

But whether or not the reader of this book has historic expertise or not I consider rather irrelevant, although, of course, profound knowledge of Arctic exploration is certainly a benefit. What the reader needs to engage in this book is self-criticism and the ability to question her own ways of perceiving the Arctic, its (re)presentation and the way narratives about the Arctic are produced and reproduced. Because what I find most intriguing about this book is Craciun's ability to produce a sophisticated, in essence case-study bound, criticism of the reinforcement of Arctic narratives. She directly and indirectly reminds us time and again that 'the Arctic' is a construct of specific times, cultures and political purposes, and that when dealing with the Arctic one should be cautious to avoid John Moss' claim she cites on page 20: 'When you enter Arctic narrative, you enter every narrative of the Arctic' (Moss, 1998, p. 105). This provides a true challenge for one's own contemporary thinking, particularly as an Arctic scholar. It makes me personally question the use of images and narratives in my own research that have found their way into my subconscious and which I take for granted without necessarily questioning them. In this regard I found particularly intriguing the analysis in Chapter 1 of the way the relics of Franklin's failed expedition to find the Northwest Passage – which in its singular form is a construct of imagination given the complex geography of the Canadian north – were displayed by those having found them, museums or in the *Illustrated London News*. After all, the way these relics were displayed and interpreted carried certain messages, which, in light of the absence of any documentary output by the Franklin expedition itself, save one that was found, inevitably constitutes a rather imaginary view on the expedition itself.

The first chapter was, at least for me, the most intriguing and inspiring given its extremely critical view on historical production and ultimately provided significant challenges for my own contemporary thinking. But also Chapters 2 and 3, the former dealing with the *hows* of report production and the political context in which this is embedded, the latter dealing with the role of the Hudson's Bay Company (HBC) within exploratory contexts, provided me with so much food for self-criticism that I have hardly found in any other book. It made me question what narratives about the Arctic are 'normal' and prevailing in contemporary Arctic discourse and whether or not I have embedded and reproduced them in my own scholarly work. And here lies probably the biggest asset of Craciun's work: it aims to counter narrative-based authorship trends by aiming to unravel 'a nested set of exploration cultures' (p. 22). This should make all (Arctic) scholars think! What research cultures are we part of? And can we accept those unchallenged?

With these questions in mind Craciun took me deeper and deeper into the mysteries of the 'heroic age' of Arctic explor-

ation, which, let's face it, was not that heroic after all. As the author so eloquently shows, Arctic exploration and particularly the reporting about it was marked by failures, mischief, politics and romanticisation. For instance, why has the Franklin disaster of 1845 remained so prominently in the collective memory while the Knight disaster of 1719 has not? A question ever more relevant today after the discovery of HMS *Erebus* in 2014 and HMS *Terror* two years later? Several aspects come together here. For instance, Knight worked for the HBC, which retained a strict policy of secrecy given its commercial nature regarding all its activities. Consequently, documentary output in its largest parts ended up in the depths of the HBC archives, never to be seen again. Contrarily, 19th century exploration showed an almost 'obsessive emphasis on preservation, collection, and exhibition of materials [...] associated with discovery' (p. 137) that turned Franklin as well as his equally unsuccessful predecessor by several centuries, Martin Frobisher, into polar heroes (Chapters 4 and 5). And we must furthermore understand that this 'disaster cult' (p. 32) still to this day serves deeply rooted Canadian interests: that of sovereignty in the Arctic archipelago. The difficulties of this matter have been discussed widely (see for example Griffiths, Huebert & Lackenbauer, 2011), but as Craciun shows in the *Epilogue*, the discovery of HMS *Erebus* and the cult that has arisen with it do play into the hands of the Canadian government. Although *Terror* had not been discovered at the time of Craciun's writing, it appears reasonable to assume that the vessel's discovery will be used in a similar manner.

The reader of this review may miss a critical analysis of the historical content of Adriana Craciun's book. But as a non-historian my focus was shifted to the normative role this book plays *vis-à-vis* its historical accuracy. And even though one might not be utterly interested in polar history I would urge (self-)critical scholars to engage in the literature of this fascinating work. Even though the language Craciun employs is at times slightly overly complex, its thought-provoking, sharp and encouraging content make this book essential for any Arctic scholar. And besides, especially for a non-historian, this book motivates the reader to engage more in the histories of polar exploration (Nikolas Sellheim, Polar Cooperation Research Centre, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe 657-8501, Japan ([nikolas.sellheim@people.kobe-u.ac.jp](mailto:nikolas.sellheim@people.kobe-u.ac.jp))).

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**Whaling in the Antarctic. Significance and implications of the ICJ judgment.** Malgosia Fitzmaurice and Dai Tamada (editors). 2016. Leiden: Brill. ix + 423 p, hardcover. ISBN 978-90-04-31364-4. €130.00.  
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It has become rather common practice to label the whale hunt in the Antarctic carried out by Japanese whaling ships as 'illegal'. The sources for this claim are manifold, and this

reviewer was witness to the application of this claim at the 66th meeting of the International Whaling Commission (IWC) in Portoroz, Slovenia, in October 2016. In other words, it is first and foremost whaling opponents that maintain that, especially after the ruling of the International Court of Justice (ICJ) in the *Whaling in the Antarctic* case in 2014, the conduct of whaling for scientific purposes in Antarctic waters is illegal. However, whaling proponents hold that, while indeed the ICJ ruled that the research carried out under the Japanese JARPA-II programme does not meet the criteria of 'scientific whaling', in principle,

and in accordance with Article VIII of the 1946 International Convention for the Regulation of Whaling (ICRW), whaling is, even in spite of the 1986 whaling moratorium, legal for scientific purposes.

The present edited volume approaches the judgement of the ICJ from a multitude of angles and the legal scholar trained or untrained in international law will be taken through a lesson of sophisticated legal scholarship and analysis. A look at the table of contents already shows that the editors have attempted, and in my opinion very successfully, to include different sides of the whaling debate. Seven out of 11 contributions are written by Japanese experts on the whaling issue. One of these, Professor Joji Morishita, is the Japanese commissioner at the IWC. Many of the papers also stem from a conference on the *Whaling in the Antarctic* case held at Kobe University from 31 May to 1 June 2014. Moreover, the book is subdivided into five parts: *The law of evidence and standard of review*; *Substantive law aspects: the law of treaties*; *Procedural law aspects*; *Institutional implications of the judgement*; and *Domestic and international implications of the judgement*.

To this end, the book is not only an academic, scholarly book in which legal theory is explained practically using the *Whaling in the Antarctic* as a case in point, but a highly political one too. To exemplify this, let us take a closer look at Malgosia Fitzmaurice's chapter *The Whaling Convention and thorny issues of interpretation* (Chapter 3) and the aforementioned contribution by Joji Morishita *IWC and the ICJ judgement* (Chapter 8). The former constitutes the longest chapter in the book and gives a profound insight into the differences of interpreting the provisions of the ICRW, starting with its overall objectives (and purposes). The underlying point of reference, the 'substantive law aspect', so to speak, is the Vienna Convention on the Law of Treaties (VCLT) of 1969 and how it is applicable in the context of the ICRW. While providing the reader with her own opinions on the way the convention can be interpreted, these opinions follow the submissions and pleadings of the different parties, first and foremost Australian and Japanese, the judgement itself and the opinions of different judges and in how far Fitzmaurice (dis)agrees with the way the ICRW is interpreted. By doing so, Fitzmaurice enables the reader to understand how complex the issue of the whaling context really is and that both sides bring forth valid arguments in support of their claims. Moreover, the chapter brings the broader perspective of treaty interpretation to the fore and the complexity associated with it, especially in light of the role of the court itself and its

way of dealing with the provisions of 'scientific whaling' in the ICRW.

Morishita's paper in this fascinating book takes a rather critical approach to the issue of how the judgement was received by media outlets and anti-whaling non-governmental organisations. This, of course, does not come as a surprise, and if read by somebody with an anti-whaling attitude could be considered as biased, given the author's position in the whaling debates. However, Morishita does not argue based on his own or his government's opinions. Rather, he looks at the deliberations within the IWC regarding the adoption of the whaling moratorium in 1982 (starting for the season 1985/86). Following the official records, the moratorium was concluded as an establishment of catch limits and not as a 'ban' that makes whaling illegal *per se*. Nor did the judgement label Japanese scientific whaling 'illegal' as such. Instead, it requires Japan to alter its research objectives and does neither judge on other whale-related research programmes, such as in the North Pacific, nor on any future research programmes in the Antarctic (NEWREP-A). Not surprisingly, as Rothwell shows in *The whaling case: an Australian perspective* (Chapter 9), the Australian response as the country having initiated the lawsuit was rather modest. The observations of this reviewer at the IWC66 meeting in 2016, however, reaffirm Morishita's claims that those opposed to whaling still treat the judgement as rendering scientific whaling in the Antarctic carried out by Japan as illegal. That, as is being shown throughout the book, is not the case.

There are certainly many things to be said about whaling, the judgement in the *Whaling in the Antarctic* case and the way politics, emotions and general perceptions on human–animal relations contribute to the dysfunctional manner in which the IWC operates. The present volume, however, takes a rather 'dry' and 'matter-of-fact' approach in which the authors eloquently lay out their arguments based on the legal nature of the ICJ judgement. The reader also gains significant insight into the way the whaling discourse is shaped and how it is evolving (or not). The book is therefore a crucial part of the scholarly and political landscape surrounding whaling and should be part of the library of anyone who is interested in the whale hunt. Needless to say, other areas of human–animal interactions, such as marine management, seal hunting, etc., also play a role when reading through this book (Nikolas Sellheim, Polar Cooperation Research Centre, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe 657-8501, Japan ([nikolas.sellheim@people.kobe-u.ac.jp](mailto:nikolas.sellheim@people.kobe-u.ac.jp))).

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**Scottish Arctic whaling.** Chesley W. Sanger. 2016. Edinburgh: Birlinn. xx + 220 p, illustrated, softcover. ISBN 978-1-906566-77-7. £20.00. doi:[10.1017/S0032247417000213](https://doi.org/10.1017/S0032247417000213)

Whaling. A word that has become synonymous with the destruction of the environment driven by greed, driven by lack of respect for other fellow creatures of this world, driven by wasteful interests in the goods animals directly or indirectly produce. But as many authors have shown, the interest in whale products has waned and there are only but a few whaling nations left that either hunt whales for their meat and oil and/or as part of scientific programmes. In order to avoid overhunting

of the past, in 1946 the International Whaling Commission (IWC) was established by a few whaling nations to oversee the implementation of the International Convention for the Regulation of Whaling (ICRW). Ever since the foundation of the IWC and the moratorium on commercial whaling it established in 1985/86, the organisation has been in a deadlock in which pro- and anti-whaling nations do not find a way to overcome their differences (see for example Fitzmaurice & Tamada, 2016).

When looking into the history of whaling one quickly finds reference to the main actors in the whaling business: the Americans and their infamous city of Nantucket; Basques who were the first to engage in Arctic whaling; or the English that charted the seas while engaging in their bloody business.