

correspondence

Whales

SIR,—With reference to the article "The Unendangered Whale" (August 9), we feel that it is most important to point out that the opinions expressed by Dr Ray Gambell are by no means universally accepted.

Gambell states that the "concept of species management is now operative". But 'concepts' do not ensure that the whales will be harvested rationally. There are many more practical factors which come into play besides scientific concepts of species management. At the International Whaling Commission (IWC) meeting last June, some of the recommendations of the Scientific Committee (of which Gambell is a member) were overruled in the plenary session in favour of higher quotas. It is also worth noting that there is still time for Japan and the Soviet Union to opt out of any of the management policies under the 90-day rule. In fact, there is no real need for Japan to opt out of any of the decisions made by the IWC as she owns dummy companies (joint ventures, flags of convenience) in countries which do not even belong to the IWC.

Gambell also points out that it also "remains to be seen just how well the scientists can resist the political and economic pressures". Past experience (of which there is much) suggests that they are unlikely to be able to resist such pressures. Some Japanese whaling scientists have admitted that they are torn between the demands of the Japanese whaling industry and the necessity for sound conservation measures.

The reason why many experts are now opting for a 10-year moratorium on commercial whaling is because they have begun to realise how little they know about whales and the effect of whaling on their populations. Gambell is not one of these scientists, but he has conceded that "there is much research needed". It has also recently been brought to Gambell's attention that perhaps the biomass of whales should be studied, not just their numbers. Had the scientists looked at the wider effects of whaling—other than those demanded by the industry-dominated IWC—they would have seen that the weight of sperm whales, for example, has declined rapidly during the past 30 years, and that in terms of biomass is probably well below maximum sustainable yield (MSY). There

is also reason to believe that the total biomass of baleen whales in the Antarctic is also well below MSY. We feel, therefore, that Gambell is rather premature in reporting that the whales, situation is satisfactory.

Fortunately the British government is still in support of the complete moratorium on commercial whaling despite Gambell's advice.

Yours faithfully,

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Biohazards and the law

SIR,—Brian Ford (*Nature*, August 2) may be right in saying that there is not enough *statute* law about biohazards, and his suggestions for future legislation are certainly valuable. But statutory codes of practice cannot by themselves solve the problem. Sooner or later, by accident or design, someone somewhere will ignore them. What is important is what happens then.

The offender may be fined or sent to prison, but that will provide little comfort for the victim. Far more important is the civil remedy which the *common law* (i.e. the law made by the judges) has designed for such cases, centuries before Parliament started to take an interest in this field.

Under the rule known as *Rylands v. Fletcher*, anyone who for his own purposes keeps on his land anything likely to do mischief if it escapes is answerable for all the damage which is the natural consequence of its escape. The liability does not depend on negligence: all the victim has to prove is that the mischievous thing was kept there, escaped, and caused him damage, and it avails the defendant nothing to show that he took all possible care, or even that he did not know the thing was dangerous.

There are cases in the books, as recently as 1928, which apply this rule to poisonous substances. I know of no reason why the courts should not apply it to living organisms—though, if they were held to be animals, they would now come under the Animals Act 1971, which replaces common law rules broadly similar to the rule in *Rylands v. Fletcher*.

If every owner, director and operator of a laboratory which kept human pathogens on its premises realised that in the event of an escape he would be

absolutely liable to compensate all victims for all the damage they suffered, the standards of care to prevent escape from those laboratories might well be higher, and more strictly observed, than any new legislation could expect to achieve.

Yours faithfully,

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Megalithic alignments

SIR,—As one who has recently reviewed several of John Michell's books at some length *Men, myths and megaliths*, Thames and Hudson; in the press), I read his letter (August 23) with considerable interest.

To anyone who has made the effort to wade through the corpus of his bizarre geomancies, it comes as no surprise that most archaeologists have declined the privilege of reviewing his latest efforts. I suspect that many regular readers of *Nature* will be unfamiliar with Mr Michell's books and his ideas. Basically he is a neo-Straight-tracker, a disciple of Alfred Watkins (*The Old Straight Track*, Methuen; 1925) who believed, after a mountain-top 'vision' one summer afternoon in about 1920, that Britain was networked with alignments (including Megalithic ones) which had been laid out in premeditated fashion by some ancient race.

But Michell is also a self-confessed flying-saucer enthusiast; an admirer of Piazzzi Smyth's Pyramid theories, Mrs Maltwood's Glastonbury zodiac and several other claptrap cults which provide the right kind of fuel for his own romances.

Michell's technique, rather cunningly, is to throw in any semi-respectable or respectable material in attempts to add verisimilitude to his own. For example, Fred Hoyle must be 'delighted' to find that Michell is a staunch supporter of his 'Stonehenge drum-beat theory' (about 1966). In *The View Over Atlantis* (Abacus, 1973) he writes (page 183): 'Professor Hoyle in an article in *Antiquity* suggested that the men who built Stonehenge may have communicated over long distances by beating drums . . .' and then Michell splices in his own ideas ' . . . it was with drums, songs and the clash of cymbals that magical flight was achieved according to legend.