and the desire to maintain a good public image, any decision to leave a major worldwide organisation must be made carefully, as this can have a negative effect on future international and diplomatic relations (Epstein, 2008, p.83; Kalland, 2009, p.175; Stoett, 1997, p.130)<sup>20</sup>. Rather than leave the IWC, Iliff (2010) posits that the Japanese whaling lobby, through having a voice within the IWC, will have a “normalization effect”:

To Japan, normalization of the IWC means returning the IWC to its perceived intended function of fulfilling the literal wording of the ICRW, with emphasis on the second of its two principal objectives, that of making possible the orderly development of the whaling industry (p.333).

Japan may object to any future moratoriums or may leave the IWC, but for the time being, it remains a member.

### **The Outlawing of “Scientific Whaling”**

Whaling has become a politicised issue that evokes strong opinions and is perhaps no better demonstrated than by Australia taking Japan to the International Court of Justice (ICJ) over its whaling. Prior to the ruling, much of Japan’s whaling was occurring in waters off the Australian Antarctic Territory, and in 2009, former Australian Prime Minister Kevin Rudd (2007-2010) reminded Japan of Australia’s anti-whaling position and that, “if we cannot resolve this matter diplomatically, we will take international legal action. I’m serious about it, I would prefer to deal with it diplomatically, but if we cannot get there, that’s the alternative course of action” (Rudd, cited in Bryant, 2010). When Japan continued to whale,

on 31 May, 2010, Rudd's Government "requested that the ICJ [International Court of Justice] order Japan to:

End the research programme, revoke any authorizations, permits or licences allowing the programme's activities; and provide assurances and guarantees that it will not take any further action under the JARPA II [Japanese Whale Research Program in the Antarctic] or 'any similar programme until such programme has been brought into conformity with its obligations under international law (United Nations News Centre, 31 March, 2014).

Since 2003, Japan's argument has been that its fatal whaling programme in the Southern Ocean Whale Sanctuary is for scientific research, using Article VIII of the IWC convention as justification:

Any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government sees fit (IWC, 2014b).

The ICJ hearing went from 26 June 2013 to 16 July 2013 at the United Nations International Court of Justice in The Hague, Netherlands, and New Zealand supported Australia as an intervening state against Japan (ICJ, 2014). On 31 March 2014, whaling on the grounds of scientific research was ruled as illegal by 12 of the 16 World Judges (ICJ, 2014), and, "following Australia's request, ordered that the country 'revoke any extant authorization, permit or license to kill, take or treat whales in relation to JARPA II, and refrain from granting any further permits' for that programme" (United Nations News Centre, 31 March, 2014). The ruling only applies to Japan's whaling activity in Antarctica, and not to whaling in the northern Pacific (Payne, 2014)—a hunt that last began at the start of April 2014 off Japan's north-east coast targeting minke whales (Agence France-Presse, 17 June, 2014). Japan initially accepted the Antarctic whaling ban and said that they would abide by the ICJ decision (Sturmer & Ford, 14 September, 2014), although they made it known that the nation "regrets and is deeply disappointed by the decision" (BBC, 31 March, 2014). However, on 9 June 2014, Japan's incumbent Prime Minister Shinzō Abe (2006-2007; 2010-) stated that, "I want to aim for the resumption of commercial whaling by conducting whaling research in order to obtain scientific data indispensable for the

management of whale resources. ... It is regrettable that this part of Japanese culture is not understood" (Agence France-Presse, 17 June, 2014).

### **The IWC and Small Cetaceans**

Although dolphins and porpoises may be biologically classified as 'small whales' (Kasuya, 2007, p.42), dolphins are not given the same kind of IWC protection as the great whales:

The IWC does recognise the need for further international co-operation to conserve and rebuild depleted stocks of small cetaceans. It has encouraged countries to seek scientific advice on small cetaceans from the IWC and also invited IWC member nations to provide technical or financial assistance to countries with threatened small cetaceans stocks (IWC, 2014c).

As a result, national regulations and laws determine the level of protection given to small and medium-sized cetaceans (Reeves et al., 2003, p.30; UNCLOS, 2001)—something that is one of the criticisms of the IWC, and one of the points of criticism for activists and conservation organisations (Oceanic Preservation Society, 2014b).

### **International Organisations for Dolphin and Shark Protection**

Dolphins and sharks are given varying levels of protection under both regional and international treaties. Various types of small cetaceans, especially migratory species, cross national borders, and this is why conservationists argue there needs to be some form of international regulation to protect them since the IWC does not (Reeves et al., 2003, p.30). The same argument also applies to sharks, and the way global fisheries operate in relation to them (Crawford, 2008, p.118; UNEP, 2012).

Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), dolphins and sharks are placed under different appendices. All the species of whale that are named under the IWC moratorium are listed under Appendix I, which means that are significantly threatened with extinction (Reeves et al., 2003). Eight dolphin species are listed under Appendix I (CITES, 2014a)<sup>21</sup>, and the other dolphin species are listed under Appendix II—an appendix for animals that are currently classified as in significant danger of extinction, in which any trade must be done under strict guidelines to

prevent significant damage to the population. Nine shark species are listed under Appendix II<sup>22</sup>, and, in some countries, a few species appear under Appendix III—species that are not in danger of global extinction but are listed when a country requests CITES regulations to control the trade (CITES, 2014a). However, the majority of shark species are not listed under any of the CITES appendices (CITES, 2014a). In response to mounting pressure to begin taking shark protection seriously, CITES announced that, “from Sunday 14 September [2014], international trade in specimens of five shark species<sup>23</sup> and all manta ray species, including their meat, gills and fins, will need to be accompanied by permits and certificates confirming that they have been harvested sustainably and legally” (CITES, 2014b).

Under the Convention of Migratory Species (CMS), cetaceans are featured on the list, but the organisations responsible for monitoring conservation efforts are regional protection groups that are informed by CMS recommendations (Culik, 2010). Presently, seven shark species are listed under Annex I<sup>24</sup> (Schneider, 2012, p.122). However, on the 27th September 2012 in Bonn, Germany, representatives from 50 governments met to discuss the current regulations under the Memorandum of Understanding (MoU) for sharks, which was “the first global instrument dedicated to migratory sharks” where a new conservation plan was agreed upon aiming “to catalyze regional initiatives to reduce threats to migratory sharks” (UNEP, 2012). To keep this plan in place, the states “also agreed to involve fishing industry representatives, NGOs, and scientists” (UNEP, 2012). The ultimate goal here is to give sharks more protection by strengthening the relationships between different member states, and giving the agreements a more global scope.

There are some international agreements that have been formed specifically around the practice of shark-finning. The European Union (EU) banned shark-finning in 2003, but there were a few exceptions and loopholes enabling circumvention of the ban, and in 2012, removed any kind of exceptions to taking shark-fins (European Parliament News, 2012). In 1995, the United Nations implemented the Fish Stocks Agreement (FSA) as a means of managing and conserving the world's fish stocks (United Nations, 2010), and recommendations have been put forth that there should be a moratorium surrounding shark finning, which is yet to come to fruition (United Nations, 2010, p.2). Other

organisations, like the UN General Assembly, have also put forth a recommendation to monitor the populations of sharks (Schneider, 2012, p.138)—something that is also yet to come to fruition. Whilst there are some international laws, guidelines, and regulations in place to protect the animals of focus in this thesis, some of these uncertainties and gaps, or absences in the law or regulations, are what motivate activists to act on behalf of groups (in this case, animals) they believe are not being given enough protection.

In summary, it is evident that the meanings assigned to different species vary within and across cultures where some animals are valued more highly than others. How animals are categorised and understood influences how they are/should be treated as a result, and these assigned meanings given to different animals can cause international rifts and conflicts. Animal-related causes, such as the slaughter of dolphins, whales, and the practice of shark-finning, invoke strong opinions and emotions on each side of the debate. *The Cove*, *Whale Wars* and *Sharkwater* are films about each of these causes where the stakes—and emotions—are high.

This thesis argues that, through the rhetorical proofs of ethos, pathos and logos, these films craft a cohesive argument intended to persuade audiences to feel a connection with and sympathy towards the animals; feel supportive of the activists; and to prompt antipathy towards the hunters and the industry spokespeople. The intended outcome of this, if successful, is to mobilise the audience into post-film social action to become part of a wider, collective movement to bring an end to the practices in question.

## **Chapter Outline**

Set out below is a brief description of the contents of each of my chapters, such as the main themes and areas of focus. My analysis chapters from 3-5 are thematically organised around each of Aristotle's rhetorical proofs (explained in the outline below), namely ethos, pathos and logos.

### **Chapter 2: Literature Review, Methodology and Case Studies**

The purpose of this chapter is to provide some background information to contextualise this research. Firstly, the genre of documentary and the assumption it is a genre associated with 'truth' and objectivity will be addressed, as well as what activism actually is, and how

this genre is a powerful medium for activists to use. Secondly, environmental documentaries and the ways in which they are used by activists as rhetorical tools will provide a framework for my own study and how it relates to/fits in with the existing literature. Thirdly, the methodology—Aristotelean rhetorical proof analysis, and Foucauldian discourse analysis—will be explained as to why I have chosen these theories to frame my research. Lastly I include some information on each of the films that are my case studies.

### **Chapter 3: Ethos (ἦθος): Character**

This is the first of my analysis chapters on these films, and is centred on the appeal to ethos: personal credibility and character as a method of persuasion. There is a brief discussion of ethos at the start of this chapter, and from there, it is split into three subchapters, each centred on the main figures in the film: the animals, the activists, and the hunters and their supporters (particularly the industry spokespeople).

#### **Chapter 3A: The Dolphins, Whales and Sharks**

Centred on the dolphins, whales and sharks themselves, the subject of my analysis is the discursive strategies used by the filmmakers both narratively and cinematically, to produce particular kinds of knowledge around each of these animals that constitute a good character, and to feel sympathy towards them. Additionally, whilst the species in these films are physically and behaviourally different to humans, the narrative and composition of the films are constructed in a way that makes differences less apparent, thus anthropomorphising—or humanising—these animals in an attempt to create a greater personal connection. Of primary concern are the ways that the filmmakers and/or activists discursively produce these animals as the possessors of a good ethos as a means of attempting to persuade the audience to support the cause.

#### **Chapter 3B: The Activists**

This chapter focuses on how the activists construct themselves as heroes possessing a good ethos in comparison to the brutality of the villainous other (in this case the hunters) through discourse with the intention of getting the audience to identify with and align

themselves with the activists. The concept of the 'self' and of the 'other' will be introduced in this chapter as a way of conceptualising how difference is both reduced and reproduced in comparison to the hunters, and how particular views/points of view are, by default, implicated as being 'bad' and/or erroneous. Navigating the boundaries between cultural relativism and the activists' universalist view regarding the treatment of these particular animals is a difficult task, and some of the difficulties of this, as well as how the activists try to bridge this divide, are analysed.

### **Chapter 3C: The Hunters and Industry Spokespeople**

This chapter is centred on the ways in which the filmmakers/activists discursively produce the hunters as villains and possessors of a poor ethos with the intention of prompting audience antipathy towards them. Examples of how the hunters are vilified by the activists, as well as examples of how the audience is encouraged to identify with them, will be included in the analysis, and the way that a greater focus on a globally-orientated discourse may be useful to help find commonality between differing sides.

### **Chapter 4: Pathos (πάθος): Suffering; passion**

This chapter focuses on the concept of pathos. The major focus in this chapter is how these films use uncensored graphic imagery of these animals being killed to horrify and shock the audience as the primary means of creating an emotional response for the purpose of mobilising social action. The concepts of affect as a predecessor to emotion, and the concept of bearing witness to morally educate the audience and compel them to act as a result of what they have seen, will also be raised in this chapter.

### **Chapter 5: Logos (λόγος): What is Said**

Centred on the appeal to logic and reason via argument, this chapter analyses the ways the activists draw on discourses associated with objectivity: firstly, the discourse of science—specifically those of biology related to ecology, endangerment, evolution and the discourses surrounding the applied science of conventional western medicine. The focus is on the ways in which the films discursively construct the activists as the bearers of scientific truth by using the language of science to produce specific kinds of knowledge

that are perceived as authoritative to support their arguments. The discourse of the legal system is also analysed and how this functions as a justification for certain actions. The ways that the use of arguments in line with logos work to complement pathos-centred arguments as a means of off-setting accusation of sentimentalism will be discussed.

## **Chapter 6: Conclusion**

This chapter summarises my findings and discusses the wider implications of activist environmental films—such as why they exist, and what is ecologically and environmentally at stake. Additionally, what has happened in regard to these causes post-film is briefly discussed, as well as some future avenues for further research.

# Chapter 2

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## Literature Review, Case Studies and Methodology

*“Over the last twenty years, the growing number of films and film festivals devoted to environmental concerns points to environmentally engaged cinema as a powerful tool for knowledge dissemination, consciousness-raising, public debate, and, many hope, political action.”*

— Paula Willoquet-Maricondi (2010, p.xi).

### Introduction

This chapter will provide some background information to contextualise my research, including the genre and purpose of documentary; what activism is; the rise of environmental films; and how documentaries are used by activists as rhetorical tools. The methodology used to frame this study will be explained and rationalised, and finally this chapter will include some brief information on each of my case study films.

### Documentaries

Documentaries, as the name suggests, document. What tends to make documentaries stand out from other kinds of media is an assumption that documentaries are associated with objectivity, realism, factuality, and ‘truthfulness’ (Orlebar & Bignell, 2011). Documentary theorist, Bill Nichols (1991, 2010, 2010a), refers to documentaries as a “fuzzy concept” as they “adopt no fixed inventory of techniques, address no one set of issues, display no single set of forms or styles. Not all documentaries exhibit a single set of shared characteristics” (Nichols, 2001, p.21). Documentaries, to varying degrees, contain tropes

and techniques that are associated with other media genres and forms, such as journalistic news, reality television and fiction (Ellis, 1999; Renov, 2012), and their format and approach often intersects with news and current affairs—such as direct addresses to the camera, interviews, thus the impression of being objective and truthful (Nicholas & Price, 1998, p.123).

Exactly how 'true' or 'real' a documentary is, or can ever be, is a subject of debate (Ellis, 2012). Additionally, digital media have amplified audience scepticism and cast more doubt on the truthfulness of not only documentaries, but nonfiction images more generally since imagery can easily be adjusted through software programmes to enhance, or crop out particular aspects of a photograph or frame (Ellis, 2012). Yet, it remains that documentary is a genre that is (rightly or wrongly) associated with truthfulness, and documentary makers have an unspoken ethical task "not to deceive or mislead, or, in other words, to strive for accuracy and truth" (Plantinga, 2009a, p.502).

Documentaries can be thought of as a rhetorical address. As Cook (1985, cited in Nicholas & Price, 1998) writes:

The documentary film differs from Hollywood narrative film. ... It is primarily a rhetorical form which both offers the audience information and attempts to put forward an argument, to persuade the audience to think in a certain way, to do something, to accept the argument, It achieves this by presenting the truth of its argument as self-evident, unified and non-contradictory. Most often an authoritative voice-over is used to frame and contain the images which are seen as unmediated recordings of the 'real world' (p.2).

The focus on argument makes documentary form useful for activists who produce films to mobilise audiences towards a particular action (Ellis, 2012; Ellis & McLane, 2005).

### **Activist Documentary Films**

The purpose of activism is to initiate social and cultural change for a particular cause. Activists and non-governmental organisations (NGOs) work to make public and visible topics, issues and causes that would otherwise remain unheard of or go unchallenged (Lester & Hutchins, 2012, p.850). Such causes are diverse, and can span the environment, human rights, animal welfare, and animal rights (Hall, 2010; Kitada, 2009, p.932; Murillo,

2010, p.251). Documentaries are cheap to produce for independent or NGO-affiliated activists because cameras are becoming more affordable and portable (Aguayo, 2006), and they do not require specially built sets or paid actors in the same way fiction films do. Some other elements that make activist documentaries 'activist' relate to their distribution, as they tend to have alternative methods of distributing their content—such as film festivals, via independent, small cinemas, and via independent news media; and are usually affiliated with NGOs and social movements (de Jong et al., 2013). In terms of the kinds of content, activist films challenge mainstream or 'taken for granted' beliefs or practices; and they tend to partake in 'citizen journalism' by covering stories that are either not covered or not covered in any real depth by the mainstream media (*ibid*). Activists primarily use the media to try and create an inter-societal or inter-cultural agreement on—or at least begin a discussion on—the topic at hand. The ultimate hope of activist films that are raising awareness or seeking support to resolve an issue of concern is to foster a public will to do so, and to provide evidence to convince people of why this is necessary (Friedenwald-Fishman & Dellinger, 2006).

### **Eco-Documentaries**

The twenty-first century has seen a surge in popularity of environmental documentary films produced by NGOs or solo activists, also known as "eco-documentaries"/"eco-films" (Hughes, 2014). Virtually all activist eco-docs have an advocacy approach, and "persuading or arguing in support of a specific cause, policy, idea, or set of values" (Cox, 2013, p.209). While some kinds of documentaries lay claim to neutrality, social change/advocacy documentary films do not: there is a clear goal and perspective in mind, and the way the filmmakers' point of view is argued is key (Cox, 2013, p.209). As such, the rhetoric within a film and the kinds of crafted arguments it produces needs to be understood to decipher the ways in which the filmmakers deliver an argument that, more often than not, calls for future action on the part of the audience.

One of the most influential and highest-grossing feature-length eco-docs is *An Inconvenient Truth* (2006) directed by Davis Guggenheim featuring former United States Vice President, Al Gore (from 1993-2001). This specifically focuses on humankind's impact on the environment with regards to climate change (TakePart, 2014b). Within the literature

related to the delivery of this film's argument, a number of writers have written about the "apocalyptic" discourse as a way of persuading the audience to care about the issue of climate change (Johnson, 2009; Rosteck & Frentz, 2009; Spoel et al., 2008). This is, after all, done with the hope it will "transform the consciousness that a problem exists into acceptance of action toward a solution by prefacing the solution with a future scenario of what could happen if action is not taken, if the problem goes untreated" (Killingsworth & Palmer, 1996, p.22). Therefore, this discourse—intended to garner audience support for progressing political action on addressing climate change—is, for these authors, the primary rhetorical means of persuasion.

### **Human-Animal Relations in Eco-Documentaries**

Activist films centred on the human-animal relationship—be it about a particular animal species or animals more generally—have differing goals. Some documentary films, whilst they may feature activists and their work, are mostly autobiographical, and they do not aim at persuading the viewer to support a particular cause (e.g. *Grizzly Man*, 2005). Others clearly have a goal of persuading viewers: some advocate an abolitionist stance regarding the use of animals<sup>25</sup>—such as not eating animals, nor wearing fur, nor using animal products such as leather, avoiding products tested on animals, and, in some instances, not owning pets (e.g. *Earthlings*, 2005). Some focus on improving animal welfare within food industries (e.g. *Food Inc.*, 2008) or implementing more sustainable practices (e.g. *Sharkwater*, 2006; *The End of the Line: How Overfishing Is Changing the World and What We Eat*, 2009). Lastly, some present a case against the eating of or keeping captive of specific species, such as cetaceans (e.g. *Blackfish*, 2013; *The Cove*, 2009).

### **The Rhetorical Function of Activist Eco-Documentaries**

Essentially, any study of documentaries that have a clear agenda and message involves looking at the elements of persuasion. In the words of literary theorist Kenneth Burke (1969), "wherever there is persuasion, there is rhetoric, and wherever there is meaning, there is persuasion" (p.72). The methodological concepts used to study the methods of persuasion may vary. Framing, the concept of selecting particular elements of a "perceived reality" and actively communicating/publicising these things "to promote a particular

problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (Entman, 1993, p.52), is sometimes used as a means of analysing how films deliver an argument (e.g. Atkins-Sayre, 2010; Bailey, 2009; Benford & Snow, 2000; Bernstein, 2005; Nisbet, 2009; Snow et al., 2004). Other researchers may study the ways in which films use visual elements, such as “image events [that] ... are staged acts of protest designed for media dissemination” (Delicath & DeLuca, 2003), as the means of driving an argument (McHendry, 2012; Michael DeLuca & Peeples, 2002). In *Green Documentary: Environmental Documentary in the Twenty-First Century* (2014), Helen Hughes argues that, when it comes to eco-docs, there are four responses films may take towards the presented environmental issue or problem: the contemplative response; the ironic response; the argumentative response; and the material response. Hughes states that, in eco-docs, the argumentative response, “where the point of the argument is that it is an argument, an active subjective engagement that is looking for support, for collective action” (p.118), is the most “recognizable” (p.16), and this response encompasses films that form an argument “to promote political and social change” (p.117)—such as *The Cove*, and *Sharkwater*. What each of these concepts have in common—be it framing, image events, or a filmmakers’ argumentative response to an eco-issue—is that these are different ways of analysing the same thing: how films persuade via rhetoric.

Another form of rhetorical analysis is the application of Aristotle’s rhetorical concepts of ethos (character), pathos (emotion), and logos (logic) to study the persuasive elements of films or related texts. Spoel et al. (2008), using these rhetorical concepts, analysed *An Inconvenient Truth*, and *Climate Change Show* (2001)—a 20 minute “multimedia object theater” presentation by Science North Enterprises. The authors state that:

For public communication about the science of climate change to be rhetorically effective, it must also engage audiences in caring about what is being explained. In other words, it is a question of engaging the whole person through complex and rich rhetorical means, weaving together ethical, logical, and emotional proofs. It is a question of telling stories about climate change that connect the science to people’s everyday knowledge, lives, values, and concerns (p.52-53).

Since they sought to find out how these texts with a serious message on climate change were attempting “engaging the whole person”, this made these rhetorical concepts that work holistically to persuade in different ways an appropriate methodology to apply to their analysis. They go on to argue that these texts, primarily basing their arguments within an apocalyptic trajectory and the appeal to logos (science in this case), cannot simply impart scientific knowledge alone, but “must be integrated with a trustworthy ethos to scaffold understanding, and the technical details must be reinterpreted within a framework of cultural rationality that engenders a sense of social significance and personal caring [pathos]” (p.77).

Mark Minster (2010) also analysed Al Gore’s *An Inconvenient Truth*, and a related documentary titled *Everything’s Cool* (2007), using Aristotle’s artistic proofs as his research framework. Minister found that, although these films were both on climate change and raising awareness by drawing on scientific evidence, it was ethos—the credibility, authority and charisma of the scientists and activists—that was the dominant persuasive appeal. Throughout his slideshow lecture, Gore shows a number of graphs, and Minister writes that:

These graphs operate less for the sake of logos than for the sake of ethos—they tell us at least as much about Gore’s credibility as they do about the chemical composition of the earth’s atmosphere. The content of the graphs, in other words, is scientific. But what the graphs *mean* in the context of the film, the film’s ultimate argument, is that Gore has mastered much of the science that has already been done, long before we arrived, and can authoritatively mediate that science for us (p.30).

Whether or not audiences really *did* trust Gore, or perceived him in the way Gore and the film’s producers were aiming for, the delivery of the film’s argument was reliant on giving a particular perception of Gore’s character as an attempt to get the audience on side. Rosteck and Frentz (2009) also argue that the focus on Gore’s personal life in the film made ethos the most prevalent form of argument, and this is enhanced by the use of graphs, space photographs to act as an appeal to objective science which tried to encourage the audience to view Gore’s information and calls for change as credible. On the other hand, David Ingram’s (2013) analysis of Aristotle’s artistic proofs in *An Inconvenient Truth* argues that logos is the predominant appeal. Whilst these authors have

some varied conclusions that come out of their own research experiences and areas of expertise, the common thread is that, whilst one proof or appeal may dominate overall, they are not mutually exclusive, and each contributes in differing ways to form one holistic, coherent, overall argument. Since the films I will be analysing are also inherently persuasive texts, this makes Aristotle's artistic proofs a valuable way of providing insight into the ways rhetoric works to form a multi-pronged, persuasive argument.

### **“The Art of Rhetoric”: Aristotle's Ethos, Pathos and Logos.**

Rhetorical theory is a method of analysing the ways in which an argument is crafted and delivered. This can be applied to any form of media text because rhetoric is “the strategic use of communication, oral or written, to achieve specifiable goals” (Kuyper 2009, p.288). Rhetorical theory is originally associated with Aristotle's 4th century BC text *The Art of Rhetoric*. Aristotle extensively studied the persuasive elements of the speeches of politicians, and, within this text, argued that there are three modes of argument, or what he called “artistic proofs”<sup>26</sup>, that are used to persuade audiences: ethos, pathos and logos<sup>27</sup>.

Ethos, meaning “character”<sup>28</sup>, is the appeal to credibility and ethical sensibility through one's character, and, for Aristotle, this was “the most authoritative form of persuasion” (Aristotle, p.1378a5, cited in Kennedy, 2007, p.39). He goes on to say that, “there are three reasons why speakers themselves are persuasive; for there are three things we trust other than logical demonstration. These are practical wisdom and virtue and goodwill” which form part of any rhetorical analysis of ethos (Aristotle, p.1378a5, cited in Kennedy, 2007, p.112)<sup>29</sup>.

Pathos, meaning “suffering; passion”<sup>30</sup>, is the appeal to emotion as a means of connecting and engaging with the audience with the hope of favourably changing perspectives because, in Aristotle's words, “we do not judge in the same way when we grieve and rejoice or when we are friendly and hostile” (p. 1356a5, cited in Kennedy 2007, p.39).

Lastly, logos, literally meaning “what is said” (Kennedy 2007, p.38) is the appeal to objectivity via logical and cognitive reasoning by showing “the truth or the apparent truth”

of an argument (Aristotle, p.1356a6, cited in Kennedy, 2007, p.39). In essence, ethos is about the speaker's character; pathos is about persuading the hearers through invoking emotion via the speaker/text; and logos is about the quality of the argument itself being made by a speaker to their hearers/audience (Aristotle, p.1356a, cited in Kennedy, 2007, p.38-39). Put more contemporarily, these modes of argument can be called the "three Cs of rhetorical discourse: [...] being credible, convincing, and compelling" (Nichols, 2010, p.80).

Although these concepts are Classical in their origins, they are still used to analyse some the persuasive elements in diverse areas such as modern-day speeches; keynote presentations; marketing strategies and promotions; educational campaigns; songs; and business reports and communications (e.g. Connor, 2003; Crick & Rhodes, 2014; Der Derian, 2005; Flores, 2007; Juyan, 2010; Kjeldsen, 2013; Kokinos-Havel, 2012; Korthals Altes, 2014; Pryce & Oates, 2008; Samkin et al., 2010; Sciallo, 2014; Shao, 2013; Shenk, 1995; Shorner-Johnson, 2013; Yunxia, 2000). More specifically, these concepts have been used to guide analysis of the persuasive elements of modern documentary or documentary-styled films (Nichols, 2010, p.79).

While Aristotle's three artistic proofs have been used to analyse persuasive environmental films (Johnson, 2009; Minster, 2010; Rosteck & Frentz, 2009), the value of these concepts to analyse the persuasive techniques of animal-centred activist films is underexplored. The goal of this thesis is to analyse how these films construct their arguments by breaking them down into these three artistic proofs to examine how these concepts work together and complement one another to form one cohesive argument.

## **Methodology**

Aristotlean rhetorical analysis provides the overarching framework for analysing my chosen texts, but my primary methodology for examining the rhetorical devices is Foucauldian discourse analysis, and focusing on the use of language as well as cinematic techniques and visuals.

## **Discourse Analysis**

Discourse analysis is a method of textual analysis that is used to examine how power and knowledge operate through particular sets of statements called discourses (Mills, 1997b). It involves studying how people use language to make sense of the world (McMullen, 2011, p.207), and how they actively draw on particular kinds of discourses to make sense of particular objects or subjects in the world (Gavey, 1989, p.467). Because of this, discourse analysis is useful for looking how the language chosen for a media text makes up particular kinds of knowledge.

Michel Foucault is well known for his work on discourse (1972, 1978, 1980). Foucault defines discourse as the “practices that systematically form the objects of which they speak” (1972, p.49). Here, people (or, in this project, other animals), are produced through discourses: they are made to mean. The cornerstone of Foucault’s theories on discourse is how it relates to power, knowledge, and truth (Foucault, 1972, 1980), as it is through discourse that power operates and produces certain kinds of knowledge which then becomes a kind of ‘truth’ (McHoul & Grace, 2002, p.57; Mills, 1997b, p.18). For Foucault, however, power is not seen as something that ‘constrains’ individuals, but as something that produces them as particular kinds of subjects (Foucault, 1980, p.98). Rather than perceiving power as a ‘trickle-down’, concrete concept, power balances operate through individuals in society through social regulations such as the adherence to social ‘norms’ (Foucault, 1980).

Media representations and the discourses chosen to describe particular subjects or objects do not exist in isolation from wider cultural contexts and understandings (Mills, 1997a, p.17; Schrøder, 2003, p.107). This means that studying cinematic discourse involves looking at the broader cultural contexts where these ideas come from and are produced. This may then be used to aid audience-based research to contextualise how audiences make meaning of media texts (McMullen, 2011, p.207).

Discourses position audiences and readers in particular ways, including how humans relate to certain animal species (Jepson, 2008, p.144). Epstein (2008) makes the argument that the debate around whaling at the IWC is essentially a battle of discourses: the anti-whaling discourse was born out of a resistance discourse to what was, at the time,

the dominant pro-whaling discourse. Now it is the opposite: anti-whaling has become the dominant, prevailing discourse regarding whales and whaling in the IWC (Epstein, 2008, p.112). Whilst it may seem obvious, how whales are viewed and understood influences the language used to describe them (as with dolphins and sharks), and therefore how humans discursively construct the animals' imaginary, thus becoming a site of contention.

The visual elements of a film also act as a means of expressing discourses by transmitting particular meanings to its viewers through particular cinematic techniques (Arendholz, 2010, p.247). In a professionally edited film, every shot, sequence, aspect of narrative, piece of music, and sound effect is there for a reason (Turner, 2006). Cinematic techniques such as music, lighting, and camera angles may be intended to provoke particular emotions, so analysing the cinematic techniques and how they relate to discourse will also form part of my analysis.

### **Rhetorical Analysis**

I will be using Aristotle's concepts of ethos, pathos and logos to organise this thesis into themed chapters, and then analyse the discursive strategies used that work as an attempt to try and persuade audiences to feel sympathy for and connection to the animals, feel supportive of the activists, and antipathy towards the hunters/industry spokespeople. The key with each of these appeals is that they work together. The three artistic proofs are not distinct and separate categories; rather, they cross-over and merge into one another (Rapp, 2012). I will be looking at these three modes of persuasion in each of my three case studies to see how they work to form the overall argument.

### **Case Studies**

The three films<sup>31</sup> I am using as my case studies, *The Cove*, *Whale Wars* and *Sharkwater*, are relatively recent films centred on a clash of ideas and values between the activists and the people who hunt/kill the dolphins, whales and sharks. These texts have been chosen as they have each received mainstream media attention, and they share a number of characteristics: all highlight the 'battles' over the imaginary around iconic species and are about animal issues already well publicised; and each shows the activists risking legal suits, and (sometimes) literally life and limb. Because dolphins and whales are both part of the

order of cetaceans, some of the same issues and arguments cross over and apply to both species. The documentaries use the same broad rhetorical strategies despite their differences in structure and production. *The Cove* and *Sharkwater* communicate a clear message that asks the audience to actively get behind the cause, providing ways viewers can help. In contrast, *Whale Wars* is focused more on an attitude change than encouraging the audience to take explicit action. *Whale Wars* documents rather than actively advocates, and the activists become the mediators between the audience and the whales themselves.

### **“You Want to Capture Something that will Make People Change”: *The Cove*<sup>32</sup>.**

*The Cove* (2009), directed by Louie Psihoyos, exposes the once little-known annual slaughter of dolphins in Taiji, Japan<sup>33</sup>. An estimated 22,000 dolphins, porpoises, and small whales are killed annually in Japanese waters (Butterworth et al., 2013), and the government sets an annual quota of 2,000 to be killed in the ‘dolphin drives’—as seen in *The Cove*—where dolphins are ‘driven’ into a shallow lagoon or cove, and sometimes almost onto the beach, so they are easier to kill (Kasuya, 2007). *The Cove* gained global attention and provoked public outrage towards the slaughter in a number of western countries (Tabuchi 2009), and the film went on to win an Oscar in 2010 for the best feature length documentary category at the 82<sup>nd</sup> Academy Awards (Academy of Motion Picture Arts and Sciences, 2014)<sup>34</sup>.

The film centres on the work and activities of Ric O’Barry, a former dolphin trainer who trained the dolphins in *Flipper* (1963) and later became an anti-captivity activist, on his mission to expose the killing of dolphins that had never been filmed before. The film features a number of high-profile scientists and specialists who join O’Barry in Taiji to document exactly what happens in Hatajiri Bay, known as ‘the cove’—a hidden inlet where dolphins are speared to death for their meat. Although the documentary mostly focuses on the slaughter itself, the film raises larger issues around the Taiji dolphin slaughter, such as the link with some in the dolphinarium industry who keep the slaughter going by purchasing dolphins off the fishermen; how dolphin meat is contaminated with mercury and is sold as whale meat; how overfishing poses a danger to the future of humankind; and how the Japanese government allegedly keeps the dolphin slaughter a secret inside

Japan. Upon its release in Japan in 2010, far-right demonstrators staged vocal protests, and managed to have screenings of the film in Tokyo and Osaka cancelled (Bassett, 2010; McCurry, 2010; Tabuchi, 2010). However, on *The Cove's* official website, Japanese speakers are able to download and watch the film in Japanese (Takepart, 2014a).

At the end of the film, some short pieces of text come up regarding particular people in the film and other changes between the film's production and its release, and ends with the text: "the Taiji dolphin slaughter is scheduled to resume every September. Unless we stop it. Unless you stop it. Text DOLPHIN to 44144. Or go to [TakePart.com/TheCove](http://TakePart.com/TheCove)." On the website link, four tips are given to encourage social mobilisation (Takepart, 2014a):

THE COVE TAKE PART 'GET INVOLVED':

1. Sign the petition<sup>35</sup>
2. Keep informed with upcoming events
3. Tweet support ('DONATE' media status)
4. Watch the film (Get the film, then use the discussion guide below to spark a conversation with your friends.

### **"Are you Willing to Risk Your Life to Protect a Whale? I'm Not Asking That Question for Fun": *Whale Wars*.<sup>36</sup>**

The *Whale Wars* television series first aired on the Animal Planet channel in the United States in 2008, and, to date, has been running for six seasons<sup>37</sup>. The series is centred on the activities of the marine activist organisation Sea Shepherd Conservation Society, which runs a number of campaigns on causes involving dolphins, whales, sharks, seals, and other marine life (The Sea Shepherd Conservation Society, 2014b). The organisation also features in *Sharkwater*, and to a lesser degree in *The Cove*, and is known for its direct physical action and intervention against those they confront, which, in this case, are the whalers (Beckman, 2013, p.425). In founder Paul Watson's own words, Sea Shepherd "is the most aggressive, no-nonsense and determined conservation organization in the world" (2003, p.xv). While some have praised Sea Shepherd for their dedication (Steed, 1987), others have labelled them terrorists (Eagan, 1996; Nagtzaam & Lentini, 2007; Roeschke, 2009; Stehr, 2010). The *Whale Wars* series specifically focuses on Sea

Shepherd's campaigns against the Japanese whalers in the Antarctic, documenting the confrontations in a dramatised, apparently unscripted format. It is one of *Animal Planet's* most popular shows, and the "third season ... averaged nearly 1.4 million viewers, 29% above the season two average" (Animal Planet, 2011).

As Antarctic "scientific whaling" has been deemed illegal, 2014 is the first year since 2002 that Sea Shepherd has not travelled to Antarctica to disrupt Japanese whaling (Sea Shepherd Conservation Society, 2014a), and whether or not Animal Planet will produce any more *Whale Wars* seasons, or any more spin-off series, is unknown. Since the ruling, Sea Shepherd has launched a campaign called *Operation GrindStop 2014* in the Faroe Islands near Denmark to stop the annual slaughter of pilot whales known as the "grindadráp" ('the grind') (The Sea Shepherd Conservation Society, 2014c), and the Antarctic campaign *Operation Icefish* "targeting the illegal fishing of Patagonian and Antarctic toothfish" (Sea Shepherd Conservation Society, 2014b).

**"Everyone Wanted to Save Pandas, Elephants, and Bears, and the World Was Afraid of Sharks": *Sharkwater*.<sup>38</sup>**

*Sharkwater* (2006), produced and narrated by activist Rob Stewart, seeks to educate the public on the plight of sharks, and transform public attitudes around them. *Sharkwater* was filmed in 15 different countries, and took 4.5 years to make (Stewart, 2006b). Originally, *Sharkwater* was intended to be a "simple mission of creating a beautiful underwater film" (Stewart, 2007, p.15). However, when Stewart realises that the shark fin industry and illegal fishing were contributing to the depletion of sharks, he teams up with Paul Watson from Sea Shepherd to campaign to protect sharks, and document what they discover. At the end of the film, viewers are encouraged to act as a result of what they have seen and get involved in supporting the cause with a link to the Saving Sharks website (2014). On the site, 10 "ways to get involved" are listed:

1. Watch and tell your friends to see *Sharkwater*. Find out more at [Sharkwater.com](http://Sharkwater.com).
2. Tell teachers and students to watch *Sharkwater*, then download the study guides at [Sharkwater.com](http://Sharkwater.com) for info and photos about shark conservation.
3. Don't eat shark fin soup—refuse to eat at restaurants that serve it; encourage others to do the same.
4. Dive and snorkel with sharks. The more money that goes into shark tourism the more people will realize the value of keeping sharks alive.
5. Find out if your country is one of the 17 countries that have banned shark finning. If not, write your local government official asking them to ban shark finning.
6. Demand that your country stop the sale/importation of shark fins.
7. [Click here](#) if you would like to volunteer your product, service or talents at some future date.
8. Start a letter writing campaign to the Secretary General of the UN requesting international bans on shark finning and the importation of fins. [Click here](#) to send a letter.
9. Visit [www.seashepherd.org](http://www.seashepherd.org) and similar organizations such as [www.oceana.org](http://www.oceana.org) and [www.wildaid.com](http://www.wildaid.com), to take action to save sharks.
10. You can donate to help save sharks at [www.Sharkwater.com](http://www.Sharkwater.com)

## **Conclusion**

In the following chapters, I will analyse how these films use the rhetorical concepts of ethos, pathos and logos to persuade, and how this works as an attempt by the filmmakers and/or activists to motivate the audience to support the cause and be moved into future action.

# Chapter 3

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## Ethos (ἦθος): Character

***“Character is almost, so to speak, the most authoritative form of persuasion.”***

— Aristotle<sup>39</sup>.

### Chapter Outline

This chapter is about ethos, or the appeal to character, and how this works as a form of rhetorical persuasion. This chapter is divided into three subchapters: 3A will be focused on the discursive construction of the ethos of the animals by the activists; 3B of the activists themselves; and 3C of the hunters. Present-day studies on ethos “emphasize the interactive nature of ethos formation — interaction among the rhetor’s social roles and prior reputation, the discourse, and the audience’s expectations” (Cheng, 2008, p.195). These are the ideas that this chapter will address. *The Cove*, *Whale Wars* and *Sharkwater* are constructed in such a way that they work at creating a connection with, or a distancing from, certain protagonists, namely the animals, and the activists, and the antagonists the hunters.

# Chapter 3A

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## The Dolphins, Whales and Sharks

### Introduction

In order to align the audience with particular protagonists and/or figures, the filmmakers demonstrate that these protagonists display and possess a 'good ethos', and this includes the animals. Unlike humans, animals cannot knowingly present themselves to appear as good and credible in front of a camera. Ethos is instead attributed to animals by humans, as Aristotle wrote in his 4<sup>th</sup> century BC text *Historia Animalium* (*The History of Animals*, to describe the particular kinds of characteristics, habits, and behaviours of different animals (Aristotle, 2002, p.611a2 cited in Murphy, 2007, p.59). As Aristotle observed, some animals displayed certain types of behaviour that may be viewed as an indication of a good character within human society, such as co-operation, close-knit family relationships, or altruism (Aristotle 2002 611a2 cited in Murphy, 2007, p.59). The way an animal or its behaviour is described, then, "can result in the creature being classified as 'good' or 'bad'—with consequent effects on the preservation or destruction of that species" (Lawrence, 1993, p.332).

Documentaries act as a visual 'representative' of and/or for others (Nichols, 2010, p.43). In this case, those others are animals, and the activists become a 'stand in' and a voice for them. The activists emphasise the similarities between humans and these creatures in order that they seem less 'other' and become more likely to induce positive feelings towards the animals by the audience. The importance of getting people to *like* an animal in order to want to protect it is something NGO campaigners work to achieve (Walpole & Leader-Williams, 2002). In eco-documentaries, the concept of the 'human/animal divide', or what separates humans from animals through a "natural, intrinsic difference", is often played out and/or reinforced (Borkfelt 2012, p.137). In this school of thought, animals are "arguably placed in a constant, almost irredeemable state of alterity and are unable to speak for themselves from this othered position, which distinguishes their otherness from that of humans" (Borkfelt, 2011, p.137). The humanist

position regarding the human/nonhuman animal relationship is one where “our differences from animals make us human” (Goatly, 2006, p.15)<sup>40</sup>. However, such a separation between the human self and the animal other can be reduced by humanising animals or talking about them in a way that ascribes them with good traits, thus reducing their otherness (Freeman, 2012; Noske, 1989; Plumwood, 2003).

## **Dolphins**

*The Cove*’s construction of the dolphin ethos works to narrow the human-animal divide by emphasising traits that are associated with higher intelligence. Cetaceans, but particularly dolphins, alongside elephants and the great apes, are said by some to be “so-called higher mammals” (White, 2007, p.11) or “higher order mammals” (Connor & Norris, 1982, p.370). Cetaceans may be assigned moral qualities that are seen as “higher social mammalian traits” (Morikawa & Hoyt, 2011, p.99), such as complex communication (Spong, 2011, p.129); altruism; close social bonding; culture; and social learning (Bekoff, 2002; Bekoff & Pierce, 2009; Marino, 2011; Whitehead, 2011). Ideas such as these have steadily opened up the discussion within the scientific and animal ethics/philosophy community about whether the aforementioned species should be given a special moral and legal status, moving the debate from those of science into the philosophical realm (Great Ape Project, 2014; Low, 2012; Marino, 2011; Redmond, 1996, p.369; Rothfels, 2008, p.102; WDC, 2014; White, 2007, p.11; 2011; Whitehead, 2011). Some take this a step further by proposing that each of these species should be referred to as “nonhuman persons”<sup>41</sup> (White, 2007), or “near-persons” (Fennell, 2012, p.48)<sup>42,43</sup>.

Ex-dolphin trainer turned anti-captivity activist Ric O’Barry says in *The Cove* that when he was training the dolphins for the *Flipper* (1963) television show, the thing that “struck [him] was that they’re smarter than we think they are”. O’Barry recalls some of his experiences training dolphins, including taking a television set down to the dock where one of the dolphins called Kathy was. He would watch her watching herself on television, and believed at that point that, not only Kathy, but dolphins more generally, were “self-aware”. O’Barry later describes dolphins as having a “consciousness”, so much so that he believes dolphins can commit suicide. He recalls a final encounter he had with Kathy:

She was really depressed. I could feel it. I could see it. And she committed suicide in my arms. I know that's a very strong word, suicide, but you have to understand, dolphins and other whales are not automatic air breathers like we are. Every breath they take is a conscious effort. And so they can end their life whenever life becomes too unbearable by not taking the next breath. And it's in that context that I use the word suicide.

Suicide has traditionally been viewed as something unique to humans (Keezer, 1971, p.174). This claim in the film is described by Collins (2010) as "a provocative inquiry and scientists agree it requires more research. But no matter what the science says it won't change what Rick [sic] O'Barry saw when [K]athy looked in his eyes and let herself go" (*ibid*). Describing Kathy's death in terms of suicide by drawing on language associated with this term—such as "depressed", and "unbearable"—transgresses any perceived boundaries between humans and dolphins, essentially elevating dolphins as possessors of the same kind of cognitive abilities—such as self-awareness, and a sense of knowledge of the future—as humans via anthropomorphising Kathy's behaviour.

Kalland and Sejersen (2005) claim that anthropomorphism seems to be applied to whales and dolphins more than any other species and the kinds of anthropomorphised (humanised) traits are almost always positive ones, particular those centred on higher intelligence (p.168). In *The Cove*, dolphins are also described in other endearing terms: the film's underwater acoustics consultant, Dr. John Potter, suggests that dolphins can "create innovatively out of their own imagination" over footage of a captive bottlenose dolphin blowing bubbles and playing with the bubble ring<sup>44</sup>, and is followed by footage of two bottlenose dolphins examining themselves in a mirror as part of an 2001 experiment on dolphin self-awareness<sup>45</sup>. The activists' narrative creates a sense of kinship between the audience and the dolphins by placing dolphins within a discourse centred on higher intelligence born out of science comparable to that of humans. The idea of dolphin superintelligence is not an argument made explicitly by the activists, but in a series of archived newscast sound bites, the host describes how "scientists have [been] tantalised for years [by] the prospect of talking to the most intelligent creatures on earth, which may not be human beings". The next sound bite is accompanied by footage of bottlenose dolphins participating in shape-recognition tests to see if "humans and dolphins can talk to each other", while another newscaster comments that "we've been spending billions of

dollars sending signals up into the sky, and we've got a species here that can conceivably be more intelligent than we are". Here, the filmmakers use outside sources to make the suggestion of dolphins' brain-power superiority. This is likely because this area of study is still largely speculative, and risks being dismissed as not being credible (Wynne, 2004), but the view of dolphins as more intelligent than humans is a perspective that is widely circulated and known (Sickler et al., 2006a; 2006b; 2012)<sup>46</sup>. Building a case for the cognitive and behavioural similarities between humans and dolphins makes a case that suggests they are more worthy of protection, and *The Cove* is able to draw on this wider, already-established cultural affection towards dolphins, making the appeal to post-film social action an easier rhetorical task than it is for animals less adored—such as sharks.

Music also aids in the provocation of particular responses, and as a means of setting the tone in a film (Smith, 2009). With the exception of seeing the dolphins in captivity, or being hunted, most of the scenes involving wild dolphins are accompanied by music that is cheerful and playful, coupled with various shots of dolphins leaping and surfing. Many of the underwater shots of wild dolphins are close-ups of their faces functioning as a cinematic technical attempt to make audiences feel close to the dolphins and feel affection towards them. Eye contact is crucial in human communication, and is one of the key aspects of being able to express and understand emotion (Serpell, 1996, p.135). However, dolphins' primary sense and form of communication is not eyesight, but sonar (Carwardine et al., 2000, p.72). Despite the sensorium difference, *The Cove* anthropomorphises dolphin communication in shots that focus on their eyes to strengthen and/or stir an emotional association<sup>47</sup>. Other shots of wild dolphins leaping throughout the film with upbeat music also demonstrate how adapted they are to their oceanic world—an alien world to humans—and how they are perfectly suited to it, and live harmoniously within it. For Bryld and Lykke (2000), dolphins have come to be seen as creatures who will "guide us into insight into the 'true and sacred' pleasures of simple life in harmony with the natural environment". *The Cove's* portrayal of dolphins as living a simple life in harmony with nature seems to suggest this. Menninger (1951) makes a similar argument: he believes that certain animals are treated as semi-revered—or totem—creatures because they make people feel close to nature. Somewhere along the

line came the 'lost connection' between humans and nature, where western industrialisation and modernisation separated humans from the natural world (Franklin, 1999). Now, there is a yearning for some kind of reconnection with nature to fix what Louv (2005) has called "nature-deficit disorder". In *The Cove*, dolphins become an 'outlet' for the expression of this desire to reconnect with the natural world, and dolphins are thus discursively produced as peaceful, 'in-touch' animals that humans can (and often do) feel a deep connection with<sup>48</sup>.

Close interactions between tourists and sociable wild dolphins involving a deep sense of connection are what Servais (2005) calls "enchanted encounters" (p.221). In these encounters the human feels a deep kinship with dolphins and may feel a sense of love and peacefulness from them when they appear to willingly "choose" to interact. When footage of wild dolphins is shown other than in the slaughter scene in *The Cove*, it is visually and narratively framed in the context of an "enchanted encounter". Mandy-Rae Cruickshank, a world-champion free diver helping to expose the cove slaughter, describes swimming with dolphins as "one of the most incredible experiences ever", and she feels that even though there are "no words spoken, you really feel like you're on some level communicating with them, like there's an understanding between the two of you". The descriptions she gives of her experiences with dolphins, and the accompanying visuals, offer the audience a subject position as the observer of an 'enchanted encounter'. In the next frame, one of the Atlantic spotted dolphins takes a particular interest in Cruickshank, and the dolphin "rolls into" her hand. Similarly, Dave Rastovich, the co-founder of the whale and dolphin conservation group Surfers for Cetaceans, tells the audience about a surfing experience where he saw a lurking shark underneath him, until a dolphin came and saved him from potential harm by pushing the shark away, and he says that this was "the most obvious demonstration of a connection in my life"<sup>49</sup>. To go out of one's way to protect and/or save someone from potential danger/harm demonstrates a courageous, altruistic, noble spirit ethos among humans, and, as the film has made the argument via imagery and language that dolphins are human-like and intelligent, these associations are 'pinned' onto the dolphins and work as a rhetorical device constructing dolphins as possessors of a good ethos.

## Sharks

*Sharkwater* attempts to change the imaginary of the shark from one of fear to one of care and awe. After the opening credits, activist, narrator, and underwater photographer Rob Stewart kneels on the seabed stroking a wild Caribbean reef shark. The music is slow and peaceful, the sea is a clear and vibrant blue, and the other sharks swim around calmly and unconcerned by his presence. Accompanying these images is dialogue where Stewart states that, "you're underwater, and you see the thing you were taught your whole life to fear, and it's perfect, and it doesn't want to hurt you, and it's the most beautiful thing you've ever seen, and your whole world changes". This narrative of 'closeness', as well as the visuals, reduces the conceptual and emotional distancing between human and shark in order to create a cognitive response: sharks are not always dangerous killers. Rather, human and shark can co-exist peacefully. Helen Hughes (2011) contends that, in *Sharkwater*, the audience are encouraged to connect with sharks partially through the film's narrative about their behaviour, but mostly through the film's imagery, and how humans and sharks share the same frame thus creating a "shared environment" and "shared cognitive space". The inclusion of sharks and humans within the same frame of the film works to not only reduce the physical distance between human and shark, but attempts to get the audience to 'rethink' their own views towards sharks, which may provoke them to take a supportive position towards, and interest in, the cause put forth by the activists.

The activists describe sharks as fearful of humans, thereby producing a new discourse around sharks that positions them as misunderstood creatures. Fear is primarily based on avoidance of something, be it physical, emotional, or cognitive avoidance (McLean & Woody, 2001). Sharks are able to sense heartbeats, and Stewart says that "they're so afraid of us that if I'm not calm, keeping my heart rate low, they won't come anywhere near me". These kinds of comments, as well as activists describing sharks as "incredibly shy", is accompanied by footage of sharks ignoring humans in the water, or moving quickly away from them rather than charging to attack visually supports this discursive reversal of who should fear whom. Rex Weyler, the International Greenpeace founder, makes the comparison between the public imaginary of the shark with the changing understanding of whales, which were once seen as "dangerous leviathans",

whilst accompanying footage of a diver swimming with a humpback whale plays. Weyler goes on to say that “once people see whales or sharks in a different light they can change their minds. These are beautiful creatures ... that have every right in the world to live on this planet”, and that “everything that exists eats something else”, including sharks: sharks are no ‘exception’ to this law of the animal kingdom, and are simply following this when they eat other species, effectively making them the ‘same’ as other carnivorous animals that may be publicly-adored, yet are often dangerous, such as some species of big cats, and bears. The activists demonstrate the infrequency of shark attacks resulting in death via a comparison of statistics. A screenshot of text reads: “sharks kill 5 people each year. elephants and tigers: 100; execution 2,400; illegal drugs: 22,000; road accidents: 1,200,000; starvation: 8,000,000”, where the number five pales in comparison to the number of other things that cause fatalities. A later screenshot reads: “soda pop machines kill more people than sharks do”, a point that deliberately sounds comical, exaggerated, and highly unlikely, intending to get the viewer to question why there is such a fear of sharks, but not of soda pop machines. After these statistics are shown, Stewart says that, “the fact is sharks do not eat people. If they did, I would have been eaten a long time ago.” The footage of humans together with sharks works as visual evidence to reflect certain kinds of informational knowledge that are imparted to the audience to try and help audiences understand sharks better, and this footage works to add a sense of authority to the narration to reflect the narrator’s constructed truth about sharks as being unfairly maligned and vilified.

If sharks are, for the most part, actually shy and hesitant around humans, then the attacks that do occur must still be explained, but in a way that does not undermine the sense of factuality and of authority the filmmakers are trying to create when they discuss sharks. When it comes to attacks, then, Dr. Ritter explains that it occurs due to an error rather than maliciousness on the shark’s part, and they bite because “they don’t know what we are”. Some biologists and scientists argue that the reason more people are not killed by sharks each year is because humans are not natural prey (Klimley, 1994; Peschak, 2013<sup>50</sup>). Sharks are apex predators, and to be so requires curiosity and a highly attuned awareness of what is going on in the environment. Some sharks that approach divers may simply be curious and swim past for a closer look, and then swim away. When sharks have attacked humans, the majority of the attacks are the ‘hit and run’ kind, where carnivorous

sharks make an initial 'test-bite' to inspect an unfamiliar object (be it buoys, floating debris, or an unfortunate human) and, upon realising what it is, swim away (Caldicott et al., 2001; Lentz et al., 2010). In a wider context, The International Shark Attack File keeps a record of the reported shark attacks around the world, and for 2013, it "investigated 125 incidents of alleged shark-human interaction occurring worldwide in 2013. Upon review, 72 of these incidents represented confirmed cases of unprovoked shark attacks on humans" (Burgess, 2014). Considering the number of people who go swimming in the ocean every year all across the world, the risk of being attacked by a shark is very low, and is the point the filmmakers have been making.

The activists also describe sharks as socially complex creatures. Sharks are an essential part of the oceanic ecosystem, and talking about sharks in terms of their ecological role (this aspect is covered in Chapter 5), as well as in terms of complex behaviours, works to redefine the shark imaginary in order that they become less 'other'. Sharks have often been stereotyped as "dumb feeding machines" (Klimley, 2013, p.239), and such a stereotype omits social complexity. They are said that "their intelligence is quite amazing. They have short-term memories, long-term memories, they can learn by observation" working to 'debunk' the stereotype. During a trip to the Galapagos Islands to film schooling hammerhead sharks, Stewart explains that, like other sharks, hammerheads "have two more senses than people: they have lateral lines running down the sides of their bodies that allows them to detect movement in the water", and they also follow electromagnetic fields to navigate and find food. The footage is shot from deeper water so that the sharks are filmed from up above, creating a silhouette effect of the sharks moving slowly and calmly together in an almost mesmerising manner. Hammerhead sharks school together to "socialise", and the school is structured in a hierarchical manner, with the dominant females in the middle of the school where the males will go to look for mates. Focussing on sharks as a species that exist in social communities that demonstrate social complexity reduces the sharks' otherness. The representation of sharks in *Sharkwater* attempts to shift the audiences' attitude to one that is more positive and nuanced, benefitting the films' conservationist message.

## Whales

In contrast to *The Cove* and *Sharkwater* where dolphins and sharks are frequently shown, whales are not often seen throughout the six seasons of *Whale Wars* so far. The series is predominantly a human drama based around the crews' personal challenges and their direct engagement with the whaling vessels. The purpose of *Whale Wars* as a catalyst of social mobilisation is less overt than in *The Cove* or *Sharkwater*, and it does not give any explicit social action suggestions around stopping particular practices like those at the end of *The Cove* or *Sharkwater*, it simply documents practices of advocacy. Whilst it may not give any obvious social action suggestions, the audience is encouraged by Sea Shepherd—rather than explicitly by the filmmakers—to become supporters of their cause.

As Besel and Besel (2010) point out in their analysis of *Whale Wars* season one, the imperatives and goals of the *Animal Planet* channel—a commercial entity—and those of the activists are very different. Since *Animal Planet* are the producers, their profit imperatives naturally take precedence over the messages of Sea Shepherd, and, given the success of reality-style shows based on human drama, the programme itself is centred around this, rather than on the whales themselves (*ibid*). Similarly, Cox (2014) argues that the commercial imperative of Animal Planet “marginalizes the Sea Shepherd’s message in exchange for the components that are integral to a lucrative reality program” (p.283). At the beginning of each episode, Animal Planet distances itself from Sea Shepherd themselves through a disclaimer: “the following program contains commentary and opinions that do not necessarily reflect the opinions of Animal Planet or the show’s producers”. Rather, they just ‘show the show’. Besel and Besel (2010) also argue that, “by villainising the whale hunters and humanising the activists, a drama-filled stage is set where the whales are relegated to the role of supporting cast” (p.175). However, given that the cameramen spend their time onboard the Sea Shepherd vessels where the crew are seeking to find whalers rather than whales, and where the ships may be crossing large areas where whales do not necessarily congregate, fly-on-the-wall style human-drama is the only logical way this series can be produced. In one of the ‘making of’ videos titled *Getting the Shot* (2013), executive vice president of Discovery Communications, Charlie Foley, states that “Animal Planet has to have an interest in stories of people who are that determined on behalf of animals. It was a story that Animal Planet had to be interested in”.

Executive producer Jason Carey goes on to say that what drew him to produce this show was there was “an essential conflict built into it”, and the primary reason AP agreed to do the *Whale Wars* show was to capture the human drama and conflict. Caring for the whales, then, is more indirect, and by spending time with the activists and sharing in their struggles, audiences may come to care, or care more about the welfare of the whales *because* the crew that they 'know' are actively risking their lives to save the whales they care about.

What the audience comes to learn about whales is through the words of the activists rather than through plentiful whale footage. Kalland (1992, 1993b, 2009) argues that, out of the ‘Save the Whale’ movement, a new imaginary was constructed which he calls “the superwhale”. This is where particular cetacean behaviours and traits—often species-specific—come together in an imagined single species termed the superwhale: it has an almost human-like intelligence; is peaceful and benign; is endangered; lives in harmony with nature; sings 'love songs'; lives in close family groups; and enjoys human company (2009, p.36). The crews’ descriptions of whales seem to reflect this idea. Similar to dolphins in *The Cove*, the whales’ high intelligence is the prevalent way that Sea Shepherd represents whales with regards to its anti-whaling position. Watson says he believes that whales “are more intelligent than people” (S4:E11), while Peter Brown says that, “we shouldn't be whacking one of the greatest species on the planet. I mean, their brain is bigger than a car” (S1:E1). Although Brown's comment about brain size is inaccurate, he draws on the discourse of neuroscience which is one of the discourses that comprise the wider discourse of whale intelligence, and frames this as a reason not to hunt whales. Similarly, as Captain Paul Watson tells a story of how seeing a whale being harpooned motivated him to continue being an activist, but with a focus more on direct, physical engagement with the opposition, he says that whales are “incredibly intelligent, socially complex, beautiful creatures” (S3:E1). As he speaks, footage of different whale species plays, beginning with a humpback whale with her calf swimming slowly and serenely, contrasted with a minke whale being harpooned as Watson describes the impact of his witnessing a whale death on him. Crew member Riccy Jamieson says that “whales are just special. They really are” (S1:E1). Similarly, executive director and quarter master

Kim McCoy says that “when you see that whale and there’s a connection ... you just feel a sense of obligation to do something”.

When whales are seen in the series, it is in two contexts: the crew spontaneously coming across whales, or whales being chased or killed by whalers. Wild whales, like dolphins, may initiate close, sustained contact with humans—something that is very unusual for any wild animal to do—and this adds to the ‘friendly’ imaginary around the whale, and cetaceans in general (Barstow, 1989, p.13; Kalland, 2009, p.34). Humpback whales are known for their playfulness, approachability, and their energetic acrobatics, and are, arguably, the most charismatic, well-known, and beloved whale species (Bergman, 2003; Neves, 2010, p.732; Reeves et al., 2003, p.36), and when Pete Bethune, the Captain of the *Ady Gil* and his crew come across a group of humpback whales who stay close to the boat, Bethune describes them as “so tame” (S3:E1). When whales are seen outside of being chased or harpooned, the crews’ reactions are ones of—sometimes tearful—joy. Comments such as “that’s inspiring”, or “all you want to do is save these animals” (S2:E1) work as an attempt by the crew to get the audience to identify with them and share in their excitement at seeing whales that the activists have constructed as possessors of good characteristics that make the whale unique and special.

## **Conclusion**

In advocacy/activist films, filmmakers try to direct their audience’s responses so that they understand, experience, and evaluate material in particular ways. Whilst mediated representations of animals are used to entertain or inform audiences, they also reflect the interests of their producers (Lowe, 2012, p.317). In this case, the protectionist view advocated by the activists towards these animals informs how they are discursively produced and mediated. *The Cove* makes use of already-existing narratives and positive stereotypes around dolphins to link dolphins with goodness and friendliness, and draw on discourses of higher intelligence—a discourse comprised of different disciplinary areas, such as biological science, neuroscience and philosophy, and raising questions around moral and ethics as a result of these discourses. Similarly, the activists in *Whale Wars* reproduce the discourse of whales as intelligent creatures worthy of saving. In contrast, *Sharkwater* positions sharks as misunderstood creatures wary of humans, and more

socially and ecologically complex than some may have initially thought, and works to try and shift the way that audiences are to think about them. The next section will examine how the activists are discursively produced as the people that the audience are encouraged to identify with.

# Chapter 3B

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## The Activists

### Introduction

The filmmakers and activists construct themselves as caring people possessing a good ethos. Animals are often perceived as innocent and unable to “plead their case” (Hampson, 1989, p.74): the dolphins being held inside the cove cannot scream for help. Neither can the whales impaled by a whaler's harpoon. Nor can the sharks that are caught on hooks, in nets, or have their fins cut off whilst alive. Therefore, the activists become the ‘voice’ for the voiceless animals. In turn, those who harm the animals are implicitly positioned as immoral, unethical, ignorant villains (further explored in Chapter 3C). The concepts of self and other as a means of constructing difference—like the hero versus the villain—will feature in this chapter. At the core of how the self (or “us”) and the other (or “them”) relate and play out is the way the other is defined by the difference from the self (de Buitrago, 2012; Sencindiver et al., 2012).

### Heroes

The activists position themselves as heroes, working to fend off the idea of activists as interfering ‘radicals’ that negatively disrupt business or transgress the law. Activism can have negative connotations (Marshall, 2009, p.159; Melone & Karnes, 2008, p.59), and the term is frequently linked with radical, fanatical, and sometimes violent behaviour and beliefs (Murillo, 2010, p.251). Animal rights activists in particular are sometimes linked with forms of terrorism (Lutz & Lutz, 2008; Monaghan, 1999), and the American Federal Bureau of Investigation (FBI) classifies some animal rights and environmentalist groups, namely the Animal Liberation Front, and the Earth Liberation Front, as domestic terrorists (Lewis, 2004). However, rather than drawing on discourses that position activists as radical fanatics, the activists are positioned as dedicated, caring heroes fighting for a good cause

for a noble reason. For example, in *Whale Wars*, Watson explains that the national flags painted on the side of the *Steve Irwin* vessel are those of ships he has been responsible for sinking in other campaigns—an act that could just as easily be framed as violent and fanatical—is quickly skimmed over. The anonymous Japanese translator crew member says that the whalers think of them as vigilantes and violators of international maritime law and as “environmental terrorists” and “eco-terrorists”. She also claims that “most Japanese people seriously think that Sea Shepherd is as bad as Al-Qaeda” (S2:E3). The pro-whalers’ counter-discourses are overturned by the activists to delegitimise the perspective of the whalers. In Paul Watson’s view, “here we [humankind] are destroying these incredibly intelligent, socially complex, beautiful creatures, [and] then that’s when it occurred to me: we’re insane” (S3:E1). The “we are destroying” and “we’re insane” here is not referring to Watson and those who support an anti-whaling stance. They are, by implication, the sane ones who are trying to stop the “insane” people—in this case the whalers and their supporters—who are ignorant of the whales’ intelligence. If the activists happen to break or bend any laws, it is implicitly from a utilitarian standpoint (a concept first theorised by Jeremy Bentham, 1789): it is all for the greater good; the ends justifies the means, positioning the activists as unconventional altruists (this is further explored under ‘The Legal Discourse’ section of Chapter 5).

### **Personalisation**

In these films, the activists are personalised as good people risking their lives to save animals in order for audiences to (ideally) form a personal connection with them, and share in their emotions and experiences. In *The Cove*, they are predominantly shown in close-ups and extreme close-ups in softly-lit interview situations where the lighting adds “warmth”, giving viewers a sense of comfort (Creeber, 2008, p.12), and the main activists in the film are each interviewed and give their reasons for being involved in the trip to Taiji. The film’s main protagonist is Ric O’Barry, and is centred on background as a former dolphin trainer, how he became opposed to dolphin captivity after Kathy the dolphin died, and his journey of ‘self-redemption’. In O’Barry’s words:

I feel somewhat responsible because it was the *Flipper* TV series that ... created this desire to swim with them and kiss them and hold them and hug them and love them to death, and it created all these captures. ... When I started out, there were only three dolphinariums. Today it's become a multi-billion-dollar industry. In all of these captures, we helped create the largest slaughter of dolphins on the planet. ... I spent ten years building that industry up. And I spent the last 35 years trying to tear it down.

Similarly, in *Whale Wars*, Paul Watson's activist background, such as his partial founding of and expulsion from Greenpeace, and how he subsequently started the Sea Shepherd Conservation Society, is briefly described by the narrator during the opening of most *Whale Wars* episodes. Throughout the series, the motivations of some of the crew and what they are willing to sacrifice for the cause are made known. Similarly, in *Sharkwater*, Rob Stewart describes that he has always loved sharks, and is why he decided to become an underwater photographer.

In her book *Loving Nature: Towards an Ecology of Emotion*, Milton (2002) points out that emotions are key when it comes to those who are motivated to work towards protecting nature. In many cases, as illustrated earlier with regards to the risks activists are willing to take, passion for the cause is a primary reason for doing so, as the potential ramifications of their actions are serious, and the situations they potentially face or put themselves in can have long-term consequences. In *The Cove*, the activists risk going to jail by sneaking in to the prohibited Taiji National Park to plant cameras in complete darkness—a risk is not taken lightly by the activists: director and activist Louis Psihoyos says that “when I thought of all the possibilities of what could happen, it kept me up at night”. O’Barry has been arrested numerous times, and he visits Taiji knowing the danger he potentially faces. Early in the film, he describes how two other co-activists were murdered—one “strangled by her own belt”—when they were trying to stop the Russian trafficking of dolphins. Early in the film O’Barry claims that if the fishermen could catch him, kill him, and “get away with it”, they would do so. Yet, his passion makes him carry on. Similarly, in *Sharkwater*, the activists are threatened with arrest on false charges of attempted murder, and Stewart also contracts staphylococcus in his leg and risks losing it if the antibiotics fail. Yet, he says that all he could think about was being back in the water with sharks. To be thinking of this over the possibility of losing a leg requires a steadfast

commitment to the cause. Whether audiences actually perceive this to be the case is another matter altogether.

The risks taken for the cause in *Whale Wars* are more prominent since the majority of all of series' filming is done onboard the Sea Shepherd vessels. Watson makes no apologies for the risks involved: "you go to sea on a ship. The possibility is there you could die. If you're not accepting those possibilities, you don't belong there" (S1:E7). Watson says he "would die for the whales", and expects the same of his crew. By going onboard, the crew willingly agree to and accept this, as affirmed in comments such as: "We have the chance to stop Japanese whaling in the Southern Ocean this year, and I really want to do it. If it costs me my life, that's just the way it is" (S2:E1); deckhand Chad Halstead says "I'm willing to die to save whales. If I wasn't, I wouldn't be on this ship. You know, it's just part of the job we're down here to do"; and 2nd Mate Peter Hammarstedt, says he "didn't join [Sea Shepherd] until I could say with 100 percent conviction that I'm willing to risk my life to save the life of a whale" (S1:E1). The Antarctic waters are unforgiving and volatile, and if something serious occurs, such as a medical emergency (e.g. moderate hypothermia in S4:E4), a major injury (e.g. pelvic injury in S1:36), or indeed the sinking of a vessel, there is a significant time delay for outside help to arrive. Getting trapped in ice fields (e.g. S2:E2), and encountering severe weather and storms when entering the Roaring Forties, Furious Fifties, and/or Screaming Sixties, such as moving at times through 12 metre/40 foot swells (e.g. S1:E1) is par for the course (S4:E4). A tactic often used by the Sea Shepherd's to halt the Japanese fleet is to release prop foulers that, if done correctly, get stuck in the whaling ships' propellers. If done incorrectly, losing a limb, or being killed, are real possibilities. The crew must also respond to various mechanical problems (e.g. S1:E4, S1:E7)—such as losing power to the engine, navigation system, or steering (S1:E7), and attend to the damage of equipment, such as the vessel's hull (e.g. S2:E2, S3:E6), and the helicopter (e.g. S1), as well as put their personal lives on hold by leaving their jobs, family, and friends whilst on a campaign. Clearly, to literally risk life and limb requires an extraordinary belief in the cause and a sense of reward for doing so.

Stirring collective emotions play an important role in activist groups and in/for wider social movements (Goodwin et al., 2001). Another dynamic in relation to activist

groups is how a collective identity is formed around a cause (Polletta & Jasper, 2001; Saunders, 2008). What is central is that “social agents are identified and/or identify themselves within a certain discourse” (Carpentier, 2011, p.175). In *Whale Wars*, saving whales is seen as a noble act, and to participate in this demonstrates a kind of moral, enlightened goodness. For example, in Season 2 Episode 1, Executive Director of Sea Shepherd, Kim McCoy, explains that:

The fact is that right now, while we’re sitting here, whales are being killed, and we are the only people in the world...sorry, I get a little emotional about this! There are about three dozen of us out of billions of people in the world who are willing to go out and do something about this. No organisation, no government; it’s all in our hands and it’s a tremendous responsibility and it is a tremendous honour for me to share in that experience with all of you.

Encapsulated in this quote is a suggestion that these activists feel a sense of moral superiority by taking the moral high ground in relation to what they, the few, are doing in comparison to the “billions of [other] people in the world”. The group, then, discursively produces itself as the morally-privileged guardians of whales. Group identity is what binds individuals with similar views together (Saunders, 2008, p.234). The adherence of a group identity results in solidarity, a sense of belonging, and a heightened commitment to the cause (Saunders, 2013, p.153). Additionally, creating “positive feelings for others in the group” (Polletta & Jasper, 2001, p.285) the ability “to construct a desirable self” (*ibid*, p.290) are other important aspects of sharing in the identity of a particular groups, which, in this case, are the animal activists. By implication, the hunters are discursively produced as immoral in contrast to the caring, moral activists.

## **Cultural Relativism**

An important perspective from which the activists’ opposition is framed and discursively produced is cultural difference. Cultural relativism and universalism are divergent modes of thinking that are a cause of tension within each of these texts. Cultural relativism is the idea that no one should judge other cultures by one’s own cultural practices and standards (Cook, 1999, p.3; Durrenberger & Erem, 2010, p.297). Those in favour of cultural relativism see the concept as synonymous with tolerance (Levy, 2002, p.30, 56).

Proponents may also argue that no one can objectively prove that their own cultural standards are the ones that everyone else must follow (Levy, 2002, p.23), and that criticising another culture by one's own cultural standards ignores difference (Gould, 2004, p.70). It may also be perceived to be a form of cultural imperialism to try to impose one's own beliefs on those who see things differently (Renteln, 1990). One of the critiques of the activists by the hunters and industry spokespeople is that the activists championing these causes are cultural imperialists. The discourse around cultural diversity and maintaining it is a particularly potent, "politically correct" one (Kalland, 2009, p.182). Thus, to be accused of cultural imperialism and/or ethnocentrism is particularly damaging to one's reputation and/or cause. In these films, the activists are seeking to apply a universalist perspective regarding the treatment of dolphins, whales and sharks by promoting specific set of ideas that are cultural and national in their nature onto those of a different culture.

Disregarding and/or opposing what may be seen or framed as the traditional cultural practices of others may be interpreted by some as cultural imperialism. An example of this can be seen in *The Cove* when Atherton Martin, former IWC representative for Dominica, claims that Japan's pro-whaling position is due to "the remnants of a traditional notion of empire. They'd had enough of the West telling them what to do and how to do it and when to do it, 'well, you're not going to make us stop killing whales'". If this perspective is held, whaling, then, may be an act of resistance against what the Japanese pro-whalers see as culturally imperialist attempts to limit their cultural expression (Morikawa & Hoyt, 2011, p.91). The discourse around culture is not as prominent in *Whale Wars* as it is in *The Cove*<sup>51</sup>, but the argument of whaling being an expression of cultural identity is present in the wider debates around anti-whaling (Kalland, 1993b, 1994, 2009). According to the Sea Shepherd's website, the "Sea Shepherd Conservation Society is opposed in principle to all whaling by any people, anywhere for any reason. ... The slaughter of intelligent creatures is not justifiable on any grounds" (The Sea Shepherd Conservation Society, 2014d). In *Whale Wars*, Watson and the Sea Shepherd crew make rhetorical arguments pertaining to those based on cetacean sentience, rights, and welfare (and, as will be looked at in coming chapters, the legal system, and science, such as ecology), and the emphasis on these discourses and the way that they are presented in a 'matter-of-fact' manner, work via omission of cultural arguments.

## Universalism

The opposite of cultural relativism is universalism. This puts forth the argument that “certain claims to knowledge” transcend time and place and are universally true (Fuller, 2007, p.203), and where “some moral judgments are universally valid” (Tilley, 2000, p.505). The concept of cultural relativism has received some critique (e.g. Popper, 2001; Rachels, 2003; Tilley, 2000), and critiques tend to centre around questions regarding how it is reconcilable to stay quiet about practices that would be “objectionable” in one’s own culture (Levy, 2002, p.4) or be the subject of “self-criticism and social critique” (Gould, 2004, p.70)<sup>52</sup>. The challenge for NGOs and world organisations is that they must somehow ‘bridge’ these two concepts so that there are some laws and rights that are pan-culturally agreed to, and therefore apply to *all* people. In order to discursively produce the self in relation to those of a different culture and consider whether particular practices should be excusable if they are cultural, activists and NGOs need to try and find a way to navigate between the universalist and cultural relativist divide through their actions and arguments. In *The Cove*, whilst the claim to dolphins’ superintelligence is never made directly explicit by the activists, the descriptions of and views towards dolphins are in alignment with those who argue that cetaceans deserve special moral and legal rights. If dolphins are positioned by the filmmakers and activists within this paradigm, this perspective is in itself universalist, since dolphins are found in every ocean of the world. The same line of thought is also applicable to whales and sharks that also cross transnational borders.

One critique of the environmental movement and of protecting animals is that some groups are misanthropic (Freeman et al., 1998). This inclination may repel potential supporters of environmentalist causes (Kalland, 2009). However, the activists are discursively produced as caring not only for the species they are fighting to protect, but also for humanity itself. In *The Cove*, the topic of mercury poisoning is raised in relation to the danger of consuming of dolphin meat; the impact of overfishing and upsetting the ocean ecosystem is raised in *Whale Wars* by linking these actions with an apocalyptic discourse since life on land is co-dependent on the balance of life in the ocean; and *Sharkwaters’* Stewart and Watson frame sharks as important for the entire oceanic ecosystem, so their work saves other species in the ocean, and in turn, humanity—each of these arguments will be elaborated on in Chapter 5 on logos.

Sea Shepherd is a group that is sometimes discursively produced as misanthropic, and “militant” (Kalland, 2009, p.56). For example, the *Whale Wars* series documents Sea Shepherd’s offer of help to find a lost crew member who has fallen overboard from a whaling ship in an unrelated incident (S2:E3), but the whalers reject the offer because they believe Sea Shepherd are “environmental terrorists”. Whilst the entire Japanese fleet is in front of them and it would be the ideal time to disable the factory ship, the Sea Shepherd’s stand down from engaging with any of them until the search is over, framing the whalers as petty and too proud to let opposition help a crew member who could potentially die. This works in the film to convey the activists are acting as the altruistic, kind-hearted heroes who are concerned with preserving human life as well as the life of the whales. Showing concern for humankind helps to legitimise the activists’ cause as not only preventing harm to animals, but also to human beings, benefiting both humans and animals.

## **Conclusion**

The activists discursively produce themselves as possessing a good ethos by representing themselves in ways that try to win over the support of the audience. The ability to rationalise killing these marine species or not revolves around the conflict between attitudes, and/or values (Lavigne, 2003, p.36). Primarily, it is the fight over the possession of the most powerful and widely-accepted discourse that positions the slaughter of certain species as acceptable or unacceptable, and the attitudes, beliefs, and activities of those regarding their slaughter as the heroes or the villains. Obviously, these films try to encourage the audience to support them and share in their universalist view of the treatment of these animals, and in doing so, the films must also discursively produce those opposed to this, namely the hunters, via its rhetoric in ways that ascribe them with divergent characteristics.

# Chapter 3C

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## The Hunters and Industry Spokespeople

### Introduction

In order for the activists to appear heroic, credible, and good, the othering of the people they are in conflict or disagreement with is required for the rhetorical attempt at prompting audience antipathy towards them. The discursive and rhetorical construction of the villain is part of how this is achieved, and this is what this chapter will focus on.

### Villains

While the activists are portrayed as caring and likeable, the hunters are portrayed as sly and aggressive 'Villains'. When activists Mandy-Rae Cruickshank and Kirk Krack first come into contact with the fishermen at the beach in *The Cove*, the fishermen behave aggressively and "butt chests" against them to avoid them photographing inside the cove. The fishermen are also seen doing angry hand gestures at the filmmakers; shoving reporters from the BBC, the London Times and Time magazine; waving "do not take photos" signs in the filmmakers' faces; holding video cameras to film the filmmakers in an attempt to intimidate them; and attempting to provoke the activists in ways that will increase the likelihood they react and may do something that they can be arrested for. O'Barry says that he spends most of his time in Taiji trying not to get arrested on "bogus charges", and claims that "if these fishermen could catch me and kill me, they would", and, since the dolphins have been discursively produced by the activists as possessing human-like traits, the fact that the fishermen are able to kill the dolphins positions them in opposition as heartless, immoral, and unethical<sup>53</sup>. What the fishermen think and believe is relayed to the audience *through* the activists by what they say the fishermen have said to them, since the fishermen and local authorities did not wish to be interviewed for the film. Similarly, in *Whale Wars*, the whalers, rather than the Sea Shepherd organisation, are discursively produced as the dangerous aggressors. They are suspected of shooting Watson (S1:E7); they are accused of hurling metal grappling hooks at the Sea Shepherd crew (S5); and they allegedly use a Long Range Acoustic Device (LRAD) which is effectively

a 'sonic weapon' (S2). A Japanese translator for Sea Shepherd remains nameless, and wears a balaclava or a scarf to cover her face and conceal her identity as she fears there will be retribution against her family in Japan by dangerous and aggressive pro-whalers, positioning herself as a potential victim of members of her own culture: the whalers with whom the Sea Shepherd are engaged in ideological conflict.

Kalland (2009) argues that the "war metaphor" plays a role in shaping the debates around whaling. As the programme's title suggests, *Whale Wars* incorporates this metaphor throughout the entire series, constructing a war imaginary around the interaction between the whalers and themselves. Words that are part of the war lexicon, such as "cavalry" (S3E3), are frequently used by the narrator and the activists, and this is apparent from the very start of the show where the narrator gives slight variations of this introductory overview of the series:

A war rages in the far reaches of planet earth. Antarctica's pristine waters run red with blood. The Sea Shepherds are the soldiers who wage this war. They're led into battle by Captain Paul Watson. Their enemy is a group of Japanese fishermen whose chosen catch is whales. The Sea Shepherds say the whalers are violating an international ban on commercial whaling. The whalers say they are legally killing whales for scientific research. Both claim to have the law on their side. These are their battles; this is their war (S5:E1).

Words and terms such as "a war rages", "soldiers", "led into battle" and "these are their battles, this is their war" draw on the war lexicon and all the associative meanings that come with it. The tactics Watson uses to engage with the whalers are "based on the art of war" (S2:E2), such as 'The Crazy Ivan' (S2:E1), and crew member Hammerstedt says that, in this conflict, "the casualties are very real and it's these whales" (S2:E10), thus placing the crew's activities and actions within the war framework. War is a term that carries a host of negative connotations: death, conflict, tragedy, battle, and violence, and where each side perceives the other side as 'in the wrong', and 'ignorant'. Kalland (2009) argues that in the whaling debate, the war metaphor can be used in two ways: the first to "convey an image of an uneven fight between defenceless whales and greedy whalers" and secondly, where whalers have their "moral integrity ... questioned" (p.68-70). In terms of how this applies to *Whale Wars*, the discursive production of the activists as the moral, ethical heroes who are protecting the friendly whale works to simultaneously Other those they oppose: the

whalers and the fleet are a villainous, overpowering opponent intent on harming the harmless whale. This works as a discursive attempt to get the audience to become the activists' allies and supporters of their organisation and actions and join 'the good guys.'

The hunters' supporters and/or industry spokespeople are also discursively produced as subjects of ridicule. What they say is not supposed to be taken seriously by the audience, and what they do say is in direct contrast to how the filmmakers and activists have already discursively produced themselves and the animal. In *The Cove*, Joji Morishita, the former IWC Japanese delegate is made to appear discredited in the framing of an IWC meeting through the use of music. Comedic music plays over footage of the meeting, connotative of clownish behaviour, and he is seen almost falling asleep as one of the Finnish delegates talks about the slaughter of the dolphins in Japan, as if he is not interested in anyone else's perspective and does not take the meeting seriously. The editing also has an impact on how the words of the industry spokespeople are discursively produced as untrustworthy: in *The Cove*, Morishita is seen telling some reporters at an IWC media meeting that he has "never heard a convincing reason why this species [whales] is so special". This is contrasted and framed within the context of the filmmaker's perspectives of whales as special, intelligent, good animals, and imagery—such as those of humans swimming with whales, or the words of activists, such as Cruikshank saying, "when you're out swimming in the ocean and you have whales and dolphins come by you, it is one of the most incredible experiences ever". *Sharkwater* also features this contrast between the animals possessing good traits and the industry spokespeople who do not agree. William Goh, the managing director of Rabbit Brand Shark Fin who appears in *Sharkwater* says that the activists' belief that "the shark is [a] very kind animal...", is that "that's bullshit! Sharks [are] actually not kind animal[s]!". Here, Goh counters the filmmaker's discursive production of the shark as a misunderstood, unfairly feared animal, and, in the following scene, footage of Stewart diving with sharks works to 'discredit' or cast doubt on Goh's description of sharks through visual rhetoric.

### **Depersonalisation**

In order to keep the hunters emotionally distant from the audience, they are not properly introduced or personalised. In *The Cove*, the fishermen all but remain nameless, except for

one, who the activists nickname "Private Space", because they are "the only two words he knows in English"<sup>54</sup>. Long-shots are the predominant shot-type of the fishermen, which works to prevent the audience from establishing an emotional connection with them, and when close-up shots or mid-shots are used, the fishermen are usually behaving aggressively or suspiciously. For example, "Private Space" is seen angrily yelling in Japanese into one of the activists' hand-held cameras when he confronts them near the lagoon, and the shakiness of the footage demonstrates documentary realism, in order to show that the interaction has not been staged. Placing the audience in the position of one of the activists being confronted works to foster disconnect between the viewer and the apparently aggressive fishermen. Similarly, when the activists are filmed in confrontations with whalers or fishermen in *Whale Wars* and *Sharkwater*, the footage is from the crew's/activist's perspective where the filming, at times, appears as if the audience members are being water-blasted, yelled at, and/or are in danger of being injured. By filming from the crew's perspective in the middle of a direct confrontation, this tries to discourage the viewer from sympathising with the whalers. Like those in *The Cove*, the mostly nameless whalers in *Whale Wars* remain voiceless, and are almost always distanced in terms of filming shots, working to any positive emotional connections being formed by the audience around them. The distancing of the whalers in *Whale Wars* is inevitable given the nature of filming since the camera crew only stay onboard the Sea Shepherd vessels and are there to film the interaction that occurs between the whaling and Sea Shepherd fleet.

If anti-whalers are seen as good and heroic, then the pro-whalers are discursively produced as the opposite: "cruel, brutal, wreckless, barbaric, savage, sadistic and greedy. They are poachers and pirates engaged in evil and criminal, [and] defying international law" (Kalland, 2009, p.69). In a one-hour special episode titled *Pete Bethune: From Pirate to Prisoner* (S3:E14), the *Nisshin Maru* captain asks over the loud-speaker for the Sea Shepherd's to back off as they get close to their vessel, to which one of the crew from one of the delta boats speeding alongside them says "we're coming for you, you piece of shit". Watson says "seppuku, kill yourselves" (S2:E2). For deckhand Laurens de Groot, "that ship [the *Nisshan Maru*] stands for everything I hate. Killing innocent animals in a world where it doesn't belong anymore" (S1:E1), and Watson says that The *Nisshan Maru* "the largest

whale killing machine on the planet" (S1:E1). In the wider anti-whaling debate, Japan has made arguments framing Japanese whalers in more flattering ways by drawing on the discourses of ecology and animal welfare, stating that they are harvesting whales in sustainable numbers and claim they are always trying to develop better, more humane slaughter methods (Kalland, 1998). Yet, as Kalland also points out, the Japanese whalers and industry spokespeople also "partly contested these same discourses by appropriating another global discourse, that on the value of cultural diversity" (*ibid*, p.6). This has become a powerful discourse for countering animal protectionist groups and discourses, particularly regarding whaling, but is also an argument that appears in *The Cove* and in *Sharkwater*.

### **Progressive vs. Regressive**

Another way of drawing on a universalist discourse in relation to these animals is through the construction of the progressive and the regressive. The hunters that the good activists are trying to stop from harming the good animals are discursively produced by the activists as immoral, and unethical. In *Sharkwater*, Watson compares the degradation of the natural environment to the abolition of slavery, where he says that future generations "will have no respect for cultures that deprive them of what we have now, just like we have no respect for the culture of slavery". Rex Wesley in *Sharkwater* similarly comments that "future generations are going to look back on us and they're going to think of us as barbarians the same way we think of slave traders" due to the overexploitation of the natural environment. Within this discursive space, practices that harm whales and the natural environment are framed as immoral acts, and the people who participate in these activities are produced as immoral individuals with no respect for the animal or the environment.

One way the pro-whalers are discursively produced as regressive and immoral is via a discursive link between slavery and the practice of whaling. Watson links the thought of ending whaling with how some viewed ending the slave trade: as a task that would be too difficult to achieve. In *Whale Wars*, a reporter says to Watson at a press conference that "you can't stop whaling anyway, right?" to which he responds, "we can't stop whaling? That's what they said once that you can't stop slavery. But it was stopped. Yeah, we can

stop whaling" (S4:E1). Cultural practices change, and are relative to particular groups of people in different places at different times (Fuller, 2007, p.203). Through the slavery/whaling analogy, anti-whalers produce themselves as the moral ones that are trying to move society forward in a progressive manner, whilst the pro-whalers and their practices are linked with backwardness, contributing to how they are 'othered'. During a talk to the Sea Shepherd crew in *Whale Wars*, Watson says that "I think that this is the century that we're going to find whaling will be tossed into the dustbin of history and left for what it is: antiquated, unnecessary, barbaric, uncivilised, and [with] no place in the modern world" (S5:E1). Here, an anti-whaling stance is discursively produced by Watson as civilised and progressive, and similar statements in the wider anti-whaling discourse are "contrasted with the 'primitive' behaviour of the Japanese and Norwegian whaling fleets" (Cater & Cater, 2007, p.169)<sup>55</sup>. Nevertheless, the need to respect the beliefs and practices of other cultures, and yet, advocate changing the practices considered unacceptable, will influence how activists rationalise and approach their activities. Avoiding accusations of cultural imperialism or of othering different cultures is something the activists and filmmakers must be aware of so that they can navigate around this sensitive area whilst still discursively producing themselves and their cause as moral. It is obvious and apparent that "moral disagreement ... is not confined to the clash *between* cultures; it is also a pervasive fact *within* cultures" (Levy, 2002, p.26). Each of these texts features people from the countries at the focus of the activists' critique who share the same anti-slaughter views as the activists, to emphasise that specific *groups* rather than entire cultures are critiqued.

In *The Cove*, eating dolphins is described as a cultural tradition, and is the premise that the fishermen use to justify the killing of dolphins. Although Taiji is not the only Japanese town that has been known to engage in dolphin-hunting, the practice is not widespread in Japan (Morikawa & Hoyt, 2011, p.94). Since the 1990s, there has been increasing criticism by those inside Japan who are aware of the dolphin drives (Hemmi, 2007), but coverage of the practice is not widely disseminated by the Japanese media (Morikawa & Hoyt, 2011, p.95). This is mainly because slaughtering whales and dolphins is a controversial topic, and therefore one that the media tend to avoid covering (Hemmi, 2007). O'Barry essentially refutes the fishermen's cultural argument on these grounds and refers to it as "the big lie" by emphasising that that the consumption of dolphin meat can

hardly be considered a cultural tradition if the majority of Japanese people “don't even know about it”. O'Barry's claims are verified as he and a translator approach six random people in downtown Tokyo. He asks if they knew that 23,000 dolphins are killed each year in Japan, and each person says no. Additionally, most of those interviewed express shock at the idea of hunting dolphins, let alone eating them: “it's hard to imagine people eat dolphins”; “why don't I know this? How can it be? Is dolphin meat in Tokyo? We don't regard dolphin as food”; “dolphins are rather something we enjoy to watch”; and “if it's really true, we should be making a big issue out of it. I don't think anyone knows about it. I never knew”. Something similar also appears in *Sharkwater* when the famous Chinese dish shark fin soup is discursively reframed as immoral and unethical. Shark fin soup was traditionally a food served only to the Chinese emperors, becoming symbolic of royalty, wealth, and a high social ranking (Compagno et al., 2005, p.46). However, a clip is shown of Chinese couple where the bride-to-be says that she does not eat shark fin on the grounds of animal cruelty, and does not want it served at her wedding dinner “because then we're talking about 400 people eating and I really don't think that shark fin is something essential”. This works to put the audience into a subject-position of identification with an individual from within the culture where shark-fin soup is eaten, and to show the audience that there are those in China that disagree with the practice.

### **Constructing 'Us All'**

Each of these films has a wider focus than just dolphins, whales, or sharks. They also have an environmental message linking the treatment of the ocean with the future of humankind so that co-operation is needed to address issues, such as how to reduce pollution, and reduce levels of fishing, for the benefit of all humankind. For example, *The Cove* not only critiques the behaviour of some Japanese, but also offers an indirect critique of any country and therefore any culture, including that of the United States, that participates in the trade of live dolphins from Taiji, Japan to keep in marine parks. The activists make their anti-captivity stance very clear and are vocal in their condemnation, and this is constructed in a way that becomes less about critiquing Japan as a whole and more about critiquing a select group of Japanese people who happen to be hunting and killing dolphins, or those who justify such an activity. In doing so, the intended subject

position for the audience is to view the fishermen as the other, but the Japanese people as a whole as the 'self', or, what I will call here 'us all'.

Returning to the concept of universalism, the shift from awareness to action regarding *Sharkwaters'* universalist argument about the nature and ecological importance of sharks is evident near the end of the film when a large group of Costa Ricans protest against shark-finning after seeing news coverage of the Sea Shepherds' arrest. The protestors "were rallying for sharks", showing both the power of the media to influence people and their behaviours and discursively producing the protestors as united with the activists in defence of the animals. What is also demonstrated here is that the shark-finning industry and the illegal fishing of, and/or the overexploitation of sharks by fisheries is not only a concern of western culture. Rather, the argument is discursively produced as a cross-cultural issue, requiring cross-cultural co-operation to tackle.

In the *Whale Wars* special episode *Pete Bethune: From Pirate to Prisoner* (S3:E14), the whalers are portrayed in a much kinder way. The episode documents Bethune's illegal boarding of the *Shonan Maru 2* to conduct a citizen's arrest after it collided with and sank Bethune's *Ady Gil*, and nearly killed its crew. Bethune talks about what happened during his 26 days on the vessel, and what happened when he arrived in Japan for sentencing, where he was held in custody on suspicion of terrorism in a high security prison with "yakuza, and murderers, and rapists", consistent with media portrayals of Bethune "as such an evil and dangerous person". A significant portion of the episode focuses on Bethune's interaction with the whalers. Instead of mutually seeing one another as the Other, Bethune describes how both sides saw one another as individuals, differing from what they expected one another would be like, demonstrating an understanding between Bethune and the whalers, and discursively producing a sense of 'Us'. He said that "the crew of the *Shonan Maru* were extremely respectful to me". Whilst the series does overall make the whalers the Other, this episode brings in a different perspective: although "all people form judgements about ways of life different from their own" (Herskovits, 1973, p.11), the interaction between Bethune and the *Shonan Maru 2* crew involved a level of mutual

understanding between him and the whalers, encapsulated in what Bethune says one of the crew said to him:

“It's quite surprising, when we think of Sea Shepherd we think of evil”, and he said, “you're almost normal”, and that surprised me, too. I went on there with this vision of the whalers as being evil, and they're not at all. They're just ordinary blokes married with two kids doing a job that pays them a little bit of money and this is part of the challenge we have in stopping whaling: their motivations are completely different.

Through this description, coming to some kind of understanding seems possible. Each group, by othering the opposing side as “evil”, ‘blocks’ dialogue and constructive conversation, which only makes any kind of resolution or compromise more intractable. Bethune’s time on the *Shonan Maru 2* demonstrates that the whalers are “just ordinary blokes married with two kids” and are doing a job to earn some money to support and provide for their families. This may, in the future, open up an avenue for dialogue, discussion, and negotiation where each side feels that they are understood and are being listened to. Upon docking in Japan, a small crowd of vocal pro-whalers protest and call for the Japanese legal system to “punish him heavily: the racist & eco-terrorist”. Although Bethune says that the whalers told him he was “a nice guy” and did not “want to see [him] in all this trouble, [he] was public enemy number one in Japan”. Here, the whalers themselves, who have, for the most part, been discursively produced by the Sea Shepherd activists as immoral, unethical villains, are made like the self by caring about what was to happen to Bethune, breaking the ‘heroes vs. villains’ dynamic.

Similarly, while the poaching fishermen are almost always presented within a paradigm of conflict within *Sharkwater*, a reversal of this is also presented. At one point a group of fishermen becomes part of a collective ‘us’. Viewers are also presented with the subject position of identifying with a group of sea cucumber fishermen who seek help from Stewart and his crew. Two of the fishermen have ‘the bends’, yet continue to dive out of desperation to earn a living risking death. Here, the fishermen are discursively produced in the same way as the shark: as vulnerable, exploitable resources used purely for the profit of large companies that are only interested in money, and do not value the

ecosystem, sharks, or the people that work for them. In this instance, the audience is encouraged to sympathise with the fishermen who are being exploited by the Taiwanese Triad, and whose lives seem to be devalued like those of the sharks. Not only are the activists fighting to look after the interests of the sharks, but also for the people here, discursively constituting them as part of a collective 'Us'. Environmentalists and animal rights activist groups have on occasion likened the expansion and growth of humankind as a negative thing akin to "a cancer on the face of the earth" (Freeman et al., 1998, p.166). However, by expressing concern for the people who participate in the practices the activists oppose, accusations of misanthropy can be more effectively 'fended off'.

## **Conclusion**

Preventing and intervening to stop the inhumane practices of whaling, spearing dolphins to death, and shark-finning is part of the way that the activists discursively identify themselves as the heroes protecting the friendly dolphin, the gentle whale, and the misunderstood shark. In turn, the whalers, fishermen, and industry spokespeople are implicitly positioned and discursively produced by the activists as the other who the audience should also oppose. However, these texts do not always reproduce the 'self' and the 'other' divide but also include representations that include both: the 'us all'. Through the construction of the self (the activists and the animals), the other, and 'us all', the films attempt to stir particular emotions within the audience that may change or reinforce the attitudes they held going into the film. Looking at how emotions play a role in cinematic texts is important since emotion plays a significant role in why people join particular activist groups and participate in the groups' activities (Goodwin et al., 2001, p.18), as well as how 'moved' audiences may be in relation to specific events and causes (Plantinga, 2009b). The next chapter will focus on how stirring certain emotions work as a mode of persuasion.

# Chapter 4

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## **Pathos (πάθος): Suffering; passion**

***“How do we let ourselves be moved by pity if not by transporting ourselves outside of ourselves and identifying with the suffering animal, by leaving, as it were, our own being to take on its being[?] It is not in ourselves, it is in him that we suffer.”***

— Jean-Jacques Rousseau, *Genevan philosopher*<sup>56</sup>.

### **Introduction**

The next component of rhetorical persuasion is pathos. Chouliaraki (2008) contends that media texts can work to morally educate audiences on how to respond to images of suffering, as well as “propose to [audiences] how to think and feel about the world” (p.838). The acts that the activists want the audience to see are the killing of these animals, must be shown in order to prompt the audience to take any further action as a result of what they have seen—and this is the focal point of this chapter. In addition to graphic imagery’s role in emotional persuasion, the concept of affect as the precursor to the expression of emotion will also be looked at, as well as the concept of bearing witness as a means of mobilising audiences.

### **Affect and Emotion**

Although the term affect is often used interchangeably with emotion, and they are interconnected, there is a conceptual distinction between the two (Shouse, 2005). Affective responses are the feelings that precede emotion (Zajonc, 1980, p.154): they are the internal bodily responses to an exterior provocation, and the subsequent emotion is the intentional outward expression of that internal, bodily feeling (Hoggett & Thompson, 2012, p.3). Rather than cognitive processes influencing the affective response, the affective response comes prior to the ‘thinking about it’ (Zajonc, 1980, p.158). The subsequent

result is the expression of an appropriate emotion that depends on how a person perceives the subject or object causing a particular affective response (Carroll, 2003, p.59-87). Each of these texts primarily make affective appeals regarding each of these animals in order to 'steer' affective responses towards a particular end, which, in this case, is becoming part of the solution to save each species from the practices the activists see as abhorrent.

## **The Role of Graphic Imagery**

The use of graphic imagery in documentaries works to create a sense of realism, and stir heightened affective responses. Documentaries that feature graphic imagery of real-life events are used within these texts to affectively and emotionally 'move' the audience in some way. I will be using the term graphic imagery to refer to imagery involving blood and gore that is used to elicit affective and emotional responses around shock, suspense, disgust, and/or horror, specifically around the imagery of animal suffering and killing. Documentaries featuring graphic imagery, and sad or tragic events, tend to have an increased lingering emotional impact on audiences when compared with their occurrence within fiction films (Plantinga, 2009b). The main difference between the use of graphic imagery in non-fiction and fiction film is the sense of 'realness': watching a fictional film with the knowledge that the events were pre-planned, re-enacted, and scripted, enables the audience to leave the theatre or turn off the viewing device knowing that the events they saw were not 'real' (although affective responses, such as fear or revulsion, may be stirred at the time of viewing) (Plantinga, 2009b). In comparison, documentaries often feature graphic footage of events that have occurred in reality, and any uncomfortable feelings the audience has as a result of watching cannot be set aside as easily as those intended affective and emotional responses elicited by a fictional text (Ellis, 2012).

Whilst this may generally be the case, repetitive viewing of particular kinds of graphic imagery can potentially cause desensitisation. This theory posits that repeatedly viewing mediated imagery of excessive gore, gratuitous physical violence, suffering, or killing that, if someone were to see in 'real life' would likely be distressing and disturbing, instead causes an apathetic response (Höijer, 2004). Although the extent to which this process may occur is frequently debated, the concept is often used to explain how people

can witness events such as killings in fiction films, and appear not to be distressed by it (Brockmyer, 2013). If viewers are moved by bodily affect but are not being moved into action, then the likelihood of persuading them to care is minimal. In terms of social issue appeals, desensitisation to imagery of distant suffering may explain how one can be 'unmoved' by human-rights appeals, such as those featuring imagery of starving children, because viewers have 'seen it all before' (Höijer, 2004). This same phenomenon is also sometimes called "compassion fatigue" (Moeller, 1999).

In contrast, both still and moving images of animal slaughter are infrequently seen, if at all, by much of the city-dwelling public (Vialles, 1994). Prior to the Industrial Revolution, the slaughter of livestock was a relatively public practice in much of Western Europe, and the United States (Baker, 1993; Cockburn, 1995). Once urbanisation increased, the slaughter of livestock largely disappeared from the public eye, and abattoirs began to be built on the outskirts of cities, or in small, rural towns (*ibid; ibid*). As Malamud (2012) puts it, images of animal slaughter are now "far from the mainstream of visual animals in popular culture. We do not see them very often; they are not pleasant to look at" (p.24). Whilst the city-dwelling public know that the meat they buy has come from an animal, the process prior to buying the packaged meat remains 'invisible'. Burt (2006) contends that since the slaughter of livestock, and animals more generally, is mostly hidden from the public gaze, the word 'slaughter', when it is linked to animals, has its connotations of "horror" and killing minimised due to its invisibility (p.131). When these texts show rather than censor video of dolphins being speared, a whale being harpooned, live sharks being de-finned, and the occasional images of other marine animals being harmed, it comes as a shock to many people by making what tends to be out of sight graphic, confronting, and visible, coupled with a particular sensitivity many seem to have when it comes to seeing or hearing about animal cruelty and suffering.

Much of the sensitivity around seeing animal cruelty or suffering is due to animals' perceived innocence, vulnerability, and inability to speak for themselves (Hampson, 1989, p.74). It is also not at all difficult to elicit sympathy when it comes to seeing animals that have been, or are, being harmed (Fisher, 1992, p.243). Scully (2002) writes that humans are "called to treat [animals] with kindness, not because they have rights or power or some

claim to equality, but in a sense because they don't; because they all stand unequal and powerless before us" (p.xiii). It is this sense of unequal power relations that is central in the construction of vulnerability and innocence regarding humankind's relationship with animals (Burt, 2002). When it comes to the capture of oceanic animals, which involves removing them from the ocean and hauling them onto land or onboard a vessel, their inability to speak, as well as their inability to live, let alone move much on land, also increases the power imbalance between humans and animals. The dolphins being chased into the cove have no chance of escaping from being speared. A whale that is impaled by a harpoon on the end of a rope has no chance of getting away. A shark resisting being dragged out of the water, taken onboard to be de-finned, and then thrown back into the sea alive and unable to swim is inevitably going to die. The voicelessness of suffering animals, and the graphic nature of such footage, is used in the films for the purpose of directing the audience to view these events as horrific and link this to tragedy.

Black (2002) coined the term the "graphic imperative" as a way of conceptualising the idea that within contemporary mediated culture, it is not enough just to hear about something, but it must be made visible; 'seeing is believing'. Given the sensitivity around imagery of animal abuse, and the anger and disgust many people feel when such occurrences are witnessed, the obvious desire is to avoid viewing imagery of this nature. The potential risk of showing this kind of confronting imagery is that it could have the opposite effect: it may provoke viewer anger at being shown the imagery itself, rather than the events being shown. The directors of these texts could just as easily left out the graphic killing scenes whilst still presenting a conservationist and protectionist message. However, because these texts are social action films, and/or are based on the actions of an activist group, *seeing*, rather than just talking about, what really happens is used to provide visual evidence to back the activists' claims, and to stir a strong affective response within its audience members that are in synch with their protectionist stance via graphic imagery. In a scene half-way through *The Cove*, activist Mandy-Rae Cruickshank describes her experience of going down to the beach and seeing blood coming out of the cove. She breaks down as she describes seeing a speared dolphin swim towards the beach and struggle at the surface before it died. Close-up shots help to foster audience empathy or identification with the filmed subject (Creeber, 2008, p.42), and the close-up of

Cruickshank encourages the audience to connect with her and identify with her feelings, and thus share in her sadness at seeing the slain dolphin. This is the first time during the film that a dying animal and blood is seen.

Seeing blood adds to the 'graphicness' of witnessing animal slaughter (Vialles, 1994, p.76). Many people have a natural aversion to the sight of blood; some may even faint when they see it (Marks, 1988). Blood is usually linked with injury and/or pain, and the 'outward' showing of an 'internal' substance is a visible sign of bodily trauma (Tait, 2013). When it is visible, it is counter to the way that people usually see the body as something that is 'contained', where the external features such as the skin cover the internal features such as blood, bone, and muscle (Tait, 2013, p.73). The visibility of blood is increased even further when it disperses in water, enhancing the sense of 'graphicness', the visual 'shock', and/or a sense of revulsion or squeamishness at the sight of blood. Blood has two opposing connotations: when it is contained in the body it connotes life, but when it is outside of the body, it connotes death, or at least signifies its potential (Vialles, 1994, p.76). More specifically, significant loss of the 'life' substance of blood changes its connotative meaning to death (*ibid*). The colour red in and of itself creates a strong affective response in many people by increasing blood pressure and the pulse rate: it provokes a "literal shock to the system" (Sutton & Whelan, 2004, p.98). This, coupled with the sight of blood, and witnessing scenes of animal slaughter most viewers will never have seen before intends to solicit affects such as shock and disgust regarding the bloodiness and the method in which the animals are killed. The subsequent filmmakers' goal is to have these intended reactions translate that into emotions such as anger, and sadness.

Killing large, wild marine animals like whales, dolphins and sharks is much more difficult than the process that occurs in abattoirs (Hurn, 2012, p.167). The commercial slaughter of livestock in western abattoirs involves controlled killings in a contained setting that, according to regulations, result in the quickest and most humane death. This is not to say that animal cruelty does not occur in abattoirs, as it certainly can, and must be addressed when it happens (e.g. CNN Wire Staff, 2012; Garland, 2013; Vincent, 2013). Large oceanic animals, however, are wild, and are often fast moving, meaning that they

are, for the most part, unable to be contained in a controlled setting or kept still by hunters in order to make the slaughter as quick as possible. This makes slaughtering these marine animals more difficult, and often prolongs death, thus raising questions of how humane the slaughter is, or can ever be (Butterworth et al., 2013; Gales et al., 2008; Hurn, 2012, p.167; Claire Bass in Parsons & Bauer, 2013, p.228)<sup>57,58</sup>. Japan Fisheries Agency spokesperson, Hideki Moronuki tells Psihoyos in *The Cove* that the "killing method has been improved substantially, and the fishermen in Taiji are using a specifically-made knife and put the [knife] to the spine, and then most of the animals are killed instantly". However, the footage audiences have been shown of the graphic, bloody visually demonstrates that the killing was not precise, instant, or humane.

Rather than solely relying on slick production techniques, didactic imagery elicits different affective responses. The term didactic refers to footage or photographs where the aim to educate, or inform viewers on moral issues, presides over aesthetics (Wright, 2004, p.223). Both fiction and non-fiction films may feature graphic imagery of violence and gore to horrify, create suspense, or entertain (Plantinga, 2009b). In terms of these texts, the scenes involving animal killing are not pre-scripted or orchestrated by an imaginative director who knows how to use blood and gore to produce darkly 'spectacular', well-sequenced scenes, such as those of battle, war, or physical violence. The filming of these sequences is predominantly done through low-quality and/or shaky recording devices, such as concealed, or hand-held cameras, giving the appearance of being spontaneous. When someone is aware they are being filmed, they can consciously change how they come across in order to frame themselves in a particular way. Filming unbeknownst to the subject circumvents this. Often, there is personal anxiety associated with the thought of being photographed or filmed unaware since behaviour, or appearance, cannot be modified for the camera (Ellis, 2012, p.108-109). Filming subjects without prior arrangement is associated more closely with 'truth', 'authenticity', and 'realism' than that which is pre-scripted, since the subject being filmed does not have the option to play up to, or change for, the camera (King, 2005, p.84-85). The genre of documentary "implies unpredictability and novelty" (Ellis, 2012, p.10), and in these texts this unpredictability lies in the unstaged conflicts between the activists, and the fishermen, whalers, and the authorities, with some being filmed openly, and some unbeknownst to

those the activists are in conflict with. In the cove of the film's title, where the slaughter takes place, the fishermen are unaware they are being filmed by the under-cover cameras, thereby removing any sense of 'scripting' or behaviour modification on the part of the fishermen. In *Whale Wars*, the harpooning of a minke whale is filmed by the cameramen onboard the *Steve Irwin*, as well as from inside the helicopter. Whilst each side can assume the other is filming, the shaky nature of the filming, gives it a sense of being an unpredictable event where the unfolding of it was unscripted. Whilst the flashy, shaky, grainy footage of the animals being mistreated and of the direct confrontation with their opposition is not as aesthetically pleasing as that of a high-quality still-camera, the context of the content, and sense of 'realness' and the sense of 'being there' it fosters also works to place audiences into a position of bearing witness to the filmed events.

### **Bearing Witness to the Killing of Dolphins, Whales and Sharks.**

Bearing witness is a concept primarily centred on an affective experience leading to future action due to seeing a past event. The term witnessing is often broadly used to mean being an observer, or a spectator of an event. Bearing witness, however, is more specific, meaning that witnesses are not only spectators, but also have a moral and ethical responsibility to then act on what they have seen (Felman, 1991). Drawing on the work of Zelizer (2007), Rentschler (2004) states that "witnessing is a commemorative act" (p.298) where the witness will, ideally, be compelled to take responsibility through future action as a result of what they have seen (p.300). People need to first be moved by affect, and then emotion to then be moved to any future action (Felman, 1991, p.39). This means that the witnessed event must be one of moral significance, and is usually to do with "suffering" and "violence" (Hatley, 2000, p.2).

The 'witness' part of the term bearing witness "implies witness of suffering" (Ellis, 2012, p.129). Here, witnesses "must act on their knowledge and become part of the solution, or else they are allowing the problem to continue" (Gibson, 2006, p.27). Acting on acquired knowledge as a result of bearing witness to an event varies according to the situation: it can include working to prevent tragic, unjust, cruel events from recurring, giving testimony of behalf of somebody or something—perhaps someone who cannot speak for themselves, such as the deceased, or on behalf of someone who has been a

victim of crime or atrocity and speaking out about it via news reporting, social media, individual or collective protest, or standing before a court (Quinney, 2000). In the case of these texts, and for many environmental NGOs, using the media as an outlet for the dissemination of video footage, news, and educative material, is central to the attempt of placing viewers into a position of bearing witness: one must be able to identify with the suffering subject (Wapner, 2008, p.433). The media have expanded what it means to witness, and the ways in which witnessing is possible, making way for 'media witnessing' (Peters, 2001). Now, a witness can witness an event through the media (such as an audience member), can be witnesses within the media (such as a journalist), or be witnesses through the use of media (such as the photographer themselves) (Peters, 2001). All this has increased the ability for audience members to be "witnesses [of] a witness bearing witness" (Peters, 2009, p.25); where audiences are "addressed" by the witnessed footage (Ellis, 2012, p.103). Exposing the events that the activists deem unjust and morally repugnant that result in the animals' death are what positions the audience as a witness to the witnesses (the activists) bearing witness. For example, there is a scene in *The Cove*, after the activists have planted underwater video cameras inside the killing lagoon, where they sit in a room together and listen to the recordings taken of dolphins as they are being killed, showing visible distress. Bearing witness need not always be visual; and the audience bears witness to the activists sharing their experience of listening solemnly to the recordings of the dolphins being killed the night before they do their final undercover mission to plant land-based cameras in the cove.

The use of didactic graphic imagery in these texts is not to entertain, but to support the claims of the activists in order for the audience to be more likely to believe. The activists hope that witnessing these animals being slaughtered in a bloody manner will change public opinion, and prompt audiences to take on some kind of responsibility for what they witness. For example, various activists in *The Cove* state that the slaughter will only stop if viewers see it for themselves: Psihoyos believes that "if we could just get in [to the cove] we could stop this", and he wanted to "make a film that would make people change". O'Barry similarly comments that "the way to stop it is keep on exposing it", and therefore the activists "need to get in there and film exactly what happens. We need to know the truth". Felman (1991) states that bearing witness involves exposing the "truth" of

a situation, and this is a key part of being able to take responsibility (p.39). *The Cove* presents the slaughter as a truth-seeking event, where hidden cameras capture the real actions of the fishermen who are unaware they are being filmed, and therefore do not modify their behaviour<sup>59</sup>. Similarly, in *Sharkwater*, the role of the activists is, for Rex Weyler, not to “let [those that they are opposing] get away with it, or at least make them do it in the light of day” for all to see. The premise behind undercover filming the inner-workings of the shark-fin industry is that of truth-seeking. By filming what goes on whilst those being filmed are unaware, the audience may see for themselves and then choose to believe or not believe in its truth.

These texts also give viewers some suggestions for possible future action as a result of bearing witness and performing responsibility. At the end of *The Cove* and *Sharkwater*, the audience is informed that the Taiji dolphin slaughter and the killing of sharks for their fins is still occurring, which places the audience into a subject position of responsibility due to the fact that the acts they have witnessed have not ceased. Although the call to action against whaling is not explicitly advised by the producers of *Whale Wars*, the fact that there is more than one season implies that whaling is still occurring in Antarctica, and it is then up to viewers to decide whether they agree with Sea Shepherd or with the whalers. The audience “understands that no action will influence the events depicted on the screen” (Plantinga, 2009a, p.88). However, what the audience can do is join the activists’ suggested actions to help their cause to prevent such an event from recurring. Assuming that what the audience has seen was interpreted as traumatic, evoking affects such as nausea, shock, or disgust, and evoking emotions such as sadness, and also knowing that these events are still occurring, makes the ‘future action’ suggestions more important. The intended emotions on the part of the audience are sadness and anger, prompting condemnation for what is happening to the animals. However, some audience members may feel immobilised by shock and helplessness, and therefore unable to express or respond to these affects, compounding the sense of horror of what they have seen, and confusion regarding how it is possible to stop something like this from happening again. Likewise, if someone is outraged upon bearing witness to these animals being killed, they may be more likely to know how to get involved in stopping it, and to do so whilst emotions are running high. Feelings of immobilisation, of

outrage, and/or of wanting to 'transport oneself' into the killing scene/s to immediately intervene and stop the acts, are why these suggestions or actions viewers are encouraged to take, or the actions activists take on behalf of audiences who support them, are so important: they are what guide affect and channel emotion to a particular end favouring the activists' cause.

Whilst these texts do seek to horrify viewers with the killing footage, the sequences following the killings act as a 'reprieve' and a time of reflection for the audience. In *The Cove*, the segment after the slaughter is one of the most emotive segments of the film, which is used to elicit sympathy from the audience towards the dolphins. As poignant music begins to play, slow motion footage of dolphins swimming and leaping is shown. The music signals that the audience should be feeling deeply moved and upset by the previous slaughter scenes, and the slow-motion footage of the dolphins is used for dramatic emphasis. This tranquil footage is used to contrast with what many would consider to be disturbing images of the slaughter, and it also allows the audience to reflect on what they have just witnessed. Similarly, after a series of shark killing scenes in *Sharkwater*, footage of marine life swimming peacefully plays to tranquil backing music to try and 'bring' the audience back into a more calm frame of mind, whilst accompanied by a commentary pointing out that there is still hope for saving sharks, thus giving the audience who may be distressed at such scenes a sense of relief. *Whale Wars* is different from these previous texts in the sense that the primary goal of Animal Planet, as producer, is profit over advocacy. Many mainstream wildlife and/or conservation shows tend to shy away from anything too "grim" (Blewitt, 2010, p.191), and the death of the whale is not shown for very long. In the sense of the reprieve, the witnessing of the whale's death is followed by an aggressive engagement with the whaling vessels seeking vengeance against the whalers for killing the animal they are trying to protect. This works to give the audience members who may be shocked and saddened by the death of the whale a sense of 'relief' via the actions of the Sea Shepherds who are moved by affect and emotion and turning this into action against the whalers.

At the end of *The Cove*, O'Barry walks into an IWC meeting with a television strapped to his chest playing a video of dolphins being killed. The delegates in the

meeting react in varying ways: some appear angry, some smile awkwardly, and some appear confused and shocked as to why this man has interrupted a meeting, and he is soon escorted out of the meeting by security. In taking this action, he confronts the delegates—the ones whom have the power to directly influence discussions in IWC meetings—with a graphic video in order that they bear witness to what is going on inside the cove, and witness an event that would otherwise be invisible. In a sense this may lessen the immediate overwhelming affective response some in the audience may experience as there is some onscreen action being taken on behalf of the viewer with regards to the dolphin's plight.

Potentially, the slaughter events in these texts could be watched and perceived as something no worse or morally different from the killing of livestock<sup>60</sup>—a position pro-whalers may take (Hirata, 2005). Such scenes could potentially even be viewed by some with a morbid fascination. Some may view participation in the activists' cause, such as signing petitions, as something not worth their time—even if they were emotionally 'moved' at the time of viewing. These films, however, try to dissuade viewers from taking these positions through the construction of their arguments, and instead frame these events as tragic, and traumatic for the animals.

## **Conclusion**

In his book *Distant Suffering: Morality, Media and Politics* (1999), Boltanski says that, "when it is impossible to act directly [upon witnessing distant suffering,] the distant spectator must rely on the powers of effective public speech" (p.172). In the case of these films, the activists and/or filmmakers are intending to move the audience into action by directing those affects to their own goals: becoming part of their cause, and becoming a 'voice' for these animals. The filmmakers, by positioning audiences as subjects who bear witness to the texts' imagery of slaughter, intend to stir affective responses. Emotions are sometimes (unfairly) seen to be the opposite of more scientific, "rationalistic, structural, and organizational models" of thinking (Goodwin et al., 2001, p.1) and being overemotional is sometimes a critique of animal advocacy causes (DeLoach et al., 2002). There is one final categorical appeal in the rhetoric of persuasion that works with ethos, and pathos: the appeal to logos, working as a counterbalance to potential criticisms of sentimentality.

# Chapter 5

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## Logos (λόγος): What is Said

***“Science is much more than a body of knowledge; it is a way of thinking.”*** — Carl Sagan, American astronomer and space scientist<sup>61</sup>.

***Law: “Reason without passion.”*** — Aristotle<sup>62</sup>.

### Introduction

The third and final persuasive technique is logos: the appeal to reason or logic through argument. The use of discourses that are culturally perceived as authoritative and credible function as a justification for particular actions, beliefs, and/or behaviours. There are two main discourses that will be focused on in this chapter: science (namely biology and the applied science of conventional medicine) and the legal system. Economics, specifically related to job opportunities and profits, also play a role in how the environment is understood, utilised and subsequently treated (Traer, 2009), and whilst economic discourses are also used in these films, those of science and law are the most prevalent.

My aim in this chapter is to look at just how the activists draw on culturally-potent discourses in order to discursively produce themselves as the bearers of scientific truth and integrity, and/or as upholding and obeying the law, and how this functions as a method of persuasion. Of particular focus will be how these arguments are put forth and used in order that the audience may be persuaded not only via the subjective emotional dimension, but be move beyond emotion through reason or logic.

Discourses that are perceived to be objective work to complement and legitimise appeals to pathos. During the eighteenth and much of the nineteenth century, sentimentalism was “considered vital to Western aesthetic and philosophical discourse”

(Armstrong, 2011, p.175). During the late nineteenth century, sentimentalism began to increasingly be viewed as something that was irrational and excessive, and as interfering with the ability to be objective (Schroeter, 2006). If this is the case, making an appeal to audiences by drawing on discourses associated with objectivity, logic, and reason means that the activists are able to somewhat 'escape' accusations of being entirely sentimentalist. However, emotional responses need not be discarded as if they have no meaning in and of themselves within orthodox scientific thought, and need not necessarily be seen as a hindrance to cognitive reason. Equally, emotion does not need to be romanticised as being better than reason (Friedenberg & Silverman, 2012), and this is why pathos and logos are best used in combination (*ibid*, p.303). Paradoxically, these different appeals may, at times, also "interfere with one another": if emotion is seen to interfere with the ability to be 'objective', then the appeal to reason can be used to facilitate the use of emotional persuasion (*ibid*). Similarly, if appeals to reason are void of emotion and appeal purely to the cognitive, this ignores a vital part of what makes humans human: emotional reactions and responses. In short, using a combination of persuasive techniques and arguments that complement rather than detract from one another has a greater chance of persuading audiences comprised of a range of people with different values, beliefs, priorities, and attitudes.

### **The Discourses of Biological Science and the Applied Science of Western Conventional Medicine**

The discourses of hard science are frequently associated with objectivity, and are perceived by many in western society as credible and authoritative when it comes to explaining how the physical and natural world works (Couvalis, 1997; Milton, 2002). However, as Foucault (1980) has noted, power is not absolute or concrete; it can shift, and, with time, power positions and relations can change. It is the competition between discourses that claim to be the 'truth' that result in "power struggles" (Mills, 1997b, p.21). Prior to the relatively recently esteemed status of orthodox science in the west, Judeo-Christian discourses were culturally dominant when it came to framing and explaining how the world worked (Aronowitz, 1988; Dawkins 2009). Now, the discourses of conventional science have mostly replaced or relegated those of religious institutions as the more authoritative and powerful discourses in western society for explaining how the world

works (Aronowitz, 1988, p.60). Conventional science “has thus successfully laid claim to the monopoly of truth production” (Epstein, 2008, p.137), and “as the authoritative discourse on truth, regulating both what can and should be known within specific discursive orders [for example, those within biology], which constitute, in turn, particular ‘regimes of truth’” (*ibid*, p.119). As Burnett (2012) puts it, “it is—after all, and for better or worse—the scientists’ techniques for producing knowledge of nature that have proved more robust and authoritative in the modern world” (p.3).

If conventional science “is discursively mobilized as the language of rationality and the authoritative discourse on truth”, then, in theory, disputes should be easy to resolve because scientific knowledge “will unequivocally reveal the appropriate, rational course of action” (Epstein, 2008, p.248). This, however, is rarely reality. The reason that disputes often continue is because the ways in which science is discursively mobilised is not neutral or value-free: values and beliefs play a role in how discourses are viewed, and how supporting arguments are constructed within these discourses (Nichols, 2010, p.79). This is something that is evident in some of the bigger debates within science where opposing parties joust one another in an ‘ownership struggle’ over ‘true science’, such as those between mainstream and alternative medical discourses (e.g. Largent, 2012; Richards, 1991). Debates within the natural sciences are no exception to this (Cox, 2013, p.322), and differing sides in environmental debates draw on scientific discourse in the hope that their argument may be understood as the more compelling, evidence-based, rational, and credible one (Epstein, 2008, p.119; Pielke Jr, 2004).

In these films, the activists essentially hold a universalist view of science where western modern science is framed as the correct one that is concreted in reality and less likely to be ‘tainted’ by subjectivity; where “hypotheses and theories ... are telling us something about a part of reality as it actually is in itself” (Stanley & Brickhouse, 2001, p.37-38). Science, then, is seen as being able to transcend the subjective—such as populist, cultural, or personal opinion—and occupy a space that is independent of these things, where “the force of reality is more powerful than any cultural attempt to interpret it” (Stanley & Brickhouse, 2001, p.38).

Whilst this may be the case, my analysis will not involve arguing whose science is right or wrong. My analytical focus is on the communicative process itself and how opposing parties utilise scientific discourses, rather than whether the claims they are making within the texts are true or not—although one can reasonably assume that the activists and those they are opposing hold views of science that they deem to be true and right. The point that I will focus on here is that, because science is considered the pinnacle of objectivity and a key to finding truth, differing sides use it in order to claim the prime position of authority and objectivity.

Whilst the films I am analysing significantly rely on anthropomorphism, anthropomorphism is often viewed suspiciously by many working in the field of conventional science (Allen, 2004, p.589). Critics usually frame anthropomorphism as something anecdotal and subjective rather than objective, and it may almost be perceived as a kind of 'anti-science' (Mitchell & Miles, 1997). A more balanced perspective regarding anthropomorphism is that it is neither good nor bad, nor entirely negative or non-scientific (Mitchell, 2005). Rather, anthropomorphism can be necessary in the sense that it helps people relate to animals and their behaviours, and "makes other animals' worlds accessible to ourselves" (Bekoff, 2006b, p.463). Nonetheless, because anthropomorphism is often viewed as sentimentalist by much of the orthodox scientific community, the use of objective appeals within these texts works to balance this out. In doing so, the filmmakers and activists can still anthropomorphise animals to a certain degree in order to foster an emotional connection, or to show their similarities or differences to humans, but use appeals to logic to give the text a stronger sense of authority.

In relation to environmentalist causes, the labelling of some environmental activists as "tree-huggers" by those that disagree with their activities works to undermine a cause by associating its advocates with excessive emotion and 'bleeding hearts', lacking in solid, rational, scientific reasoning for why they do what they do (DeLoach et al., 2002). For example, in *The Cove*, Morishita addresses the media at an International Whaling Commission (IWC) meeting, and describes the whaling debate as being more about "emotions" than logic, and argues he has "never heard a convincing reason why this species is so special". Pro-whalers may discursively produce anti-whalers as overly

emotional subjects when it comes to saving cetaceans (Kalland, 2009, p.192), and by framing what he sees as an overly emotional reaction from anti-whalers, he discursively produces the activists as unobjective and driven by emotions rather than reason. Since the IWC is the international body that regulates whaling, anti-whalers may be viewed as sentimentalists that have no right to participate in making decisions in the more 'rational' fields of resource management (Kalland, 2009, p.192). To the whalers, the public has fallen for the "anti-whaling propaganda" (Komatsu & Misaki, 2001, p.119) thanks to the "crazy greens" (Kalland, 2009, p.190). Thus, pro-whalers who accuse environmental organisations as being profit-machines work to "dismantle the image of activists altruistically devoted to saving nature" (Kalland, 2009, p.193). This is where the discursive definitional struggle appears. If activists can be associated with 'bleeding hearts' and runaway emotions, then using scientific discourses becomes a way for them to reclaim credibility.

### **The Science of Ecology, Endangerment and Evolution**

The discourses of the natural sciences play a significant role in debates and conflicts around the environment and its treatment (e.g. Epstein, 2008; Stoett, 1997). Biological science is of particular note here, and the activists within these texts draw on biological discourses, namely those of ecology, environmentalism, endangerment, and evolution as a means of legitimising their arguments. Ecology is a branch of zoology and biological science that "studies the relationships between living organisms and their environment [and] the structure and functions of nature" (Miller & Spoolman, 2012, p.G4). A related discourse that is sometimes confused with ecology is environmentalism, which centres on the protection of these ecosystems in order to benefit all life on earth (*ibid*). Ecology and environmentalism are interconnected in the sense that those in the environmentalist movement may draw on ecology to support or necessitate their arguments and proposed actions/solutions, whilst environmental concerns can also initiate ecological studies and investigations. The presentation of an ecological problem with an environmental solution, or an environmental problem with an ecological solution, is present in each of these texts, and these are discourses that the activists, as well as their counterparts, may draw on in varying ways.

## Ecology

One of the struggles over the 'ownership' of scientifically-sound ecological knowledge centres on how fish stocks should be managed, and opposing sides draw on an ecological discourse of consumption in different ways. In terms of pro-cetacean hunting rationale, cetaceans are sometimes discursively produced as 'pests' consuming too many fish, or, more specifically, too much of the same fish species also targeted by commercial fisheries (Lavigne, 2003). Whalers, then, may assign whales with the status of a 'pest' that competes with humans for seafood (Burns et al., 2001, p.222). Within this discourse, cetaceans, rather than overzealous fisheries, get the 'blame' for depleting fish, and so causing ecological problems. In *The Cove*, audiences are told that the fishermen use this reasoning to justify the dolphin slaughter: because, as O'Barry claims, they "are being told by the government dolphins are eating too many fish in the ocean". When Japanese IWC delegate Morishita gives a presentation at the IWC proposing this idea, he is dismissed as using faulty logic, or, as the Brazilian delegate says, he gives an argument that "amounts to biological nonsense". The activists and those opposing cetacean hunting draw on a different set of ecological ideas in order to justify their case by stating that humans are the ones consuming too many fish, and cite a report from the journal of *Science* (article by Worm et al., 2006)<sup>63</sup> that, at the current rate of fishing, fish stocks will run out in the next 40 years. This, according to Payne and Watson, could "cause the greatest public health crisis the world has ever faced", and could cause the marine ecosystem to "collapse". The argument is that if changes—such as the ones the activists are advocating—are not made now, and if catch numbers are not drastically reduced, there will be an oceanic apocalypse of sorts that humankind will be unprepared for.

Overfishing is one of a number of ecological issues that are part of the wider environmental apocalypse discourse where a doomsday looms, and where humanity will pay the price for the collective disrespect of, and disregard for, the natural world (Fava, 2013; Foust & O'Shannon Murphy, 2009). Whilst the environmentalist movement is as diverse as it is broad, a commonly shared sentiment is that of green justice, or "environmental justice": trying to 'make up' for some of the harm that humans have caused and done to the natural world (Bell et al., 2001, p.31). The rationale for environmental justice is that the loss of particular species does not just affect one country,

but may negatively impact on the rest of the international community (Jamieson, 1994, p.206). Likewise, if conservationist-centred policies and principles are implemented, then “the entire world benefits” (Jamieson, 1994, p.206). This simultaneously runs into problems of sovereignty, and whether science transcends cultural difference and relativism (Jamieson, 1994, p.206). However, the activists attempt to discursively produce their scientific arguments as universally valid and beneficial to ‘Us All’, and the underlying assumption here is that science is something that transcends cultural boundaries. For example, in season one episode one of *Whale Wars*, Watson says that “if life in the oceans dies, we die”, and, in a reflection special, states that “if we can't save the whales then we aren't going to save the fish, if we can't save the fish then we can't save the oceans, and if the oceans die, then we kill ourselves, so it's really a question of self-preservation” (S4:E11). The primary purpose of an apocalyptic discourse is to present a dystopian vision of what could possibly happen if something that is being argued for is not done as a means of prompting some kind behavioural or social change (Killingsworth & Palmer, 1996, p.22). This discourse is most obvious in *Sharkwater* as the worldwide decline in shark populations and the need for their protection are the focal points, and the activists warn that, if current rates of shark-fishing and de-finning are not dramatically reduced or stopped, many shark species will likely become extinct in the near future—a perspective that, since the film’s release in 2009, continues to be of great concern (e.g. Kraemer, 2013; Vélez-Zuazo & Agnarsson, 2011; Ward-Paige et al., 2012)<sup>64</sup>. Unlike most bony fish, sharks have low fecundity rates: they can take up to 15 years to reach sexual maturity and their gestation period may be as long as 22 months, making population recovery very slow (Crawford, 2008; Mace et al., 2005). However, the activists also emphasise that more stringent laws would at least prevent, or, minimise, an ecological disaster that will negatively affect much of the world. Through their narratives, the activists in the film discursively produce and present sharks as a threatened species that is vital to the future survival of life within the ocean, and position themselves as the possessors of the truthful argument because they have ecological science to support their views.

At the start of *Sharkwater*, Stewart says that “the one animal that we fear the most is the one we can't live without”, beginning the films’ discussion of the shark's role within nature, guided by the use of biological science discourses. The film ends the same way it

starts: pointing out the ecological necessity to protect sharks since protecting sharks protects and preserves the rest of the ecosystem and humankind itself, particularly since the ocean is described in ways that highlight its importance for human survival. Marine biologist Sylvia Earle states that “sharks are beautiful animals and if you’re lucky enough to see lots of them that means that you’re in a healthy ocean. You should be afraid if you are in the ocean and don’t see sharks. That means the ocean is in trouble, and if the ocean is in trouble, we’re in trouble” (Huffington Post, 2011). It is this sentiment drives much of the rhetoric in *Sharkwater*. If people come to understand the true nature of sharks and their ecological importance, it may “ignite concern for conservation” (Stafford-Deitsch quoted in Compagno et al., 2005, p.7). For Goodwin (2006), “the whole point of the self-styled ecology movement, surely, is that we must learn to see things in their largest possible contexts. In those terms, it is global forms of the issues that really matter” (p.12). In these textual examples, advocacy around the protection of marine life is framed as part of a wider issue that goes beyond the animals solely focused on in the texts, to the marine ecosystem as a whole. This not only invokes the ‘us all’ rather than the ‘self’ or the ‘other’, but also places the audience into a position of responsibility by framing marine conservation as universally imperative, and requiring global cooperation.

### **Endangerment**

Whether an animal is endangered or not, and what this subsequently means regarding their treatment, is another discourse opposing parties may utilise. Lavigne (2003), drawing on the work of Berry (1993), points out that environmental conflicts involving science come down to a “facts/values” clash: sometimes the facts themselves will be in dispute whilst the values held by each party are the same. For example, most parties involved in marine life management debates do not ultimately want to endanger the species involved, but the population figures that may determine possible values may be in dispute (Kalland, 2009). Similarly, sometimes values are in dispute whilst the facts are agreed on: a species may be endangered, but what should happen next is disputed. For example, whalers may make just as much use of the environmental, or ‘green’ discourse as anti-whalers (*ibid*, p.80): “both environmentalists and whalers stress the importance of sustainable use of natural resources and biodiversity. And both sides believe that animals should be treated

humanely" (*ibid*, p.211). What this actually entails, however, is the entire reason that there is any debate, conflict, or diplomatic standoffs. Anti-whalers and pro-whalers have completely divergent views about how endangered or at risk of endangerment whales are, with each side trying to shape the dominant discourse in relation to specific elements of the whaling debate (Couzens, 2014; Epstein, 2008; Kalland, 2009). For example, pro-whalers may say that minke whales are a species that some argue is populous enough to sustain 'controlled harvesting' (Flannery, 2003, p.45). Anti-whalers, on the other hand, are of the position that many whale species are still recovering from prior commercial whaling, and if commercial whaling is permitted once more, populations could potentially become dangerously low again (Campaign Whale, 2013). In *Whale Wars* Season five episode one, Watson draws on the endangerment discourse when he states that, "every whale population's under ten percent of their original numbers. They've been reduced by ninety percent. If there's no healthy population of whales, there's no healthy ocean". Also, because of the environment whales live in and the challenges associated with oceanic research, and given the shyness and elusiveness of some species, the population numbers are only estimates, leaving some ambiguity as to the accuracy regarding the numbers of whale species (Cooke, 1991, p.11). Whales have slow reproductive rates meaning they produce few offspring, and when they do, the calves stay with their mothers for long periods of time relative to many other species (Simmonds & Brakes, 2011a, p.170). Some calves never leave their mothers; female sperm whales remain part of a matriarchal pod (Whitehead, 2002, p.1169). When the endangerment discourse rather than the intelligence discourse is used, the line of argument shifts away from an appeal to pathos to logos; to a discourse of fact-based conservation concerned with population status, and the need to preserve numbers to prevent further damage to the present population numbers.

## **Evolution**

The activists also utilise the discourse of evolution. Founded on the works of Charles Darwin (Darwin, 1871,1882), evolution is accepted and viewed as authoritative by the majority of orthodox scientists (Paxton, 2013). In relation to these texts, the incorporation of the secular evolutionary discourse works to code the films with authority, and add credence to the texts' credibility. Considering the evolutionary success of sharks, it is not

surprising that this discourse is particularly apparent in *Sharkwater*. Crawford (2008) argues that the sharks' "longevity on the planet is reason enough for their preservation, particularly when we consider that the only threat to their future existence is us" (p.11). The narrative in *Sharkwater* and its framing of sharks, suggests a similar sentiment: they are described as having existed for 450 million years, survived while the dinosaurs became extinct, and remain both an apex-predator keeping the predator-prey ratio in balance, and one of the ocean's 'trophic cascade' controllers. Drawing on the evolutionary discourse discursively produces the shark as a unique, key-stone species which, in terms of scientific rationale, means that to exploit their populations to an high degree is, in a sense, to violate the 'law of nature' itself. The law of nature has existed and worked for millions of years before humans came to be, and to mess with this is to create detrimental, far-reaching problems that may not be fully understood until it is almost too late. Additionally, given the international scope of shark population decimation, what may have once been a regional conservation problem is now an international one, requiring international dialogue, treaties, agreements, and public pressure to make these things happen (Techera & Klein, 2011, 2014). Thus, if it is in the interest of science to protect sharks, this becomes a reason to seek their protection, and this is essentially what the activists are advocating needs to happen, or needs to be improved.

### **The Applied Science of Western Conventional Medicine**

The institution of conventional medicine holds a place of power and authority in western society (Eckert & McConnell-Ginet, 1992, p.450). Kalland (2009) states that the discourse of conventional western medicine has been incorporated into the anti-whaling debate, where the consumption of whale meat is not only discursively produced as a practice of immorally killing intelligent whales, but also as bad for human health (p.87). Although this discourse is present in the wider anti-whaling debate, it is only briefly mentioned in *Whale Wars* itself. This health-related discourse is, however, present in relation to the hunting of dolphins in *The Cove*, and of sharks in *Sharkwater*.

*The Cove* makes an appeal to reason by raising the issue of mercury poisoning. In doing so, the film moves away from what potentially could be labelled as anecdotal speculation regarding dolphin intelligence and sentience as a reason to stop the slaughter,

to the less emotive and more scientifically-observable phenomenon of mercury poisoning. Mercury (Hg), along with its compounds is a highly dangerous and toxic substance, and is "neuro-, nephro-, and immunotoxic" (Bose-O'Reilly et al., 2010, p.186). The mercury segment is introduced by O'Barry, who says that there is "deliberate [media] cover-up" in Japan around the distribution of dolphin meat because it is "heavily laced with mercury". During the segment, two scientists are seen testing dolphin meat for species identification, and heavy metal toxicity. By using two qualified bio-chemical scientists to perform tests and talk about the results, the segment moves beyond affect and emotion and towards reason, allowing the audience to also condemn the dolphin slaughter on the basis that dolphin meat is poisoning its human consumers, so not eating it in order to avoid poisoning benefits both human and creature. Here, dolphin meat is not discursively produced as a delicacy, but as a tainted, toxic, and mercury-laced, leading to truth claims that legitimise the activists' argument that eating dolphin meat is detrimental to people's health. If audience members are not moved by the film's emotional appeals, then this may persuade them.

The segment on mercury also gives an apocalyptic, grim picture of the health of the next generation in Japan if dolphin meat continues to be consumed by drawing a parallel between mercury exposure via tainted dolphin meat, with the 1956 break-out of mercury poisoning in Minamata, Japan. The black and white archive footage from 1956 contrasts with the contemporary, coloured images, intended to factually show that what happened in the past could potentially happen again albeit in a more insidious manner, and how dolphin meat is contributing to this potential danger. Footage from 1956 of children who were born deformed due to mercury poisoning makes the negative effects of mercury poisoning observable. Whilst mercury poisoning can be acute, this is now a rare phenomenon, and it is the cumulative effects of mercury in the body that is more common, and the focus of mercury-related medical concern (Bensefa-Colas et al., 2011). Exposure to the chemical—even in low-doses over long periods of time—can cause damage to the renal and central nervous systems and the destruction of neurons (Eisler, 2007). In O'Barry's words, "it doesn't just knock you over dead. It takes a while". O'Barry also gives a list of symptoms of mercury poisoning while a clip of a brain neuron being destroyed by mercury plays to demonstrate this is physically observable by science, is

evidence-based, and thus factual. As discussed in Chapter 4 on pathos, “the most common accusation against [those against cetacean hunting] is that they are irrational and led by emotions” (Kalland, 2009, p.212)—something the activists are no doubt aware of. As Psihoyos speaking about the fishermen says, “we’re not going to win over them or the other Japanese on any animal-rights issue. But we can win on the toxic-meat issue because that is very, very real” (Toumarkine, 2009).

Whilst appeals to logos may initially move and persuade people through objective reasoning, and that may then bring an emotional response that requires future action, such as when emotion can reaffirm a fact. In the case of mercury poisoning, the toxicity of mercury is a fact based solely on logic. On the other hand, the sequence featuring the black and white footage of deformed and disabled children poisoned by mercury, and their visibly distraught parents in Minamata, appeals to the emotions, and is used to reaffirm and provide evidence for the fact that mercury toxicity is dangerous. This makes the distinction between human rights and animal welfare slightly blurred, as the discussion on mercury poisoning and its impact on humans moves the argument towards that of human rights.

The health discourse in *Sharkwater* is less about mercury exposure and more a critique of how shark-fins are perceived within the traditional Chinese medicine paradigm<sup>65</sup>. China is the leading market for shark fin (Fabinyi, 2012), and in traditional Chinese medicine, shark-fin is believed to rejuvenate the body, and is seen to have anti-carcinogenic properties (Vannuccini, 1999); it is sometimes even touted as a potential cure for cancer (Cassileth et al., 2001). The activists disagree, and Stewart states that, “there's no scientific backing to this ... it's actually been proven to do nothing to cure disease, and now sharks are so contaminated with mercury and other pollutants that we have put in the ocean that eating shark products is more likely to cause disease than cure it”. What is essentially in conflict here are two different models of medicine: traditional Chinese medicine and conventional Western medicine. Whilst these two paths of conceptualising medicine are not complete opposites and are often complementary (Shorter & Segesser, 2013), the nuances and strengths and weaknesses of each model are not elaborated on in *Sharkwater*. Rather, they feature in the film to demonstrate a difference in views on the

role of shark fins in medicine. Goh says that western medical professionals have provided evidence that the “sharks never get cancer and die”, presumably knowing that mainstream western medicine holds a place of authority in western society, and attempting to prove his point is correct in both the traditional Chinese medicine model and the Western medicine model. The film, on the other hand, favours the western conventional medicine model that does not proclaim any medicinal usefulness or benefit from shark fins.

In short, these appeals add another dimension to the argument of why the exploitation of these animals needs to be reduced and prevented—this time on medical grounds—because of the health consequences of eating dolphin meat, as well as consuming shark-fin. In doing so, arguments that could be perceived as sentimental give way to those that are associated with conventional western medicine initially targeting a predominantly western audience.

### **The Legal Discourse**

Using the legal system to justify actions is particularly potent and persuasive. In its most succinct and basic definition, the law is “the enforceable body of rules that govern any society” (Martin, 2013, p.316), and is associated with authority, and social power; where those that follow the law are discursively produced as good citizens, and those that break the law are seen as deviants. Laws vary from country to country on particular subjects depending on interpretations of what is moral and ethical, but this is not a point I wish to argue here. Rather, I will be looking at how groups putting forth specific arguments do so under the assumption that the law is linked with ideas of good citizenship, and of objectivity by relying on facts and evidence. In effect, using the legal discourse is a means of strengthening a particular position or argument to move beyond affect and emotion, and towards ‘rationality’.

In each film, the law acts as a shield and protector, as a weapon, and as a hindrance and cause of trouble for the activists. They may uphold the law, use the law to their advantage, use the law to shut down the opposition, break the law, or bend the rules. If abiding by national and international laws is linked with good behaviour and integrity, then the need to break these laws must be for good reason. This requires that the

filmmakers, and/or the activists work to justify their reasons for doing so in order that the audience may also see it as being necessary rather than criminal.

In *The Cove*, the opening line of the film is "I just want to say that we tried to do this story legally...", signalling that, whilst intentions may be good, there is some law-breaking later in the film. The rest of the film justifies and rationalises these actions through various means, such as those described in the previous chapters. The formation of international and national regulations for protecting cetaceans has been the result of a combination of pressure from conservation groups, media, and various governments, predominantly those of non-whaling western states (Thompson & Wilson, 2001, p.67). However, while it is not illegal to hunt dolphins in Japan it is illegal to trespass or violate the local laws whilst in Taiji, and, if the activists were caught planting cameras or wandering near *The Cove*, they would be taken into custody and become subject to Japanese law. Although some viewers may seriously question the activists' activities and methods, the integrity of the activists is not scrutinised within the film. Instead it gives an explanation which viewers may accept or not: they sought to interview the fishermen to hear their views, but could not get permission from the Taiji council to do so. O'Barry emphasises that the IWC only focuses on large whales, and is "not talking about the 23,000 [dolphins and porpoises in Taiji] being slaughtered". The IWC is, at present, the only major cross-cultural organisation whose purpose is to regulate and maintain the agreements around the killing of large baleen whales and sperm whales, but it comes down to national regulations and laws to determine the level of protection given to small and medium-sized cetaceans (Axs TV, 2012). Since there are no international bans or enforceable guidelines on the hunting of the small cetaceans like there are for the large whales, for O'Barry, getting the IWC to recognise dolphins as whales and include dolphins in any hunting bans is of significance, notably demonstrated when he interrupts an IWC meeting with a television strapped to his chest featuring footage of dolphins being killed. If this was able to be achieved, the legal system would have more control, and activists within Japan would have more protection under the law.

Since the conflicts in Antarctica between Sea Shepherd and the whalers revolve around the IWC conventions, the legal discourse is, not surprisingly, particularly strong in *Whale Wars*. Prior to the start of each episode, the narrator states:

The Sea Shepherds say the whalers are violating an international ban on commercial whaling. The whalers say they are legally killing whales for scientific research. Both claim to have the law on their side (S5:E1).

The result is a deadlock, and since both Sea Shepherd and the whalers believe they are in the right, the actions each takes against the other are framed as justifiable. From a logistical perspective, high seas law enforcement is both difficult and costly (Kurukulasuriya & Robinson, 2007), and Sea Shepherd has taken it upon itself to be the 'ocean police'. The whalers accuse Sea Shepherd of being a vigilante group, but Sea Shepherd maintains that it is upholding international maritime law by policing these rules since they do not think that governments are truly upholding international laws (Nagtzaam & Lentini, 2007). Watson explains that "[Sea Shepherd] shouldn't be doing this; the government should be doing it. But if they're not going to do it, we will" (Watson, S1:E1), and "we do not protest. Protesting is fundamentally submissive. We are enforcers. We sail to enforce the law" (Watson cited in Cohen, 2002, p.55). Benjamin Potts and Giles Lane illegally board the *Yūshin Maru No. 2* to hand the captain a letter stating that they are breaking international law, and with the purpose of starting a diplomatic incident (S1:E2). Illegally boarding a ship is a violation of international sea law, as well as an affront to a Captain, but the rationale used by Watson is that the whalers are the ones violating international maritime law as a justification for vigilante behaviour: they have the law on their side making their behaviour rational, justifiable, and the logical thing to do to protect whales.

## **Conclusion**

As Walpole and Leader-Williams (2002) argue, modern conservation campaigns have increasingly become more of a popularity contest based on a species' charisma, compared with campaigns focused more on scientific and ecological principles. By linking their conservationist stance with the considered-to-be-objective discourses of science and legality, the activists in these films discursively produce themselves as the bearers of

scientific truth against what is perceived as the pseudo-science of those they oppose. These authoritative discourses are also used to appeal to a wide audience, particularly those who are very 'science-minded', or are natural skeptics. Since audiences are always a blend of people with different beliefs and values, different kinds of appeals need to be made by the filmmakers and the activists to gain as much support as they can for the cause.

# Chapter 6

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## Conclusion

***“The greatest threat to our planet is the belief that someone else will save it.”***

— Robert Swan, Antarctic explorer<sup>66</sup>.

### Thesis Summary

This thesis has analysed some of the ways that the imaginaries around dolphins, whales, and of sharks are represented in the films *The Cove*, *Whale Wars* and *Sharkwater*. Animal imaginaries are cross-culturally variable, and this project has highlighted some of the ways in which intercultural conflicts and diplomatic standoffs surrounding the treatment of these animals have developed in the public arena. Understanding the interplay between animal imaginaries and how they are used to further particular ideological perspectives has allowed me to deconstruct the ways in which the filmmakers and/or activists construct the film to prompt sympathy and care towards the animals; support for their own cause; and antipathy towards the hunters/industry spokespeople.

Audience members hold assorted beliefs and values and only some will agree with the ideological arguments and meanings producers or editors of television shows and/or films wish to convey (Fiske, 2009). What one audience member sees as important or moving may not be shared by the person sitting next to them (Fiske, 1988). This is why persuasive documentaries, if they seek to mobilise the public, need to use a range of arguments to appeal to different people involving a carefully-crafted argument to come across as convincingly as possible. Aristotle's rhetorical proofs of ethos, pathos and logos were used to thematically organise the kinds of appeals made in each of these films.

In Chapter 2, I provided some background information on the genre of documentary and its association with authority and truth. While media texts reflect their creators' particular interests, perspectives and ideologies (Lowe, 2012, p.317), those

directed/written by activists make their bias apparent, and try to prompt audiences into future action via their arguments, and encourage the viewer to take an interest in the broader topics and issues that are raised. As demonstrated in this thesis, persuasive attempts can occur in a number of ways, such as via anthropomorphism, cinematic techniques, and verbal and visual discourse. These elements are used to propel particular arguments that can be analysed using Aristotle's artistic proofs as a framework and discourse analysis as a method to analyse *how* these films promote the ideologies and goals of the filmmakers through language and the construction of knowledge and truth.

Chapter 3A analysed the ways in which dolphins, whales and sharks are discursively produced in the films as possessors of a good ethos, encouraging a positive emotional connection between the audience and the animal. For dolphins and whales, this occurs via reinforcing the positive representations of cetaceans within much of the western imaginary. Dolphins are represented in *The Cove*, and whales in *Whale War*, in ways that break down the human/animal divide: as highly intelligent, friendly, socially and cognitively complex, and possessing sentience and consciousness suggestive of being higher mammals, and subsequently raising moral and ethical questions around killing them. For sharks, it is via the modification of the imaginary of fear and dislike to one of respect and care. This occurs by representing the shark as misunderstood, shy, and ecologically essential, rather than the more stereotypical representations of a hyper-aggressive, dumb, blood-lusting animal.

Chapter 3B looked at the ways in which the construction of the activist 'hero identity' framed the activists as ethical, moral protectors of the animals in order to persuade audiences to side with them. In order to do so, the construction of the 'hero identity' was dependent on the representation of the hunters as 'the other', or 'the villain'. The activists are personalised and thus humanised; the sometimes life-threatening risks they take to save the animals from the hunters are made known and is framed as a reflection of their dedication; and their actions are documented and legitimised in the films. Collective emotions play a role in any social/environmental cause involving activism, and, via the personalisation of the activists, audiences are encouraged to identify with them. The activists promote a universalist position rather than one of cultural relativism

regarding the perception and treatment of these animals. To lessen the chance of being accused of cultural imperialism, the activists frame their cause views in terms of human well-being and as part of something bigger: overfishing will negatively impact on the future and welfare of all humankind; and the consumption of dolphin meat will poison people. This works as a rhetorical technique to persuade audiences to become supportive of their views.

Chapter 3C focused on the discursive production of the ethos of the hunters and industry spokespeople, and how they are represented in a manner intended to prompt audience antipathy towards them. The construction of the films actively dissuades audiences from feeling any sympathy towards the hunters by framing their character and their views towards the animal at hand, as immoral, unethical and dangerous. Language is one way of doing so, and, as is the case in *Whale Wars*, the use of the war metaphor was one way of linguistically vilifying the whalers. However, whilst their portrayal is often framed as a "Hero vs. Villain" or an "Us vs. Them" battle, there are also interactions between the activists and the hunters that also encourage the audience to identify with and care for the 'othered' hunters, and instead look for common ground.

Chapter 4 on pathos posited that graphic imagery is shown in order to viscerally shock the audience via confronting images of animal suffering in the attempt to create feelings of sympathy towards the animals. The killing of animals is not often seen by much of the urban-dwelling public, and the inability of animals to speak and their powerlessness in relation to humans makes viewing imagery of animal killing and suffering a deeply disturbing sight for many—and all the more so for those particularly squeamish of blood that is accentuated in water. Persuading audiences via pathos is attempted by initialising an affective (or bodily) response, followed by an outwardly expressed emotional response. This is intended to get audiences to 'take up the burden' and act as a result of what they have been witness to, and (ideally) offer support of/to the activists' cause and to the collective voice.

Lastly, Chapter 5 addressed the rhetorical appeal of logos, which works in these texts to balance-out pathos; intended to off-set potential accusations of being overly sentimental. Drawing on the discourses of biology related to ecology, endangerment,

evolution and conventional western medicine, the films discursively construct the activists as authoritative by using the language of science to produce specific kinds of knowledge and linking this to truth. Another objectivity-centred discourse, that of legality, also plays a role in the legitimisation of the activists' activities which are, at times, illegal, and this is where the use of ethos and pathos play their role in justifying such actions.

Viewers need to feel that they can make a difference in helping to fix or resolve situations, and to feel that their voice matters. Additionally, organisers framing the issue in a broader context and the wider implications of taking action (such as signing petitions) are beneficial. For example, saving sharks will help to save and preserve the entire ocean. Ethos, pathos and logos enable arguments to be formed, and help create this personal conviction and sense of responsibility. Despite some differences in structure and production, each film used the same broad rhetorical strategies.

## **The Future of the Environment**

The reason why so many species are in trouble, and why conservation is needed at all, is largely due to a misguided belief that the earth's resources are inexhaustible (Bell et al., 2001). This has been particularly problematic with regards to the ocean (Anyanova, 2008; Bjørndal & Munro, 2012; World Wildlife Fund, 2014d), where it once "seem[ed] safe to predict that coming generations will realise the inexhaustible hoard of wealth in the sea" (Taylor, 1932, p.167). What is known today though is that, whilst the ocean is extremely vast, it is not inexhaustible, and, like terrestrial ecosystems, is vulnerable to overexploitation and degradation (World Wildlife Fund, 2014d). Put more succinctly, "human impacts on animal biodiversity are an under-recognized form of global environmental change" (Grayson, 2010, p.683).

The exploitation of the natural environment has reached the point where an increasing number of scientists are warning of a sixth major extinction known as the Holocene Extinction (referring to the past 10,000 years) (e.g. Dirzo et al., 2014; Grayson 2010a&b; Kolbert, 2014; Steffen et al., 2011). The emphasis, however, is on humankind's impact in the last 500 years (Dorzo et al., 2014, p.401). Whilst extinctions paradoxically go

hand in hand with life, and whilst there have already been five major extinctions on Earth, Grayson (2010a) contends that:

While the causes of the late Pleistocene losses remain the focus of heated debate, most Holocene extinctions are uncontroversially seen as the result of varied human impacts: hunting, the introduction of exotic predators and competitors, and other forms of modification of the landscape (p.683).

A 180 page report by the organisation World Wildlife Fund (WWF) titled *The Living Planet Report 2014* (World Wildlife Fund, 2014a) draws on a wide range of recent literature, and it also talks of the "Holocene Extinction", highlighting how rapidly the populations of some animal species are declining, and that "the number of mammals, birds, reptiles, amphibians and fish across the globe is, on average, about half the size it was 40 years ago" (World Wildlife Fund, 2014a), and "39 per cent between 1970 and 2010" in marine species (*ibid*), and overexploitation, followed by habitat change/degradation, are the biggest threats facing the ocean today (World Wildlife Fund, 2014c). WWF claims that, at present, "the global fishing fleet is 2-3 times larger than what the oceans can sustainably support" (World Wildlife Fund, 2014e).

Whilst such figures are grim, not all is bleak. Placing a greater focus on international cooperation and inclusion in order to work towards a more sustainable future is key. Actions, such as setting new regulations to make a widespread transition to more sustainable fisheries and eco-friendly fishing methods, climate change risk mitigation policies, and strengthening existing laws to give wildlife and ecosystems more rigorous protection, are key areas that need addressing. In terms of changes on a public rather than diplomatic level, educating the general public on the interconnectedness and importance of the ocean and its role in sustaining life on Earth may help an increasing number of people perceive the natural world through more a holistic lens. Providing everyday citizens with accessible, sensible, and relatable information related to conservation, including ways of becoming more environmentally friendly, can help this (World Wildlife Fund, 2014b)<sup>67</sup>.

The films analysed in this thesis are not isolated films in terms of their social context and environmental message; they are part of a growing public awareness of the

environment, demonstrated by the increase in, and popularity of, environmentally-centred documentary films in the twenty-first century. This may seed an ongoing interest in some viewers in the wider ecological and environmental implications of these, and related causes.

## **The Present-day Status of These Causes**

During the writing of this project, there have been a number of positive changes relating to the strengthening of conservation and environmental laws, demonstrating that public mobilisation in relation to these causes is taking place.

### **The Taiji Dolphin Hunt**

The annual Taiji dolphin hunt began again on 1 September 2014, and will finish at the end of February, 2015 (AFP, 2014a). However, the number of dolphins being killed is, according to Psihoyos, being reduced: "Taiji is killing 60 percent less dolphins. ... Some people think *The Cove* was a failure because they're still killing dolphins in Taiji, but you never know where change will occur. ... It's a totally different world than it was five years ago" (Psihoyos cited in Kirby, 2014a). Additionally, "ever since its dolphin drive was portrayed in an unflattering light in the Academy Award-winning 2009 documentary "The Cove," this small town has been on the radar of international conservation groups" (Yummin, 2014). It is hard to pinpoint exactly how much of this is due to *The Cove* alone. However, given the detailed, widespread news coverage—including live streaming video footage of the cove (being recorded by hidden cameras), regular activist updates via Twitter feeds, Facebook updates, news, and maps of the locations where dolphins have been taken from Taiji and taken into captivity (Kirby, 2014c)<sup>68</sup>—it is safe to assume *The Cove* has played a key role in raising awareness. Additionally, both small and large protests have occurred in 2014 in a number of world cities (Gander, 2014)—including the delivery of a letter by various Hong Kong environmental and animal welfare groups that was signed by 4,000 people from Hong Kong to the Japanese Consul General to Hong Kong, Hitoshi Noda (Griffiths, 2014). Clearly, there is still a lot of public interest in the cause.

As demonstrated in the examples above, social media are increasingly being utilised to mobilise supporters, and to get the attention of potential supporters for

environmental causes (Cox, 2013, p.189). Since *The Cove's* release in 2009, celebrities have increasingly gotten onboard in raising awareness of this cause via Twitter. Caroline Kennedy, the newly appointed United States Ambassador to Japan, and daughter of former U.S. President John F. Kennedy and First Lady Jacqueline B. Kennedy, posted on Twitter 17 January, 2014 that she was "deeply concerned by inhumaneness of drive hunt dolphin killing. USG (U.S. Government) opposes drive hunt fisheries". Other political figures have also publicly condemned the annual cove killings, including Italian Ambassador to Japan, Domenico Giorgi; British Ambassador to Japan, Tim Hitchens; and Australian Minister for the Environment, Greg Hunt (Robinson, 2014). Celebrities, including Yoko Ono, William Shatner, Hayden Panettiere, Susan Sarandon, Ricky Gervais and Richard Branson, also used social media to voice their opposition to the Taiji dolphin hunt in the days and weeks following Kennedy's Tweet (Bratskeir, 25 Jan, 2014). Japan's chief cabinet secretary, Yoshihide Suga, responded to Kennedys' criticism of the Taiji hunt and defended the practice: "Dolphin fishing is a form of traditional fishing in our country. We will explain Japan's position to the American side" (Mullany, 20 Jan, 2014)<sup>69</sup>. On the 21<sup>st</sup> January 2014, the international 'hactivist' (activism via computer hacking) group 'Anonymous' temporarily shut down the website for the government website Wakayama Prefecture (the area where the cove is) for a few minutes before warning the site owners that they would hack again if the killing continued (Staedter, 2014). Clearly, this cause has captured the attention of many celebrities, as well as ordinary citizens who are media savvy and well-aware of the power of social media and the speed with which information can be shared and spread. Whether or not the Taiji dolphin hunt will be stopped due to mounting international pressure is something only the future will tell, but looking at the way this cause has gained so much support and momentum, it is safe to assume that the pressure on the Japanese Government will only continue to become stronger.

### **Antarctic Whaling**

As discussed in previous chapters, Antarctic "scientific whaling" was ruled illegal by the International Court of Justice (ICJ) in mid-2014, but Japan is seeking to resume whaling. On the 18<sup>th</sup> of November, 2014, Japanese officials announced their plans to submit its 12 year Antarctic whaling "research plan" to the IWC for approval to commence in 2015-2016

(The Guardian, 2014) stating that, “after giving serious scientific consideration, it has been concluded that age data at the annual scale can be obtained only through lethal sampling methods, and thus lethal methods need to be employed under this program” (The Government of Japan, 2014, p.26)<sup>70</sup>. It is too early as well as difficult to precisely prove how much of a role the *Whale Wars* show may have had on gaining new Sea Shepherd anti-whaling supporters, other than pointing out how many whales were saved throughout the series. However, the conflicts and stand-offs between Sea Shepherd and the whalers—such as two activists illegally boarding the *Shonan Maru 2* in 2008 (S1:E2), and three activists in 2012 (S5:E5)—were orchestrated media events that made international news and put the Australian government in a position where they had to enter into diplomatic discussions with Japan as a result (BBC, 2008, 2012; Taylor, 2012). As for Antarctic whaling, the Japanese Governments’ unveiling of a new 12-year “research” plan to kill 3,996 minke whales (or 333 annually—a cut-back from the pre-ICJ ruling quota of 1035 whales) that will supposedly not violate the ICJ ruling is a set-back for anti-whaling campaigners (Ross, 2014; The Government of Japan, 2014). Whether or not the whaling proposition will be approved by the IWC is still unknown, but the anti-whaling cause has gained a lot of support, and, if the plan is approved, environmentalist groups will once again try and overturn the ruling (Todd, 2014).

### **Anti-Shark-finning Measures**

Whilst shark-finning is still going on (Peschak, 2013), it is increasingly being recognised by a range of world governments as a conservation issue that needs to be addressed. A host of countries have either banned shark-finning and/or the transportation of shark-fins, or have set up regulations to limit the catch or the way sharks must be landed (Forest & Bird, 2013; Ho, 2011; Humane Society International, 2013; Shark Savers, 2014)<sup>71</sup>. Indian airline Jet Airways (Singh, 2014), Fiji's national air carrier Fiji Airways, and South Korea's Asiana and Korean Air airlines, have all banned the carrying of shark fins (Cripps, 2013). Shark fins are of high value (Dell’Apa et al., 2014), and in a move that was rather momentous for the shark-fin cause, in China—one of the leading markets for shark fin—the government has banned shark-fin soup at official government banquets as a “crackdown on official extravagance” (Ng, 9 Dec, 2013). The Chinese arm of the

conservationist group WildAid has been actively campaigning against shark-finning, and in a 2014 survey they conducted state that:

85% of Chinese consumers surveyed online said they gave up shark fin soup within the past three years, and two-thirds of these respondents cited awareness campaigns as a reason for ending their shark fin consumption. The second and third most popular reasons given were that they “want to protect sharks” and that it is “cruel the way they kill sharks”—key messages of WildAid’s public awareness campaign. The government banquet ban was cited as a reason by 28.2% of survey respondents (WildAid, 2014).

This indicates that campaigning is working, and there is a growing environmental consciousness in China. In 2011, celebrity chef Gordon Ramsay produced a documentary on shark-finning called *Shark Bait* (2011), and he has become one of the famous supporters of the cause, and is also a patron for the conservation and anti-finning organisation Shark Trust (Shark Trust, 2014).

On 25 January 2014, the Western Australian State Government implemented a shark culling operation targeting sharks over three metres long that came close to popular Western Australian beaches, prompted by seven fatal attacks over the past three years along its coast (Daily Mail, 2014). There was a strong public response to this government decision, and thousands protested against the cull at beaches across Australia, and in South Africa and New Zealand (AFP, 2014b; Ting, 2014; Vaughan, 2014)<sup>72</sup>. These protests demonstrate that there is a growing public concern over shark welfare and conservation, and recognition of their importance in the ocean ecosystem.

In short, whilst further legislation and regulation is needed to improve shark welfare and allow for population recovery, shark conservation has come a long way since *Sharkwater* in 2007. It seems safe to say that, for a growing number of people, the remnants of the ‘Jaws’ imaginary as a one-dimensional, brainless, soulless man-eater has made way for a new shark imaginary that is centred around a healthy respect of these animals, and recognition of their role in maintaining a strong oceanic ecosystem.

## What Now?

Ideally, the best way for social change to begin is from within any group, culture, or organisation that is in the spotlight (Hemmi, 2007; Ife, 2007). For example, when it comes to western countries in diplomatic tension with non-western countries, an 'inside out approach' by working with local people and getting them involved may help to minimise misinterpretation by non-western audiences regarding western-produced activist films (Wright, 2010, p.464)<sup>73</sup>. During an interview with CNN's Anderson Cooper in January 2014, Ric O'Barry said of the Taiji dolphin cause that "only the Japanese people can solve this problem. It's starting to happen" (Anderson Cooper 360°, 2014). In regards to whaling, Hoek (2010) argues that whaling will naturally phase itself out in Japan since the majority of Japanese who eat whale meat are part of an ageing generation. In 2002, the Japanese newspaper Asahi Shimbun ran a survey that "found that only 4% of respondents ate whale meat "sometimes", and 9 percent ate it "infrequently". By contrast, 86% said they had "never eaten it, or had stopped doing so in childhood" (McCurry, 2006). Yet, according to Hoek (2010) Sea Shepherd's Antarctic antics mainly stir up anger and resentment on the part of the whalers and the Japanese government, leading to a 'stalemate'. Admittedly, the situation is a perfect demonstration of the conundrum activists face: whether direct, physical action against an adversary is the most effective way of getting things done and winning over public support, or whether challenging these beliefs gently and in a diplomatic, non-confrontational way is most effective. This is something activist groups must work out for themselves.

Whether or not every viewer agreed with the filmmakers'/activists' viewpoints, such as the actions of Sea Shepherd in *Whale Wars*, or whether or not the audience really were affectively and emotionally mobilised into taking the actions suggested at the end of *The Cove* and *Sharkwater*—including signing petitions; writing letters to government officials; and/or donating money to the activist groups involved—these films have played a role in the growing awareness of, and sustained interest in these specific issues. How much of a role is outside of the scope of this particular study, and attempting to answer this question would involve conducting audience research, such as via surveys, interviews, or focus groups, in order to gather responses to get a clearer picture. Other areas of future research could include the role of celebrities in mobilising support for environmental

causes; the changes that media convergence has had on advocacy and mobilising support; or to use Aristotle's rhetorical concepts to analyse the persuasive elements of other environmentalist or animal-related documentaries to draw out the different kinds of arguments used.

At times, it may seem as if causes involving groups that have an opposing ideological stance regarding certain animal- or environmentally-related causes or practices are unsolvable. However, given the increasing amount of research on the current-state of the deepening environmental and ecological problems with far-reaching, long-term consequences, time is running out to fix/reverse these effects. This will likely happen via a public will where ordinary people collectively pressure governments/international bodies/organisations to change, modify, or abandon any practice in question. In terms of these far-reaching environmental crises, the quagmire of difference between opposing parties on a wide range of environmental issues must somehow be put aside to come up with resolutions for the benefit of all humankind, and fauna and flora alike.

## Endnotes

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<sup>1</sup> Dioum quoted in Hunter & Gibbs, 2007, p.338.

<sup>2</sup> The terms conservation and preservation, whilst often conflated, are different. The definition of conservation I will be following is “the management of human use of organisms or ecosystems to ensure that it is sustainable” (IUCN et al., 1991, p.210, cited in Kalland, 2009, p.5). *Sustainable* is the operative word here, and any human use of flora or fauna needs to be done on the basis that the species “can continue to replicate themselves, in a natural context, for an indefinite (but long) time into the future” (Reeves, 2002, p.277). In contrast, preservation goes one step further than conservation in the sense that it is more ‘hands-off’. It is where “parts of nature—an area or certain species—are set aside not necessarily to prevent depletion of resources but for aesthetic, moral, recreational, educational or scientific uses” (Kalland, 2009, p.6).

<sup>3</sup> In a 2002 poll by the BBC *Wildlife* magazine in the United Kingdom, dolphins were voted the number one favourite animals (Simmonds, 2011, p.68).

<sup>4</sup> The Classical myths of Arion, Jasus and Coeranus describe dolphins rescuing people (Rauch, 2014, p.70-103).

<sup>5</sup> Jeff Weir, the Director of the Dolphin Research Institute in Australia, refers to the radical New Age beliefs around dolphins as “dolphinism” (Marino, 2007).

<sup>6</sup> John Lilly had a change of heart in 1968 and became regretful about some of his research methods, saying that he could not continue to “run a concentration camp for my friends” (Lilly cited in Hoyt, 1990, p.44).

<sup>7</sup> The attempt to teach Peter the dolphin how to speak English failed. His isolation from the other dolphins resulted in the formation of a disturbingly unhealthy relationship with Lovatt. In a 2014 interview, she recalls that:

“Peter liked to be with me,” explains Lovatt. “He would rub himself on my knee, or my foot, or my hand. And at first I would put him downstairs with the girls,” she says. But transporting Peter downstairs proved so disruptive to the lessons that, faced with his frequent arousals, it just seemed easier for Lovatt to relieve his urges herself manually (Riley, 2014).

Once information like this started making its way to the press, funding from NASA was cut, and Peter was transferred from the St Thomas, Virgin Islands lab to one in Miami, Florida. A few weeks later, Lilly informed Lovatt that Peter had “committed suicide” (*ibid*). Lovatt has recently spoken about her experiences working with Lilly and living alongside Peter in Christopher Riley’s 2014 BBC documentary titled *The Girl Who Talked to Dolphins*.

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<sup>8</sup>The notable exception to the trend is the imaginary of the largest of the dolphins, the orca or killer whale. Much like the Great Whales, orcas were historically perceived as dangerous and fearsome as they had been observed killing whales and smaller dolphins. Now, however, they are viewed affectionately (Nooman, 2007).

<sup>9</sup> Zelko, 2012, p.91.

<sup>10</sup> Einarsson, 1993, p.73

<sup>11</sup> The publication of a book by Farley Mowat called *A Whale for the Killing* (1972)—a nonfictional account of Mowat’s experience in Newfoundland when a fin whale became stuck in a nearby lagoon and was killed by local hunters—prompted even more of an outpouring of sympathy for whales (Burnett, 2012, p.622-628).

<sup>12</sup> Although it was first and foremost on ecological grounds that the 70s ‘save the whales movement’ began, there was also was a growing awareness around the more complex cognitive abilities of some cetaceans that became a turning point of the ecological anti-whaling argument to ethical and moral arguments (Burnett 2012, p.625; Forestell 2002, p.965).

<sup>13</sup> It should be acknowledged that some species, particularly the bull, great white, tiger, and the oceanic white tip shark are potentially dangerous (Compagno et al. 2005). However, even these species are, for the most part, not interested in coming near people in the water (Crawford 2008, p.146).

<sup>14</sup> The late Peter Benchley, the author of the *Jaws* book and film, had a change of heart regarding his depiction of sharks, explaining that, “we knew so little back then, and have learned so much since, that I couldn’t possibly write the same story today” (Benchley 2002, p.21). He later became an advocate for shark conservation.

<sup>16</sup> UNCLOS is a treaty of guardianship that is focused on maritime law, and setting guidelines for the treatment of the oceanic environment. The ocean territory less than 12 nautical miles from a countries’ shoreline remains that countries’ responsibility to manage; between 12 nautical miles and 200 nautical miles where a country has limited control over what happens in those waters; and beyond 200 nautical miles, known as the “Exclusive Economic Zone” (EEZ), is a zone where a country has “no legal control” over it, although they do have “exclusive rights to exploit the resources contained within their EEZs, including fisheries (even whale stocks)”. The oceanic area beyond the EEZ may be “exploited” by anyone. As cetaceans are considered “marine living

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resource[s]”, hunting cetaceans is not banned, but any hunting must be at sustainable levels, and requires cooperation between member states as well as collaboration with international conservation bodies (Parsons & Bauer, 2013, p.274).

<sup>17</sup> While commercial whaling is banned, Aboriginal Sustainment Whaling (ASW) is permitted by the IWC (Donovan, 2002, p.639). However, countries that permit ASW for the Inuit of Greenland; St. Vincent and the Grenadines; the native people from Chukotka, Russian Federation; and native Alaskans in the United States, must have their own committees to regulate it (Donovan, 2002, p.640; WDCS, 2014). Japan has tried to create a new category at the IWC called “small-type coastal whaling” that “shares features both with ASW (in having strong cultural values) and commercial whaling (in producing commodities for the market), [but] has been turned down by the IWC” (Kalland, 2009, p.22).

<sup>18</sup> The Russian Federation have also objected to the moratorium, but has not acted upon it by starting any commercial whaling (IWC, 2014a).

<sup>19</sup> Leaving the IWC, however, does not at all that criticism would stop: Iceland and Norway, despite having left the IWC, still face international criticism for whaling (Kalland, 2009; Pamintuan-Lamorena, 12 May, 2014).

<sup>20</sup> Another potential reason the Japanese Government may not wish to opt out of the IWC is because, following WWII, and until 1956 when the Cold War started to dissipate, Japan was not permitted to join the UN (Epstein, 2008, p.82; Hook et al., 2005, p.319). For that reason, joining the IWC became “a form of reinstatement among the society of peaceful, cooperating nations” (Epstein, 2008, p.82); a chance to amend a “war-tarnished image” amongst the global community (*ibid*, p.83).

<sup>21</sup> These dolphins are the Irrawaddy dolphin; the Australian snubfin dolphin; the Tucuxi dolphin; the Costero/Guiana dolphin; the four species of humpback dolphins; the La Plata dolphin; the Ganges River dolphin; the Amazon River dolphin/boto; and the Yangtze River dolphin/baiji.

<sup>22</sup> The sharks listed under CITES Appendix II are the oceanic whitetip shark; the basking shark; the whale shark; three mackerel sharks (the great white, goblin and megamouth); and three hammerhead sharks (scalloped, great and smooth) (CITES, 2014a).

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<sup>23</sup> The oceanic whitetip shark; scalloped hammerhead shark; great hammerhead shark; smooth hammerhead shark; and porbeagle shark (CITES, 2014b).

<sup>24</sup> The seven species under Annex I of the CMS MoU are the basking; great white; longfin mako; porbeagle; shortfin mako; spiny dogfish; and whale shark.

<sup>25</sup> Although the terms animal rights and animal welfare are sometimes used interchangeably, they are ideologically different. The essence of animal rights is the challenging of, and the attempt to change, the hegemonic belief that it is acceptable for humans to use animals for food, clothing, entertainment, or to keep as pets (Guither 1998, p.4). Instead, animal rights advocates believe that that animals be treated as “moral equals” (*ibid*, p.14)—although the extent of this position does vary between various animal rights groups (*ibid*, p.9). In contrast, the animal welfare position posits that it is permissible for animals to be used by humans as long as they are treated in a humane way, or if using them is going to greatly benefit the human species (within reason) (Francione 1996, p.1).

<sup>26</sup> Aristotle called these modes of argument “artistic proofs” because he viewed the careful crafting of a persuasive argument as an “art” in and of itself. Additionally, the arguments are created and constructed by the speaker via inductive and deductive arguments, whereas non-artistic proofs are direct forms of evidence such as legal documents and witness testimonies that, although the speaker may use, are not crafted by them (see Kennedy, 2007, p.21).

<sup>27</sup> Ethos, pathos and logos are the most well-known concepts of Aristotle’s theories on rhetoric. For a more expansive and detailed look at some of his other ideas, see Kennedy’s book *On Rhetoric: A Theory of Civic Discourse* (2007), as it also offers explanations and notes alongside the translation.

<sup>28</sup> Myers & Wukasch, 2003, p.128.

<sup>29</sup> Originally, Aristotle’s concept of ethos was limited to the character of the speaker demonstrated through their words rather than the “great role of the authority of the speaker as already perceived by an audience” (Kennedy, 2007, p.22). Kennedy (2007) explains that the likely reason for Aristotle’s more restricted concept of ethos was because “speakers in the law courts and political assemblies were often not well-known individuals. What counted was not who they were but what they said” (p.22). The more contemporary understandings of ethos have expanded its scope as to include the social position a speaker holds (e.g. Cheng 2008; Nichols 2010).

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<sup>30</sup> Myers & Wukasch, 2003, p.271.

<sup>31</sup> *Whale Wars* is a television series, but the term 'film' will be used here as a term to encompass cinematic texts as a group.

<sup>32</sup> Louie Psihoyos, *The Cove*.

<sup>33</sup> It should also be acknowledged that the Japanese Government is not the only one that allows the killing of dolphins (although the scale of the killing is very different): the Government of the Faroe Islands permits an annual slaughter of long-finned pilot whales, and smaller dolphins—most commonly Atlantic-white sided dolphins, and occasionally bottlenose and Risso's dolphins (Faroe Islands Ministry of Fisheries, 2014a). The number of dolphins annually slaughtered is considerably less than that permitted by the Japanese Government, and, according to the Faroe Islands Ministry of Fisheries, "the annual long-term average catch of pilot whales in the Faroe Islands is around 800 whales, with large fluctuations in catches from year to year. In the 20-year period from 1991 to 2010, annual catches have ranged from zero (in 2008) to 1,572 (in 1992)" (Faroe Islands Ministry of Fisheries, 2014b). The actual process is similar to the Taiji dolphin drive except that the animals are driven almost right onto the beach and are killed straight away rather than left overnight. The method of killing is, like Taiji, via the 'transection method'—the cutting of the spinal cord. See the endnote 57 regarding Butterworth et al. (2013) for an analysis of this method of slaughter.

<sup>34</sup> See Oceanic Preservation Society (2014a) for a full list of other awards.

<sup>35</sup> The petition viewers of *The Cove* are encouraged to sign reads:

THE ISSUE

The Cove exposes the slaughter of more than 20,000 dolphins and porpoises off the coast of Japan every year. Yet, the majority of the world is not aware this is happening. Be a part of the solution by signing and sharing this petition.

FULL PETITION TEXT

I recently heard about the documentary film *The Cove* and was alarmed to find out that more than 20,000 dolphins and porpoises are brutally killed each year off the coast of Japan. In addition, Japanese consumers are being sold dolphin meat, containing dangerously high levels of mercury, often labeled as whale meat.

I ask that you urge the Japanese government to revoke permits that allow Japan's Fisheries Agency to continue this heinous, dangerous and illegal practice.

I also urge American leadership to ensure that the International Whaling Commission includes the proper management of dolphins and porpoises and a comprehensive plan to stop the slaughter of dolphins in Japan.

Your immediate action is needed.

Sincerely,  
[Your Name Here].

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<sup>36</sup> *Whale Wars* season four, episode one.

<sup>37</sup> The sixth season only contains one two hour special episode titled *Whale Wars: A Commander Rises*, and it is unclear what will now happen to the *Whale Wars* series now that "scientific whaling" is illegal (Eley, 2013).

<sup>38</sup> Rob Stewart, *Sharkwater*.

<sup>39</sup> Aristotle, p.1378a5, cited in Kennedy, 2007, p.39.

<sup>40</sup> In contrast, a posthumanist position regarding human-animal relations posits that instead of thinking about humankind's opposition to animals as a way to understand humanity, the focus is instead on understanding the human-animal relationship through connections to them (Lestel, 2011; Lestel, 2013 cited in Bussolini, 2013). The humanising of animals, then, is similar to a posthumanist perspective in the sense that the differences between humans and animals are being bridged to emphasise similarities. For an in-depth discussion on human-animal relations through the prism of posthumanism see Locke (2013).

<sup>41</sup> The term "nonhuman person" refers to White's (2007) argument that cetaceans, great apes and elephants "may very well have enough intellectual and emotional sophistication to qualify as *nonhuman persons*" (p.11). White goes on to state that, "in theory, any being with self-consciousness, intelligence and free will ... would qualify as a person" (p.9).

<sup>42</sup> In 2013, India's Ministry of Environment and Forests declared dolphins as "non-human persons", making it illegal for dolphins to be kept in captivity in India (Hackman, 2013). On a related note, The San Francisco Board of Supervisors passed a resolution in October 2014 banning cetacean captivity in the state on the grounds of cetacean intelligence and sentience (Cronin, 2014a). Similarly, New York Senator Greg Ball's pre-emptive Senate Bill 6613 was passed in March, 2014 banning "the possession and harboring of killer whales in New York State aquariums and sea parks" (Cronin, 2014b; LegiScan, 2014).

<sup>43</sup> A paper presented at the First Annual Francis Crick Memorial Conference on 'Consciousness in Non-Human Animals' (2012) titled "The Cambridge Declaration on Consciousness" outlines information for making moral claims about how people should understand and treat some other nonhuman species (see Low (2012) for the details).

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<sup>44</sup> For more details on bubble-ring play and how this is related to dolphin intelligence, see McCowan et al. (2000).

<sup>45</sup> Further information on this experiment's background, its results, and its research implications can be found in an article by Reiss & Marino (2001).

<sup>46</sup> One of the most famous popular culture examples of dolphin superintelligence can be found in Douglas Adams's fictional novel *The Hitchhiker's Guide to the Galaxy* (1979). In this novel, dolphins, being more intelligent than humans, can foresee a global apocalypse, and after their failed attempts at trying to tell people that the earth is coming to an end, they leave earth with a final message to humankind: "so long, and thanks for all the fish".

<sup>47</sup> It is still worth noting that the humanising of dolphins in *The Cove* is not always consistently positive. For example, the dolphin "smile" is described by O'Barry as "nature's greatest deception; it creates the illusion they're always happy". The smile, rather, is misinterpreted by humans. O'Barry, being against dolphin captivity, argues that the dolphins' permanent smile works to support a pro-captivity narrative because their facial expression remains the same even when they are "all stressed out". The contradictory ways humans anthropomorphise animals, and the ways in which they are made simultaneously human-like and not human-like is a topic covered by authors such as Fudge (2002) and Haraway (2008).

<sup>48</sup> The perception of dolphins as peaceful, harmonious creatures is so well-known that it has sometimes been parodied. For example, in *The Simpsons* season 12 episode "Night of the Dolphin" (2000), dolphins begin killing people, and attempt to take over the world. The reason an episode such as this may be viewed as humorous is because it is of course the complete opposite of how people expect dolphins to be represented.

<sup>49</sup> It is still debated by scientists as to the 'motive' of apparent rescues of humans by dolphins, and whether it is down to 'interspecies compassion', or down to instinct, since dolphins are known to push other dolphins to the surface when in distress, and to group up when large sharks may be present. People nearby in the water may just happen to be in the right place at the right time for dolphins to test these skills (Cahill 2000). Regardless of the precise motive/reason, there is a significant amount of anecdotal evidence to support the notion that dolphins have been known to assist people in trouble (Rauch, 2014).

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<sup>50</sup> Traditional thought has been that the large toothed sharks attack humans because they mistake them sitting on surfboards, diving, or bobbing on the surface for seals. However, McCosker (1998) suggests that this may not be the primary reason: great whites are known to attack “inanimate objects of a variety of shapes, colors, and sizes, none resembling the shape, size, or color of a marine mammal” (p.221), indicating it may be more likely that sharks ‘test-bite’ unfamiliar objects to test for ‘food value’. Strong Jr. (1998) makes a similar argument in terms of great whites biting inanimate objects, also adding that white sharks do not have especially poor underwater vision, and this casts some doubt on the hypothesis that sharks attack humans because they appear to look like seals. Future research will likely be needed to provide more evidence to support or dispel this hypothesis.

<sup>51</sup> However, the cultural argument is extensively addressed in the spin-off series *Whale Wars: Viking Shores*. The series centres on Sea Shepherd trying to stop the annual slaughter of pilot whales in the Faroe Islands near Denmark. Since the series involves significant periods of the Sea Shepherd crew on land amongst the local Faroese, their views and opinions on Sea Shepherd's interventionist activities are more frequently heard in comparison to *Whale Wars*.

<sup>52</sup> Whilst universalism bypasses cultural relativism, some scholars do not believe these concepts are—nor need to be—resolute opposites (e.g. Chen 2008; Donnelly, 2007; Ife, 2007; Renteln, 1988).

<sup>53</sup> Although morals and ethics are terms sometimes used interchangeably, there is a subtle difference between the two. In simple terms, morals are what people deem to be right and wrong and, although they may be partly shaped by the wider culture, or belief systems such as religion, morality tends to be thought of as a personal code of behaviours that individuals live by in various ways (Dant, 2012). Morals and ethics are interrelated, and morals are *part* of ethics in the sense that morals are 'put into practice' and shape ethical guidelines (Sanders et al., 2012, p.110). Ethics are defined as “the moral principles or values that generally govern the conduct of an individual or a group”, and codes of ethics tend to differ between different organisations, companies, and professions (Lamb et al., 2009, p.83). Someone's own moral code can influence how closely one adheres to ethical guidelines, since behaving morally and ethically is a reflection of someone's character (Murphy, 2007, p.59-62).

<sup>54</sup> The representation of Japanese people and Japanese culture has been a subject of controversy and critique regarding *The Cove*. This topic is not one I have addressed much, so see Haynes (2013) for a more detailed analysis on this specific topic.

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<sup>55</sup> In the wider anti-whaling debate, pro-whalers often counter anti-whaling arguments by making comparisons between the slaughter of whales and of other animals for food, and question why the two are viewed so differently (Kalland, 2009, p.186). One criticism of the IWC regards some of its western member states that now vote against whaling, yet have a history of being responsible for the near-extinction of some whale species through a heavy reliance on whale products. Instead, this is “swept under the carpet” (Cater & Cater, 2007, p.169). Pro-whaling advocates may question why whaling is perceived by many anti-whaling states as an immoral act whilst other animals are mostly viewed as being 'okay' to eat, thus viewing this as a double standard (The Standard, 2013). For example, despite the kangaroo being one of Australia's national emblems and symbols, kangaroo meat is exported, and is also eaten by a relatively small percentage of the Australian public (Hirata, 2005, p.142). Despite this, there is no widespread Australian or worldwide condemnation of the practice like there is for whaling (*ibid*).

<sup>56</sup> Rousseau, 1762, p.55.

<sup>57</sup> Veterinarians Butterworth et al. (2013) analysed 2011 footage of a pod of striped dolphins being killed in the Taiji cove that was using the ‘transection method’—the cutting of the spinal cord—and it took one of the dolphins “4 min 14 s” to die (p.189). Their findings demonstrate that the killing is inhumane:

The method employed causes damage to the vertebral blood vessels and the vascular rate from insertion of the rod that will lead to significant hemorrhage, but this alone would not produce a rapid death in a large mammal of this type. The method induces paraplegia (paralysis of the body) and death through trauma and gradual blood loss. This killing method does not conform to the recognised requirement for “immediate insensibility” and would not be tolerated or permitted in any regulated slaughterhouse process in the developed world (p.185),

<sup>58</sup> Similarly, the ‘humaneness’ of whale harpooning has come under scrutiny. Gales et al. (2005) analysed 16 videos of minke whales being harpooned to measure the length of time to death, and results “showed that of 16 observed kills of Antarctic minke whales, fewer than one in five was estimated to have been killed instantaneously. The average TTD for whales not killed instantly was just under 10 min (mean=598 s, S.D.=684 s, n=10) and two whales survived for at least 25 min (27 m 25 s and 33 m 12 s)” (p.409).

<sup>59</sup> The opening sequence of the major killing scene begins with a shot of some fishermen in butchering gear driving their boat into the cove where they then start preparing the nets. The music begins with a solo cello playing, adding to the sinister atmosphere of the scene, and this makes it apparent what is coming next, and this gives audiences members like myself a short window to leave the room or turn away.

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<sup>60</sup> This has been a point of critique of *The Cove* (e.g. Kapoor 2013).

<sup>61</sup> Sagan, 1996, p.25.

<sup>62</sup> Aristotle cited in Schall, 1996, p.166.

<sup>63</sup> The accuracy of this claim has come under some critique on the grounds of possible data extrapolation, and a dependency on the statistical model used (Branch, 2013; Hölker et al., 2007; Jaenike, 2007; Wilberg et al., 2007). However, what all these authors agree on is that the current rate of fishing is unsustainable, and, if this continues, the ramifications will be serious.

<sup>64</sup> There is also evidence that the removal of apex predators is itself a contributor towards climate change by increasing CO<sub>2</sub> due to changes in the trophic cascade (Atwood, et al.,2013; Atwood et al., 2014; Greig et al., 2012; Wilmers et al., 2012).

<sup>65</sup> Mercury content in shark fins is still a concern (Man et al., 2014).

<sup>66</sup> Cited in Becker, 2014, p.255.

<sup>67</sup> *The Cove* director, Louie Psihoyos, is the producer of an upcoming 2015 film called *Racing Extinction* (Oceanic Preservation Society, 2014) (formally titled 6 to refer to a 6<sup>th</sup> major extinction) which focuses on this very topic by documenting what is at risk, but also what humankind can do to prevent and minimise further damage to the terrestrial and oceanic ecosystem.

<sup>68</sup> On November 9, 2014, the Convention on Migratory Species (CMS) issued a resolution that “requests countries now develop and implement national legislation that stops live capture of whales and dolphins from the wild and urges them to stop imports and international transit of live whales and dolphins” (Whale and Dolphin Conservation, 2014).

<sup>69</sup> An unnamed Japanese Fisheries Official also publicly responded to Kennedy’s tweet, inviting her to visit the cove so she could see the new method of slaughter employed by the hunters, claiming “we switched to a more

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humane way of butchering them. We cut the spinal cord so that they don't bleed. We don't butcher them like before" (Kirby, 2014b). As previously stated, evidence suggests otherwise (Butterworth et al., 2013).

<sup>70</sup> In between the International Court of Justice (ICJ) ruling on 31 March 2014 and the first announcement of possibly resuming Antarctic whaling on 11 April 2014, Japan imported 2,000 tonnes of whale meat direct from Iceland since the ICJ Antarctic whaling ban (Pamintuan-Lamorena, 12 May, 2014).

<sup>71</sup> See Shark Savers (2014), and Humane Society International (2013) for a comprehensive list of countries, and regional, and domestic organisations that have banned shark-finning itself, and/or importation of fins.

<sup>72</sup> Despite the protests, the government continued the cull until 30 April 2014, killing 170 sharks, and wants to continue the culling programme for the next three years (Ting, 2014). Whether or not this actually happens remains to be seen.

<sup>73</sup> In relation to *The Cove*, the activists do claim that they wanted and tried to get Japanese officials and the fishermen to explain their side of the story on camera, but say they were refused.

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