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Love, Justice and the Endangered Species

Donald De Marco

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The great problem concerning love is not in failing to love. The number of people who do not love someone or at least some thing is exceedingly small. In fact, so natural is it for man to love that it is highly doubtful whether anyone who did not love could exist for very long. Not loving is tantamount to not having appetite, not seeing how one thing is more commendable to the will than another. Not to love is to be without the ability to choose and, therefore, of functioning as a person. Only the autistic and the severely catatonic occupy the small sector of the loveless. The great problem concerning love, rather, is in loving justly.

Love is not blind but lovers often are; yet they are not blind to the value of what they love so much as they are insensitive to the values of what they do not love. The popular declaration: "I love mankind, it's individuals I can't stand," illustrates the point. Love for mankind, however paltry, vague, or ineffective, is nonetheless love. It is a positive act of the will. But love for mankind that is combined with a distaste for individual people is not just. And love without justice is merely a sanctimonious form of private preference. Chesterton once quipped that he loved Eskimos and attributed the facility with which he experienced such a love to the fact that he had never met one. Nearly anyone can love anything, but it takes a special person to love anything without being unjust to anything else.

Someone whose love is vibrant and strong can be a greater menace to society than another whose love is weak, if the former's love is

unaccompanied by a just regard for all. For lovers are discriminators *par excellence* and in their high enthusiasm for whom or what they love, can harbor an equally enthusiastic antipathy for the remainder of the moral universe. Ideals are easy to love, but we must learn to love actualities; friends are easy to love, but we must learn to love our enemies as well. Finally — and it is only because of our extraordinary times that such an exhortation could have any appropriateness — animals are easy to love, but we must remember to love human beings, too.

This past summer, a 28 year old Canadian, Paul Watson, made the news when he deliberately rammed his trawler (carrying 18 tons of concrete in her bow) into a private whaler and thereby put her out of commission. The damaged whaler had contained a two-year supply of highly explosive harpoon charges. Thus the question: Can one's personal fight to protect creatures of the deep justify endangering the lives of human beings? Suggesting that the human factor was incidental to the drama, Mr. Watson stated: "This is a battle to save the whale and the planet."¹

Cleveland Amory, founder of the Fund for Animals, defended Watson's actions, describing the whaler's crewmen as "globs of sleaze on the ocean." Amory's colloquial characterization of the crewmen, in addition to being obviously injudicious, contains unintended irony. "Sleaze" is not, properly speaking, a noun; but calling the crewmen "sleazy" would have been tame since "sleazy crewmen" are nonetheless *men*. Amory wanted "sleazy" to stand for the very substance of the crewmen. The adjective had to metamorphose into a noun. So he dehumanized them into "sleaze." The irony lies in the fact that Amory sought to denigrate the men by denying them their humanity, yet the creature he defended lacks humanity by nature.

Amory's hyperbole aside, *People* magazine benighted Mr. Watson in a full page photo showing him in heroic stance and vengeful glare, with a broken harpoon in his hand. "Whale War I" had begun.

Philosophical Perspective

Meanwhile, Patrick Moore, the president of the Greenpeace Foundation in Canada was offering a philosophical perspective in which the rights of the whales could be better understood against conflicting rights of men:

We believe that the survival of a species should take precedence over the rights of one particular cultural group of human beings.²

The remark is too general to be judicious and too abstract to be humane. Does the survival of any species justify the suspension of any

human right? Should a man be willing to lay down his life for the brown pelican? Moore's argument is one of simple logic: A species is logically superior to a part of a species; therefore, a part should be willing to make sacrifices for the whole. The argument is logical enough, but it is a cold, abstract logic that precludes content. The quality and dignity of human life are not only germane to the argument, they are essential to it. A single human is worth more than a whole species of canaries.

On the other hand, one might be impressed by the apparent altruism of Mr. Moore. What could be a more purely altruistic gesture than a rational species (man) offering to surrender some of its own rights for the benefit of a non-rational species (whale)? Yet even altruism can violate the canons of justice and we might well suspect that what Moore is advocating is nothing more than — forgive the expression — whale chauvinism.

What are our obligations in justice to "killer" whales that feed on seals, porpoises, and other whales?³ What do we owe the less menacing baleen whales who devour untold tons of shrimp and other crustaceans?⁴ Should we restrict the rights of humans to capture whales and not restrict the predatory practices of the whales themselves? If whales have rights to be protected against humans, shouldn't shrimp have rights to be protected against whales? These questions all border on the absurd because they presuppose a kind of egalitarianism with man and beast.

Benjamin Franklin records in his autobiography an occasion when he was becalmed at sea. At this time the crewmen caught a great number of cod which caused the hungry Franklin, then a vegetarian, to spend some time balancing between principle and inclination. But when he saw smaller fish being taken from the stomachs of the cod, he thought: "Then, if you eat one another, I don't see why we mayn't eat you." For fish to feed on other fish is natural; for men to feed on other men is inhuman (there can be no such thing as a fish's behavior being "infish" or a whale's being "inwhale"). We cannot expect animals to be ethical.

The sub-human world is regulated by what evolutionary biologists have termed a "gladiatorial" mode of existence — "big fish eat littler fish." In this amoral world, ethical values such as justice and rights simply have no place. Among all planetary creatures only man has the capacity to live according to an ethical mode of existence. Justice, therefore, is exclusively between humans. This does not mean that man is free to practice a heedless assault on the animal world. Indeed, his reason reminds him that all of his dealings with lower forms of life should be conducted within reason. Man should be humane in his treatment of animals, not so much for the sake of the animals themselves, but so that he does not risk spoiling the human quality in himself.

When men fight each other, such a mode of conduct is regressive since it recapitulates the violence of the sub-human world. But when the very cause of what men are fighting for is itself sub-human, as in fighting for the sake of whales, then a regressive goal is added to regressive conduct; the result is a perversity. Men have an ethical destiny that is far above the violence of the fight; but they will not begin to achieve this destiny if they fail to understand what they owe each other initially in justice.

The movie *Orca* which is, strange as it may seem, a propaganda piece for the whale, is an astonishing example of how confused modern man can be about his status in the animal kingdom. The movie presents most of the people in the cast as being less humane than the whales and then shows the triumphant revenge of a particular injured whale as it slaughters everyone in the picture who was less than loving to it. Such a movie helps make fashionable the idea that it is not unreasonable to prefer the company of animals to the company of men. And yet what a grave injustice this pays to one's fellowman. Depraved as man may be, at times, justice requires that his superior nature be acknowledged for what it is. We must extend to man his due esteem. Beasts are not created in the image of God.

Whale Is Newsworthy

The whale has been particularly newsworthy in recent years, and much of its newsworthiness is owed to two important pieces of legislation. In 1971, the United States prohibited by law the importation of all whale products.⁵ In 1973, Congress passed the Endangered Species Act which states that federal agencies must not jeopardize the continued existence of endangered or threatened species (including several species of whale) or destroy habitat deemed "critical" to their survival. Thus, the 70's have shown the whale — in striking contrast with the newborn human, for example — to be a sort of legislative celebrity.

Running close to the whale in media exposure among endangered species, though certainly not in size, is the snail darter. The Department of the Interior added the name of this little 3-inch fish to the endangered species list in 1975. Two years later a federal appeals court ruled that the Tennessee Valley Authority's \$120-million all-but-completed Tellico Dam project could not be finished because the snail darter's last known habitat would thereby be destroyed.⁶

Since then, the snail darter has been the object of much scoffing and has ensnared the Departments of the Interior and Justice in a number of intrigues and inconsistencies which have proven embarrass-

sing to the Carter administration.⁷ As a result of its powerful political status, the snail darter has come to symbolize the monumental absurdity of the process by which animal politics can actually eclipse human rights. Most recently, *Time* cited what has become one of Congressman Henry Hyde's favorite lines: "There are 1 million children who are thrown away like Kleenex because someone thinks that they are not as valuable as a snail darter."⁸

Congressman Hyde's assertion is extravagant, one might say. More importantly, however, it overlooks the central fact that the snail darter is an endangered species while man is not. "Endangered species"; "facing extinction." These are the words that have inspired environmentalists and various animal defenders with a sense of righteousness akin to religious zeal. The central issue is not the individual lives of whales or snail darters, but the prospect that their entire species might come to an end, after who knows how many millions of years in existence. Allowing a species to become extinct is something like tampering with eternity. "The whales have been here for 40 million years, exclaims an indignant Paul Watson. "I wouldn't want to live in a world that had destroyed them."⁹

In the last three or four centuries, more than 200 species of mammals, birds, and reptiles have become extinct. Virtually every species of animal life which originated in the Paleozoic Era has vanished from the earth. According to the distinguished paleontologist George Gaylord Simpson: "The vast majority of all the multitudes of minor sorts of organisms that have appeared in the history of life have either changed to forms distinctly different or have disappeared absolutely, without descendants."¹⁰ Species do not survive, although a few genera do, most classes, and all phyla.¹¹

Extinction May Be Normal

Viewing life in the perspective of evolution, the extinction of a species is a normal event and can even be regarded, at times, as something positive. The usual cause for extinction lies in the inability of a species to adapt to change in its environment. However, extinction may also take place as a result of a species changing so much that it is given a different name and considered to be something new — a new species. In this sense, extinction merely reflects a rate of progressive change. Here, in order for a new species to emerge, its ancestors must become extinct. But this form of extinction connotes growth rather than death and, what is more, may be seen as playing an indispensable role in the evolutionary development toward *Homo sapiens*.

Extinction itself, then, should not necessarily evoke feelings of horror. Man should be concerned with extinction but mainly in the

areas where he is playing a contributing role. But in his responsible assistance to endangered species he must not forget that his primary obligations are to his own kind. It may very well be true that over the last 10,000 years man himself has been the most significant agency of environmental change that has led to species extinction. However, in recent years he has exhibited a great sense of responsibility in protecting endangered species and safeguarding their natural habitats. The problem at hand is in avoiding injustices to the human species rather than in becoming more solicitous to species which are not human.

The word "extinction" comes from the past participle (*extinctus*) of the Latin word *extinguere* — to quench out. But "extinct" always refers to the end of something which, of itself, cannot have life. A name or a franchise can become extinct, but these things do not have life in the real sense of the word "life." A man *dies* in the real sense of the term, but his name *dies* only in a metaphorical sense. Likewise, an individual may be really extinguished, but a species is extinguished only metaphorically.

When the last snail darter dies, death happens to it *essentially*, but to its species only *accidentally*. The death or extinction of the species is not something super-added to the snail darter but something accidental to it. Only individuals are real and death comes *really* only to them. Individual death is the death of a real being; species death (or extinction) is the end of a taxonomical being. Only individuals die; classes (or species) do not suffer death, they die only figuratively.

The United States government offers greater protection to endangered animal species than to endangered unborn humans (now, through post office propaganda, it is engendering concern for endangered flora). This is a moral perversity in that men have decided to credit lower species (bats and insects are also listed on various endangered species lists) with more importance than certain members of their own. But it also reflects an artificial understanding of extinction and a pathetic lack of regard for individual human life.

Each individual unborn child is the apex of a genealogy that goes back to the first human parents, and — if one accepts the outline of Darwinian evolution — back beyond that to the very beginning of time. Each unborn child is preceded by an eternity of preparation. And when its life is extinguished, there is also extinguished the possibility of a future lineage that would extend through limitless grandchildren.

The more realistically we see things, the more we see the supreme importance of the individual human person, on the one hand, and the arbitrary quality of a category,¹² on the other. And to be just requires that we first see what things are in their reality.

In his discussion of endangered species, Romain Gary writes: "I don't know if you are interested in the Ethiopian wild ass, but I am; maybe because I met one 30 years ago in Somaliland and it looked at

me in a certain way that I have never forgotten." (There are now but 3,000 of these animals.)¹³

Such tender sentiments expressed over a wild animal are admirable and we may all hope that the Ethiopian wild ass continues to exist, even until the end of time. But we should hope even more strongly that our affection for this beast or any beast never distracts us from our incomparably more admirable concern: justice to our fellow humans — to those in the world, and to those yet in the womb.

REFERENCES

1. *People*, Aug. 20, 1979, p. 31.
2. *Toronto Globe and Mail*, July 10, 1979, p. 10. Mr. Moore's quotation was given special front page prominence in this issue as the "Quote of the day."
3. The killer whale is the most ferocious and dangerous of all the carnivorous animals.
4. A large whale will consume over a ton of food a day.
5. By the early 1970's only Japan and the Soviet Union maintained whaling fleets in the open ocean. On Nov. 8, 1978, Cleveland Amory staged a protest of Japan's and the Soviet Union's whaling practices. The protest was held outside the Japanese bank in New York's Rockefeller Center. Amory was photographed harpooning a Russian-made automobile, symbolic of his desire to boycott Japanese and Soviet-made products.
6. Carter, Luther, "The Attorney General and the Snail Darter," *Science*, vol. 200, May 12, 1978, p. 628.
7. Gary Wills writes: "Many liberals believe in a 'right to life' for snail darters and louse worts, for redwoods and whales, among other things." *Universal Press Syndicate*, July 7, 1978.
8. *Time*, July 9, 1979, p. 24.
9. It is generally agreed that whales originated in the early Paleocene or Upper Cretaceous, about 70 million years ago.
10. Simpson, George Gaylord, *The Meaning of Evolution* (New Haven: Yale University Press, 1964), p. 196.
11. *Ibid.*, p. 200.
12. Whether biological species can be said to have a real existence in the world is problematic. Benjamin Burma writes in *Evolution* (3:369): "What, then, is a species? It would seem thus far to be the whole of any one series of breeding populations . . . [But the] definition as it stands unfortunately puts all living and fossil animals in one species, since there is a continuity of germ-plasm back from John [an individual animal] to the original primordial cell, and from it forward to every living animal (not to mention plant). Thus, if we ignore time, we end up with only one species. . . ."
13. Gary, Romain, *Vanishing Species* (New York: Time-Life, 1974), pp. 15-17.