

On Dolphin Personhood

An Interview with Karsten Brensing

Jessica Ullrich

PhD, University of Lueneburg

doi: 10.7358/rela-2014-001-ullr

JesMarUllrich@t-online.de

JU: You are one of the leading dolphin and whale experts worldwide. Could you tell us a little bit about your personal background and how you became a marine biologist?

KB: I wouldn't say that I'm one of the leading experts – there are just too many – but I'm one of the few scientists focusing explicitly on the protection of these amazing animals. However, I have dreamt of becoming a marine biologist since my early childhood. I was always fascinated by the sea and I love swimming and diving. After studying marine biology in Kiel, I started my career as a PhD student in behavior research at the Free University of Berlin in 1997. I spent a year in Florida at the Dolphins Plus and I made several trips to Israel conducting research at the Dolphin Reef – both facilities are fenced pens with captive dolphins. I was interested in the self-motivated behavior of dolphins towards human swimmers. It was a shock when I realized that the dolphins are not excited about swimming with humans. It is widely promoted that dolphins in the swim programs enjoy human company, but that's not true: the dolphins in Florida tried to escape (without success due to the limited space) and showed signs of stress. The Dolphins in Israel were only interested in the trainer and not the visitors, but at least they could escape because the facility was about 10 times as big as in Florida. To be honest, after my PhD I felt a bit guilty because I saw myself as someone who abused those animals, not for money but for my career. That led me to the decision to work for an NGO which has a clear policy against cetaceans in captivity and so I started to work for the international charity Whale and Dolphin Conservation in 2005.

JU: Is there a special individual animal that changed your life?

KB: Yes indeed, it is a bit embarrassing but I really believe that Flipper had an important impact on my life. Today I see that from a totally different perspective as that TV show cost the lives of several bottlenose dolphins.

JU: What does your daily routine look like as a marine biologist?

KB: It starts in a similar way to the daily routine of many people; I press the power button on my computer! But seriously, my life is, for the most part, not very exciting. Working for an NGO means policy work; in other words, I try to figure out the best ways to increase the protection of whales and dolphins. If I have identified a problem and a solution, I just try to convince the decision-makers to make the necessary change. Sounds easy, doesn't it? In fact it is quite complicated and the work of a conservation NGO has changed a lot over the last few decades. We have a lot of legal frameworks in place and we have to work out what we can do within those frameworks. In reality, that means that we participate in the relevant agreements and working groups. For example, I'm a member of a working group from the European Commission which is focusing on marine noise pollution, which is a serious and increasing threat for cetaceans (whales and dolphins).

JU: You are with WDC. What are the primary tasks and aims of this organization?

KB: WDC, Whale and Dolphin Conservation (formerly WDCCS) is the leading global charity dedicated to the conservation and protection of whales and dolphins. We defend these remarkable creatures against the many threats they face through campaigns, lobbying, advising governments, conservation projects, field research and rescue. Our vision is a world where every whale and dolphin is safe and free. In other words, every single individual counts.

JU: In your new book *Persönlichkeitsrechte für Tiere (Personal Rights for Animals)* you demand personal rights for animals. What rights should be granted to animals?

KB: "Personal rights for animals" means that every non-human person should deserve the same protection as a human person. I believe that would be the logical progression of existing moral frameworks; we protect humans as single individuals with their own independent will. If individual species rights were recognized, it would be impossible that someone else

could own an animal, in the same way that it became impossible to own a slave once these humans had their rights recognized. It would also then be illegal to kill or to abuse a species that had been recognized in law as a non-human person.

JU: Which animals do you consider to be persons? Could you define personhood? What are the characteristics that make dolphins and whales persons?

KB: Personhood is the status of being a person, but defining personhood is a controversial topic in science and philosophy. However, most humans have a clear concept about personhood. They see a person as a “who” and not as a “thing”. Persons have self-recognition and a theory of mind, meaning they have a concept of the existence of others and are capable of empathy. Persons have a concept of space and time, a good memory, and therefore a lifetime history and future. Persons are capable of strategic thinking and acting upon this. They are able to communicate and to identify those they communicate with as particular individuals. They often [but not always] live in communities, some of which may even have their own culture, they may use tools and so on. I think to be recognized as a person you need to fulfill more or less all of those criteria i.e. it would not be enough to have a theory of mind but no self-recognition. However, that all depends on our knowledge as researchers and this implies a great risk of false negative results in our experiments. For example, a pig may be able to find food with help of a reflection in a mirror, but it is not recognizing itself even if it stands right in front of the mirror. But what if the pig needs its own smell for self-recognition? In my book I use many small anecdotes, like the following: An alien species is examining earth looking for intelligent life. This alien species is quite different to us, they have only a limited visual view but they are able to communicate by smell and are even able to control their spaceship by smell. Their self-recognition test may look quite different to ours. Just imagine being tested with a smell identical to your own. You will pass that test if you are able to recognize a tiny space behind your left shoulder which does not smell like you. And now think about the ethical consequences: if you show no signs of this self-recognition in that test, you may be defined as food. Now you may understand that there are difficulties in defining which animal species have developed to the level of a person. I believe we have enough knowledge about great apes, whales and dolphins, and elephants, but what about birds where some species show signs of self-recognition and others signs of a theory of mind?

JU: You are stating the importance that dolphins have personal names that they use in communication. Could you briefly outline how scientists discovered this? Why is the existence of personal names in dolphins so important for their status as persons?

KB: The knowledge of the so-called signature-whistle goes back to 1965. The Caldwells (a couple involved in cetacean research) discovered that dolphins produce individual and unique whistles if they're isolated from their mates – thus, the signature whistle hypothesis was born. Since then we have learned a lot: for example, the signature whistle is developed in the first months of life and is originally based on the signature whistle of the mother; dolphins use the signature whistles to introduce themselves if they are approaching another group in the wild; dolphins call to each other, and recent research has shown that they remember the signature whistle from other dolphins even decades later. It needs to be pointed out that this communication works without names. Most animals are not able to identify the sender, which means that individuality doesn't play an important role in their social communities. Some animals like dogs have the ability to identify individual barking, which is quite similar to recognizing the voice of another human. From that point of recognition, even we as humans do not need names to communicate. But names are important if you want to talk about someone else or if your social status as an individual is important. Just imagine yourself without a name and you understand the importance for a person.

JU: In your book you are saying that dolphins and whales have culture. Could you specify what you mean by this?

KB: Culture in behavior research is defined as a knowledge/behavior/tradition which is transferred from one individual to another or one generation to another. However, the observation of culture is something that can easily be misinterpreted e.g. different techniques for ant dipping by chimpanzees were described as culture until scientists discovered that different aggressive ants caused the use of different sticks. What you need to prove culture is a clear information path. Let me give you two examples:

- Humpback whales sing complex songs which have changed over the years, and every region has different songs. In one instance, some whales introduced new songs to another region. These new song types were traveling through the Pacific as if they were some kind of fashion wave.
- Bottlenose dolphins in the wild do not generally ride high above the water on their tail fins, as seen in dolphin shows. However, some dol-

phins learned exactly this behavior from a dolphin which was entangled in fishnets and rehabilitated in captivity. This dolphin had the opportunity to observe the shows (without being part of them), she then started to tail walk herself and after she was released back into the wild, other dolphins learned the same trick from her.

Both examples cannot be interpreted as anything else than non-human culture.

JU: In your book you are attributing self-consciousness, culture, tool use, the ability for strategic actions to whales, dolphins, apes, elephants and crows. Do you think that animals who do not possess these qualities (or of whom we just do not know yet that they do) should not be granted rights or that we have not as much responsibility towards them?

KB: No, not at all, we as highly developed humans are fully responsible for our impact on nature and consequently on each individual animal, and there is even more accountability if we use or abuse animals in our care. However, the status of personhood would result in the individual's right not to be the property of any other person. However, other "persons" may still be responsible for protecting their welfare, just as is the case with small children, who are not owned by their parents or guardians, but these people have a duty of care towards these younger humans. This is probably the biggest difference, that human societies must recognize a duty to protect all those beings recognized as non-human persons, but it doesn't mean that we can ignore animal welfare if an individual does not have the status of a person.

JU: Those animals with features we usually consider "human" (self-consciousness, tool use etc.) seem to be especially worthy of protection. Should the absolute otherness of an animal not also be considered just as valuable and deserving of attention?

KB: In general, all life should deserve attention and no life should be killed, but nature is full of killing. In fact, killing is the essential element in creating biodiversity and otherness. But the question is, is one species more worthy than something else? In the light of life on earth, biodiversity is absolutely vital and therefore everything that makes up that diversity is important.

JU: Some of your claims have also been made by the initiators of the Great Ape Project. The Great Ape Project has been criticized for privileging one

species – apes – over other animals. The same could be said about your argument. You are opening the circle of animal persons by including dolphins and whales (and some other mammals and birds). What about the other species? Shouldn't they also be considered as persons or shouldn't they also have rights?

KB: Yes, they should have rights but not all can be persons, or certainly we don't have the science to support such an assertion at this stage. But let's go back to the Great Ape Project. I believe the Great Ape Project relied on a very convincing argument where they pointed out that chimpanzees share 98% of our genes, so those animals are so close to us that they should receive an equal status. I believe this is true but not the whole picture; that's why I really like the book *In Defense of Dolphins* by Thomas White. He argued that it is not genetic relatedness to humans but the level of cognitive development that is important. The big question in his view is the question of personhood, because this status qualifies the protection of an individual. I believe this approach is much more feasible because it opens the discussion to all animals, which is only fair. However, this status can only be reached by some highly cognitively developed species, which certainly at present is excluding the majority of other animals, due to the fact that we don't have the supporting scientific evidence.

JU: It seems that there are many similarities between us and animals but is there still something that makes us as humans unique?

KB: Oh yes, there is something that makes us totally unique. Only some species are able to cooperate. By this, I mean real cooperation, e.g. a group of hunting wolves may work together but they do not cooperate. Real cooperation is based on the understanding of the situation together with a concept of the problem. As I mentioned, only some species are able to do this but humans are the “masters of the universe” when it comes to cooperation. This is the fundamental aspect of the success of our species and makes it obvious that we are special: with cooperation, we built streets and skyscrapers, we fly to the moon, and are able to destroy the whole world. But this has nothing to do with an individual which has reached the level of personhood. That's why the belief that our ability to be a person is the main factor is somewhat outdated.

JU: There is the photo of an ape on the cover of your book while you are dealing mostly with whales and dolphins. Why did the publisher decide to use this picture?

KB: Haha, as far as I know that was the decision of the marketing guys. The cover and title are not really under the control of the author.

JU: You are supporting the Helsinki Declaration. Could you briefly summarize the most important claims of this declaration?

KB: The Helsinki Declaration (www.cetaceanrights.org) was published in 2010 from a group of cetacean scientists, philosophers and legal brains. The declaration consists of 10 paragraphs and is based on the fact that whales and dolphins should be treated as nonhuman person. The first, and maybe most important, point is: Every individual cetacean has the right to life.

JU: Some people fear that personal rights for animals belittle human rights. What do you reply to that?

KB: That's two completely different things – no-one is asking for human rights for animals. To be honest, I believe this is a big misunderstanding. Human rights are defined for humans and no one wants to change them. I can understand that some people may feel uncomfortable when it comes to discussion of humans who have lost the cognitive abilities of a person (perhaps through illness or accident). Do those humans still have human rights? The answer is simple: YES, human rights cannot be divided or graduated; all humans, regardless of their cognitive abilities, have human rights. Combining both discussions is misleading and creates senseless fear.

JU: If animals had some (or all) of the rights you are claiming, most (or all) of the scientific research that is conducted on dolphins right now probably could not be carried on. Some of the data you are presenting in your book would not be available. Isn't that too high a price to pay for a scientist?

KB: This is a complex issue, and yes, scientific experiments in captivity would be stopped. However, you can conduct research in the wild and that is more valuable anyway. E.g. the two most impressive findings (the signature whistle and the observation of third order alliance) need more research in the wild. You cannot observe complex social behavior in captivity because dolphins do not act naturally, the group size is much too small, and you cannot observe the natural use of the signature whistles in a tank where all of the dolphins are always present.

JU: Some of the findings you are recapitulating in your book are based on research done with dolphins in captivity. What do you think about such research results?

KB: That's important pieces and we have to use this scientific knowledge as well as we can. There is no need to condemn that research or to criticize the scientists. Our decisions can only be based on our current knowledge and no one can blame us (as humans) for something that we did not know in the past. The question is: How do we act now? I believe that if we don't take the right action now, future generations will have the right to criticize us. From my point of view, we have the responsibility to incorporate that kind of knowledge into our ethical system and we have to recognize that rights of non-human persons.

JU: What do you think of dolphinarium?

KB: WDC gained access to all of the files from the dolphinarium in Nürnberg based on the freedom of information act. The data clearly shows that there are dolphins kept there which do not behave normally and those which are aggressive are put on psychotropic drugs and hormones. This is proof that dolphins are kept under conditions which do not fulfill their biological requirements. In that respect, keeping dolphins in captivity is illegal. This is not a just question of personhood or any ethical considerations, it is a legal issue. To put it simply: dolphins do not belong in captivity.

JU: What do you think of whale watching for tourists and of swimming with dolphins as a therapy for handicapped human beings?

KB: Those are all quite different things. If whale watching is organized in a proper manner, it doesn't seem to be a threat for the observed whales or for the population. However, there are many examples which show that whale watching can be a problem. WDC does support well managed whale watching and we believe that this activity is of high educational value, if it is done with respect. Swimming with dolphins and Dolphin Assisted Therapy (DAT) is mostly conducted in captivity with all the associated disadvantages – and there is no proof that DAT even works at all. Additionally, there are scientific observations that even swimming with dolphins in the wild is problematic. On the other hand, there are so many wonderful stories about interactions between humans and wild dolphins. My advice is simple: don't pay to swim with dolphins – if it happens to you in the wild, just enjoy it and be respectful.

JU: What is your most recent project? What are you working on at the moment?

KB: I have three main projects. One is the increasing marine noise pollution, where I try to be involved in all relevant working groups. Another is captivity, where I am writing a scientific article about our evaluation of the Nürnberg files. And last but not least my public awareness work around the personhood question. This is absolutely fundamental for our organization because it explains why we have our mission statement: A world where every whale and dolphin is safe and free!

JU: What is the biggest danger for whales and dolphins today?

KB: That's still fisheries, hundreds of thousands of individuals are killed as so-called bycatch. This is a real shame because no one wants to kill them but traditional fishing methods are cheaper than new selective fishery technologies. An underestimated threat is noise pollution. At the moment, we are just beginning to understand the dramatic impact and consequences.

JU: What could each of us do to help dolphins and whales?

KB: First of all, you could sign the Helsinki declaration at www.cetacean-rights.org, or adopt a whale or a dolphin at www.whales.org. But you also can do something every day e.g. avoid eating big predatory fish species like tuna or swordfish, reduce your plastic consumption and energy waste. Those are simple things and you can feel much better about yourself.

JU: Your book starts with a utopian story of a world in which animals are granted personal rights. Do you really think this is what the world will be like in the near future?

KB: Yes, I think so. We grew up with Disney's talking animals, but then we learned there is no Santa Claus and animals are not people. I believe we have to rethink that last statement, it may take a generation but if many people accept the fact that the status of a person has nothing to do with technology or being human, they may understand that we are not alone on our planet.

JU: Your book is in German unfortunately, what English book would you recommend?

KB: I would suggest a book by my two colleagues Philippa Brakes and Mark Simmonds called: *Whales and Dolphins: Cognition, Culture, Conservation And Human Perceptions* and also certainly *In Defense of Dolphins* by Thomas White.