

AFTER “WALRUSSIA”: AMERICAN, RUSSIAN, CANADIAN,
AND JAPANESE FUR SEALS BETWEEN EMPIRES, 1867-1911

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This dissertation unites marine environmental history, transnational history, and foreign relations history to explore how marine space was renegotiated after the Russian Empire sold Alaska to the United States in 1867. The title comes from a popular, humorous moniker—“Walrussia”—that American newspaper reporters applied to Alaska after its purchase. This moniker highlights the ways in which both Russian and American colonizers envisioned and experienced Alaska as a marine space. As Russia, the United States, Canada, and Japan renegotiated the boundaries of their maritime sovereignty following the geopolitical shift of the transfer of Alaska, northern fur seals arose as coveted mobile resources and generators of biopower for the region. This dissertation argues that the fur seal industry—begun by Russians and transferred to Americans by way of Aleut Natives—organized transnational relations in the North Pacific following the transfer of Alaska. When Americans and Canadians made the prudent ecological decision to protect North American fur seals, the problem shifted westward, and the Russian navy began to collide with foreign seal hunters. The diplomatic incidents that ensued forced the empires of the North Pacific to carefully delimit maritime boundaries. Northern fur seals were the first nonhuman animals to be protected by a multinational treaty, the 1911 North Pacific Fur Seal Convention, due to their profitability and the diplomatic conflict they engendered. The convention also contributed to the broader

enclosure of the free sea envisioned by many Western thinkers since Hugo Grotius. In 1609, Grotius wrote *The Free Sea*, a text that would become the Western standard for delineating marine space and rights in the absence of international law. The convention that determined the fate of seals ultimately concluded that Grotius was right about freedom of navigation but wrong about the inexhaustibility of resources.

By adding Russian archival documents to traditional English-language histories of the fur seal crisis, this dissertation tells a robust, transnational story that reflects the mobile nature of the fur seal. The project draws on thirteen Russian, American, and Canadian archives to contribute to the subfields of maritime, environmental, transnational, diplomatic, spatial, and commodities histories.

BIOGRAPHICAL SKETCH

Amanda Bosworth was born and raised in Flint, Michigan. In 2007, she earned a Bachelor of Science degree in Social Sciences Education from Olivet Nazarene University in Bourbonnais, Illinois, graduating *summa cum laude*. Her undergraduate degree program included one semester at the University of Nizhnii Novgorod in Russia. Bosworth earned a Master of Social Work degree from the University of Michigan, Ann Arbor, in 2009. From 2009 to 2011, she worked as a Teach For America corps member, teaching middle school history in New York. Bosworth taught high school history for three more years, serving as history department chair and earning tenure in the New York City Department of Education. In 2017, Bosworth earned a Master of Arts in History from Cornell University in Ithaca, New York. As a teaching assistant, she taught courses on Imperial Russia and the United States in the twentieth century, as well as serving as head teaching assistant for a large lecture course on the history of exploration. Bosworth currently lives in St. Petersburg, Russia, and will graduate with a Ph.D. in History from Cornell University in May 2020.

To Igor

Ты – моё море

Спасибо за всё

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On my first trip to the BC Archives in Victoria, British Columbia, having just begun my Ph.D. program and not yet chosen a dissertation topic, I requested random folders on local topics that interested me. These folders included orcas, British Columbian waters, Alaska, and Russia. I ended up taking some of my very first archival photographs of an old book called *Whaling and Sealing Claims Against Russia, 1902*, part of the *Foreign Relations of the United States (FRUS)* series. I was immediately absorbed by the title. Little did I know on January 5, 2015, that those photographs would turn into this dissertation. I am grateful to Vladislav Lobatchev and Irina Lobatcheva for their hospitality many times in Victoria, for showing me my first orcas and harbour seals in the wild, for teaching me to love Victoria and British Columbia, and for leading me to this fascinating history. I am also grateful to Larisa Leonova, Alex Leonov, and Nikolai Mingaleev. They were my second Russian family—my first being my host family when I studied abroad in Nizhnii Novgorod in 2005. The Lobatchevs and Leonovs all helped me on my journey from North America to Russia.

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I would like to acknowledge the staff of all of the archives that contributed to the original research in this dissertation: in St. Petersburg, the Russian State Archive of the Navy (RGAVMF) and the Russian State Historical Archive (RGIA); in Moscow, the Archive of the Foreign Policy of the Russian Empire (AVPRI) and the State Archive of the Russian Federation (GARF); in Victoria, the BC Archives; in Juneau, the Alaska State Archives, Alaska State Library Historical Collections, and Sealaska Heritage Institute Archives and Collections; in Anchorage, the Anchorage Museum Library and Archives; in Fairbanks, the University of Alaska Fairbanks Elmer E. Rasmuson Library Alaska and Polar Regions Collections; in Seattle, the National Archives and Records Administration (NARA); and in New Bedford, the New Bedford Whaling Museum Archives.

Historian Sebastian Conrad said in an interview with Alexander Semyonov in *Ab Imperio*, “The world will look very different depending on from where you write.”¹ I wrote from St. Petersburg. Undoubtedly this magical city on top of a swamp, this northern capital crafted to be a window on Europe, impacted this writing. It certainly impacted this writer. This dissertation is dedicated to Igor Shirnin, a wonderful man who joined me on this Ph.D. journey once I made it to his hometown. He has supported this project and me more than he knows.

To everyone who made this Ph.D. journey from 2014 to 2020 one full of discovery and self-discovery, I say, “thank you,” “*gunalchéesh*,” and “*spasibo*.”

¹ Alexander Semyonov, “ ‘Global History is More than the History of Globalization’: Interview with Sebastian Conrad,” *Ab Imperio* (January 2017): 23-43.

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LIST OF ABBREVIATIONS

ACC	Alaska Commercial Company
AVPRI	Archive of the Foreign Policy of the Russian Empire, Moscow
GARF	State Archive of the Russian Federation, Moscow
IWC	International Whaling Commission
MSY	Maximum Sustainable Yield
NACC	North American Commercial Company
NARA	National Archives and Records Administration, Seattle
RGAVMF	Russian State Archive of the Navy, St. Petersburg
RGIA	Russian State Historical Archive, St. Petersburg
UNCLOS	United Nations Convention on the Law of the Sea

NOTE ON TERMINOLOGY

All archival documents from American and Canadian archives were written in English unless otherwise noted; all archival documents from Russian archives were written in Russian unless otherwise noted. All translations are mine unless otherwise noted.

I have mostly transliterated Russian surnames and place names using the Library of Congress Romanization scheme for Russian, except when another spelling is commonly known today—such as Tsar Alexander, rather than Aleksandr. In some instances, I have altered standard nineteenth- and early-twentieth-century spelling to the Library of Congress method, so readers will see both versions of the same name used when quotations from original sources are present. For example, Chichkine and Shishkin were the same person. Where a Russian name designates an existing Alaskan place, I have used the current Alaskan, anglicized spelling, as in the Pribilof Islands.

Over time, the English spelling of the Danish surname Behring transitioned into Bering. One American naturalist wrote in 1881 that “Bering, himself, wrote his name, ‘Bering.’ ” The “unwarranted corruption” of the original spelling began in Germany and became popular in publications in England and the United States, though the “h” was never essential within the confines of the English alphabet.² I employ the current common spelling, although the original is retained in direct quotations.

The shift in Alaska’s political fortune in 1867 can be labeled variously based on one’s positionality. For the Russians, it was a sale, for the Americans it was a purchase, and for the Alaska Natives it was a transfer. It can also be understood by residents of other nations as a

² Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 151-152. Elliott amusingly went on about “Bering, *Not* Behring” for more than a page, with a half-page subsection entitled “Cogent Reasons Why It Is ‘Bering.’ ”

transfer. In general, the term I employ applies to the positionality of the subject of the present sentence. I intend little political connotation through my use of any of these three terms, but rather wish to utilize the terms as used by stakeholders at the time. I find that transfer is the most useful term to describe the events of 1867.

In this dissertation, the words Canadian and British are virtually interchangeable. This is certainly not the case today, but it was during much of the period under consideration here. In 1892, the relationship between Great Britain and its Dominion of Canada could be described as semiautonomous, with the British government taking a special interest in and control over Canada's foreign affairs. Canadians were British subjects, and British officials tended to refer to them as British. In the interest of specificity and reflecting today's political reality in which the Dominion of Canada is largely autonomous from the United Kingdom, I tend to employ the term Canadian more frequently. However, the two terms can typically be understood to be the same throughout.

The captain and master are, by definition, the same person on a ship. I have avoided using the term master because of its association with slavery, but readers will find it quoted in original sources.

In sailing terminology, a ship is a three-masted (or more) vessel. Thus, a two-masted schooner—as most vessels outfitted for sealing were—cannot properly be called a ship. However, given the usage of ship to describe any large seagoing vessel in today's parlance, I will occasionally call a schooner a ship. It is meant in the twenty-first century usage, when few among us know what it is to live in a culture of wooden sailing vessels.

I follow American English conventions for spelling out words related to the whaling industry in my use of words related to the less commonly written about sealing industry.

Therefore: seal hunt, seal hunting, seal hunter(s), and seal fishery, but sealship and sealboat. A few times in this dissertation, whalebone is mentioned. According to *National Geographic* style guidelines, “whalebone” is baleen—used to make corsets and umbrellas in the nineteenth century—while “whale bone” is bone from a whale.³

My overuse of the male pronoun in this dissertation is a testament to the fact that nineteenth-century sealers and whalers were extremely unlikely to be women. I do not intend to exclude the possibility, but simply to represent reality without being overly wordy. One might describe a sealing captain as he/she, but given that there were no female sealing captains that I am aware of in the period covered by this dissertation, I will avoid doing so.

In most cases in this dissertation, the word “mile” connotes a nautical mile, sometimes called a geographical or Italian mile—a standard unit of measure at sea. A nautical mile is 1/60 of one degree of latitude, also known as one minute of one degree, whereas an English (American) land mile is approximately 1/69 of one degree of latitude. One nautical mile is equal to 6,076 English (American) feet, whereas a statute (land) mile is 5,280 feet. A knot, which is equal to a nautical mile, is a measure of speed rather than distance.⁴

The reader unfamiliar with prerevolutionary Russia will find the occasional use of two dates confusing (e.g., October 9/21, 1892). The reason for this is explained well by famous historian of Russia and Russian-American relations, Norman E. Saul, in *Concord and Conflict: The United States and Russia, 1867-1914*:

³ “Whalebone, Whale Bone,” *National Geographic* Style Manual, accessed May 1, 2020, <https://sites.google.com/a/ngs.org/ngs-style-manual/home/W/whalebone>.

⁴ Charles F. Chapman, *Piloting, Seamanship, and Small Boat Handling*, 52nd ed. (New York: The Hearst Corporation, 1976), 11.

The Russian calendar was twelve days behind that used in the West in the nineteenth century, thirteen days in the twentieth century until official Russia converted to the Western calendar in 1918. Most Russian sources and newspapers for the period have both dates...Fortunately, documents with no or erroneous dating are rare. Diplomats, businessmen, and scholarly observers have one thing in common—a sense of time and place.⁵

I have represented double dates with a forward slash, with the earlier (prerevolutionary Russian) date first. If I only supply one date, old style (prerevolutionary Russian, Julian calendar) or new style (Western, Gregorian calendar) can be inferred from the context, i.e., the creator of the document. Russians were more likely to feel the need to include both dates when engaging with the West. Intriguingly, after the Alaska transfer in 1867, the territory lost several days and leaped from October 6 to October 18.⁶ Since this is a transnational narrative written by a scholar who is chiefly an Americanist, the reader will find that most of the dates used throughout are of the Western/Gregorian variety.

Finally, but perhaps most importantly, the process of writing this dissertation about seals has truly been an exercise in looking closely at the value of nonhuman animals and their fraught experiences sharing the planet with human beings. For this reason, I refer to seals using such alive designations as “who” rather than “which.” I invite you to join me in looking more closely at these living beings, how they organized their lives, and how they organized human lives.

⁵ Norman E. Saul, *Concord and Conflict: The United States and Russia, 1867-1914* (Lawrence, Kansas: University of Kansas Press, 1996), xv-xvi.

⁶ Nachum Dershowitz and Edward M. Reingold, *Calendrical Calculations* (New York: Cambridge University Press, 2008), 47.

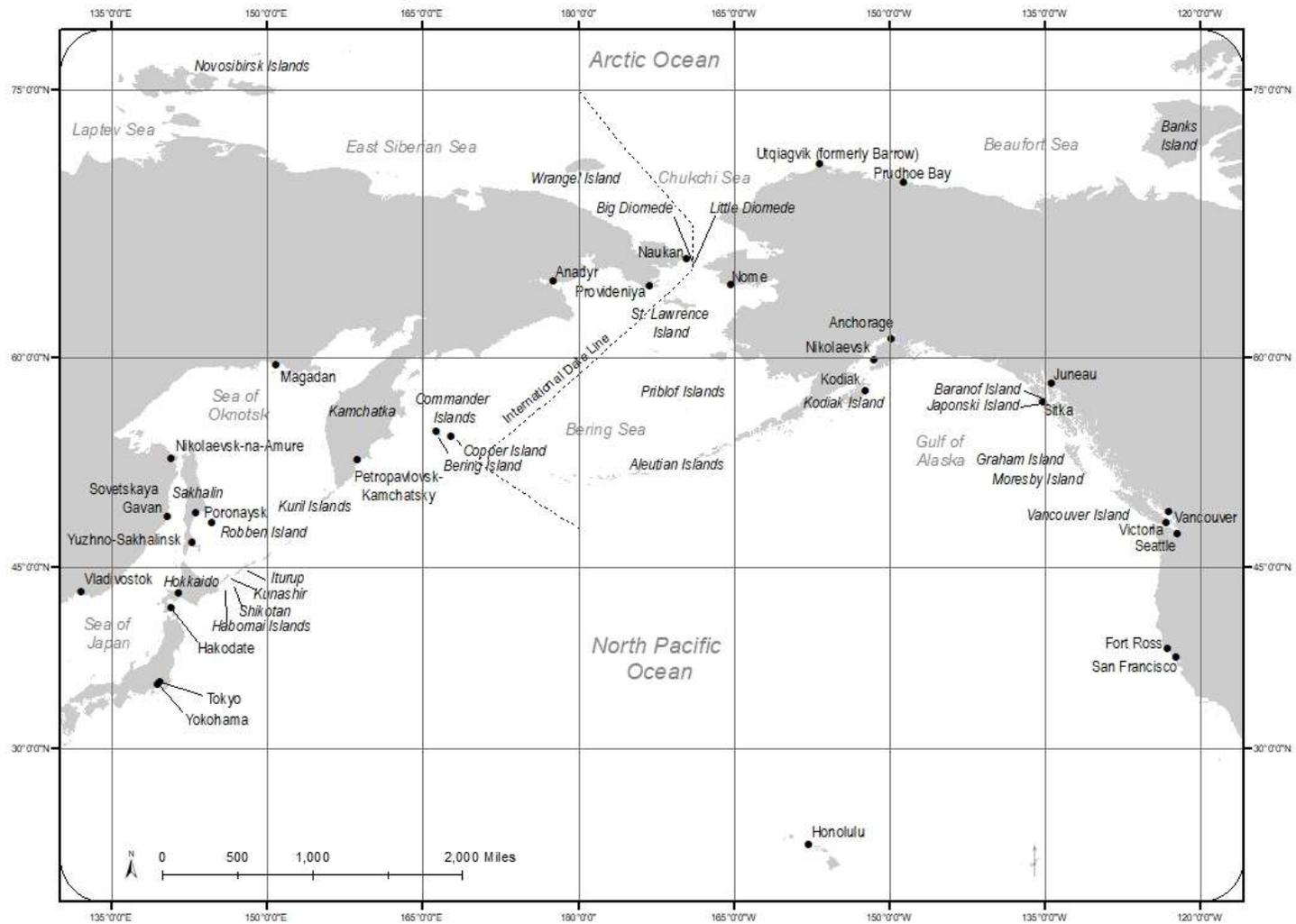
Introduction

When the Russian Empire sold its Alaska territory to the United States on March 30, 1867, relations between North Pacific-bordering states—and how those states related to mobile marine resources—shifted. Prior to 1867, the Bering Sea had been an interior sea of the Russian Empire, granting Russia jurisdiction over marine resource extraction throughout the region. The North Pacific had been dominated by two European powers, Great Britain and Russia. In 1867, Russia gave up its large-scale maritime authority, and the United States gained a place along the Arctic for the first time. The United States established new norms with Canada as not only its southern neighbor, but also as its western neighbor. As the Russian navy withdrew from the eastern side of the Pacific, North Americans and Russians had to renegotiate the meaning of North Pacific space for a new era. That space was renegotiated primarily through decision-making over the fate of the northern fur seal. With the continental United States far away, and the Imperial Russian capital of St. Petersburg even further away, the two navies—plus the U.S. army—represented their governments in the liminal space of the North Pacific.

The North Pacific region stretches from the Bering Strait in the north to thirty degrees north latitude in the south—encompassing Japan on the western side of the arc and points as far south as San Francisco on the eastern side. See Map 0.1. Several smaller seas spawn from the larger North Pacific, including the Bering Sea, the Gulf of Alaska, the Sea of Okhotsk, the Sea of Japan, the East China Sea, and the Yellow Sea. Seven countries surround the North Pacific at present: the United States, Canada, Russia, Japan, North Korea, South Korea, and China.⁷ The

⁷ Michael Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” *Ecology* 32 (2005): 941-942.

North Pacific and Arctic Region



Map 0.1: North Pacific and Arctic Region, 1:50,000,000, Cornell University Library Map Collection, Generated by Martin Ziech and Yingge Shen for Amanda Bosworth, using ArcView GIS 10, 2016, 2019. The same map is available in Russian on request.

most northerly countries, which were involved in hunting and protecting fur seals in the late nineteenth and early twentieth centuries, were the United States, Canada—whose foreign policy was managed by Great Britain at the beginning of the period covered by this dissertation—Russia, and Japan.

Americans began sealing in the former Russian “Factory Islands”—the Pribilof Islands—almost immediately. See the full range of the northern fur seal in Figure 0.1. Fluid political geographies prompted confusion and conflict as mariners tried through fits and starts to figure out a new *modus operandi*. As Americans moved confidently into Alaska and its waters, Russian distress over its loss of status and control rose to the surface. The Russian navy handled this unexpected situation by confiscating foreign ships and working out the consequences later. Once the United States purchased Alaska, it controlled, along with Russia, highly profitable seal rookeries, or breeding grounds. Japan had some small rookeries and Canada had none, yet seal hunters from both countries wanted access to the more productive Russian and American seal islands. With four countries exploiting seals, what seemed like an eternal industry to Americans immediately after the Alaska purchase was almost dead by 1911, and the governments signed an agreement in that year to kill the industry decisively. The 1911 North Pacific Fur Seal Convention was the world’s first multinational treaty to conserve a single species of wildlife. This dissertation argues that the transfer of Alaska and, thus, of the fur seal interest, from Russia to the United States created the conditions within which the precedent-setting North Pacific Fur Seal Convention became desirable and possible. This action both saved a species from commercial extinction and contributed to the broader enclosure of the free sea envisioned by many Western thinkers since Hugo Grotius, a seventeenth-century Dutch jurist whose work will be further explicated throughout this dissertation.



Figure 0.1: Informational placard for the northern fur seal at the Moscow Zoo. Note the range of the species, on a world map typical of those found in Russia, the United States, and Canada, which obscures the connectedness of the Pacific basin. Source: Amanda Bosworth, July 6, 2018.

Why Seals?

American zoologist and first director of the Bronx Zoo, William T. Hornaday, wrote in 1931 that the fur seal had caused more conflict between nations than any other animal.⁸ This dissertation tells the story of that conflict. Seals organized foreign relations between these countries bordering the North Pacific—sirens who compelled multinational hunters to the sea and islands as they had compelled Odysseus. They acted as coveted mobile resources desired by multiple stakeholders for the same reason: to act as commodities in the form of thick fur coats

⁸ William T. Hornaday, *Thirty Years War for Wild Life: Gains and Losses in the Thankless Task* (New York: Published for the Permanent Wild Life Protection Fund by Charles Scribner's Sons, 1931), 171. Hornaday's exact words were: "The furry-coated Alaskan sea lion, universally known to science as and the trade as the 'fur seal,' has been the cause of more years of bitter conflict and contention between nations, between corporations and between individuals, than any other wild animal species that ever lived on this earth or in its waters." This monograph truly begins like a book engaged in a war for wildlife: starting with saber-rattling quotations that he selected for the title page, Hornaday approaches animal protection as a war against sportsmen, a war against so-called conservationists who only wanted to conserve animal species for sportsmen—even a war against America's wasteful culture itself.

capable of keeping human bodies quite warm in colder climates. Starting with its discovery of abundant fur seals in Alaska in 1741, Russia became the “world’s largest supplier of fur” until the mid-nineteenth century—until it sold Alaska to the United States.⁹ Sociologist Susan Leigh Star and philosopher of science James R. Griesemer might call fur seals “boundary objects” in their role mediating relations between nations.¹⁰ This concept highlights their agency and intentionality as thinking individuals.¹¹ As either boundary objects or coveted resources, I contend that fur seals mediated between nations through movement and action. With different stakeholders at different times, seals acted as resources to be used and exploited or protected and conserved. These animals built a zone of transnational contestation through their habitation in the North Pacific and moved that zone around by their mobile natures. South of the Bering Strait, the same fur seals migrated along a north-south corridor either through American-Canadian waters or Russian-Japanese waters. Seals created these corridors through which ships traveled. The fur seal played a key cultural role in these countries in the late nineteenth and early twentieth centuries, as evidenced by a small seal on display at the Fabergé Museum in St. Petersburg in Figure 0.2.

⁹ “Fur/Pushnina,” Museum panel, “Polar Bear Garden/Sad belogo medvedia: The Place between Alaska & Russia” exhibit, Anchorage Museum, Anchorage, Alaska, September 11, 2017.

¹⁰ The “boundary object” was first introduced in Susan Leigh Star and James R. Griesemer, “Institutional Ecology, ‘Translations’ and Boundary Objects: Amateurs and Professionals in Berkeley’s Museum of Vertebrate Zoology, 1907-39,” *Social Studies of Science* 19, no. 3 (August 1989): 387-420.

¹¹ In an 1868 volume, American anthropologist Lewis Henry Morgan wrote an intriguing treatise on the agency and intelligence of “the mutes” (nonhuman animals) in the final chapter (“Animal Psychology”) of his *The American Beaver and His Works* (Philadelphia: J.B. Lippincott & Co., 1868), 248-284. He wrote, page viii, that “The results of the persevering labors of the beaver were suggestive of human industry” and that beavers’ labor with wood was passed down from generation to generation through what we would then as now call culture—rather than the commonly employed “instinct” that reduces animal mental labor to the level of unconsciousness. For Morgan, evidence of conscious animal choice can be found in the image of the beaver standing back to look at his work, presumably to see if anything needs to be tweaked. See page 256.



Figure 0.2: Unknown artist, *Miniature in the Shape of a Seal on Ice*, circa late nineteenth-early twentieth century, obsidian and tourmaline quartz carving, Fabergé Museum, St. Petersburg, Russia. Source: Amanda Bosworth, November 26, 2019.

Broadly, this research argues for the centrality of seals to understanding North Pacific transnational relations in the period from the transfer of Alaska through the first decade of the twentieth century. The transfer functions as the starting point because it dramatically altered regional geopolitics going forward. The year 1911 is the endpoint because it allows us to trace both a particular foreign relations narrative arc *and* the “life cycle” of the northern fur seal vis-à-vis industry—to the point that seals were replaced by whales as coveted mobile resources by the end of the narrative. Foreign relations simply cannot be approached apart from the seal; while one might argue that something else would have beguiled North Pacific relations were it not for the fur seal, I believe that imperial actors (in the Russian, American, and British empires) would have been quite content to ignore the peripheral North Pacific in this period. Hunters were

actively taking fish, sea otters, and other marine resources, but seals trumped them all.¹² Japan has always been more oriented to the sea, located as it is in the North Pacific as a series of islands. But the Russian Empire expanded east and the American and British (Canadian) empires moved west at the same time, developing the “Wild East” and the Wild West further with each track of railway laid in the latter part of the nineteenth century. As Russians moved east and North Americans moved west, they met in the middle—and that middle was the Pacific Ocean. In the late nineteenth century, the most profitable reason to expand away from land and into the ocean was the seal.

Had Russia not ceded most of its sealing interest to the United States when it did, the course of the following decades may have proceeded quite differently. I contend, unlike most scholars, that it was both the transfer of Alaska *and* the transfer of the sealing interest that prompted the conflict that forced these nations to define precisely how their marine space should be organized. For example, the extent from land that a nation could claim as its own “territorial waters,” for hunting purposes, was unclear and uncoded in 1867. Many nations followed a three-nautical-mile (five-and-a-half-kilometer) standard, but this tradition was not codified into international law in the early nineteenth century. Prior to 1867, Russia was unconcerned with this standard as regarded seals, because Russia controlled all of the productive seal rookeries across the entire North Pacific arc. The Bering Strait did not mark an international border, but rather a domestic one of sorts. The reorganization of space that attended the Alaska transfer would have consequences for how global marine space would be structured, given the involvement of three

¹² The Russian-American Company first set up shop in Alaska in order to hunt, primarily, sea otters—which were earlier hunted to near extinction. Because sea otters do not have blubber, their coats are much thicker than those of fur seals. However, fur seals “have the second thickest fur in the animal kingdom.” See “Northern Fur Seal,” New England Aquarium, accessed March 6, 2020, <https://www.neaq.org/animal/northern-fur-seal>; Norman E. Saul, *Concord and Conflict: The United States and Russia: 1867-1914* (Lawrence, Kansas: University Press of Kansas, 1996), 304; and Arthur F. McEvoy, *The Fisherman’s Problem: Ecology and Law in the California Fisheries, 1850-1980* (New York: Cambridge University Press, 1986), 24.

of the world's most widespread empires. That conflict was a series of sealing vessel confiscations, culminating in the dramatic 1892 season. The Russian transfer of Alaska and the sealing interest led to the unprecedented step of protecting an entire species with a multinational treaty. Since I am starting this study from the moment of transfer, the centrality of seals is more obvious than it is in histories with other starting points. The history of American Alaska begins with seals.

The seal functions in three key ways in this dissertation: 1. as a vehicle for states—especially Russia—to begin more strategically to delimit their maritime borders, 2. as a focus for regional arbitration and regional norm creation that reflects the broader vogue for international arbitration during this period, and 3. as the subject of the precedent-setting first multinational treaty to conserve wildlife. Seals are both centered and decentered in this story. They are valued resources around which human activities revolve but, sometimes, the story of human-to-human interactions is told without much reference to the lived experience and complex, mobile lives of seals. Like imperial boundaries, seals are both essential for meaning making and forgotten by most residents of the empire most of the time.

Many varieties of seal populate the globe. This includes one freshwater species in Russia's Lake Baikal. In the North Pacific, hunters were only interested in the northern fur seal, whose thick fur coat could keep humans warm. The northern fur seal, *Callorhinus ursinus*, is a pinniped—a group of semiaquatic, meat-eating mammals with front fins that function as fitful, partially developed feet. Pinnipeds are seals, walruses, and sea lions.¹³ The replica Alaska Native sea lion mask on display in Figure 0.3 could be that of a northern fur seal, since their face and ear

¹³ Pinnipeds are distinct from sirenians, who are fully aquatic and plant eating. Sirenians are sometimes called sea cows and include manatees, dugongs, and Steller's sea cows (extinct; formerly ranging around the North Pacific, mostly around the Commander Islands).

structure are so similar to one another. *Callorhinus ursinus* occupies only a few islands across the North Pacific arc. On the American side, the two Pribilof Islands of Alaska, St. Paul and St. George, support the largest population—about eighty percent of all northern seals.¹⁴ The islands are located about 2,250 miles away from San Francisco along the most common shipping lane.¹⁵ The nearest continental space to the Pribilofs—300 miles away—is Cape Newenham on mainland Alaska.¹⁶ Seven hundred miles to the west sit, on the Russian side, the two Commander Islands, Bering and Copper (*Mednii*). They support a medium-sized population of fur seals, and Robben (*Tiulenii*) Island has a smaller group. Robben Island is not far from better-known Sakhalin Island, part of which was a former penal colony.¹⁷ The Kuril Islands—which have alternately been controlled by the Japanese and Russians—also support a small number of seals. The northern fur seal’s name in Russian, *morskoi kotik*, translates into English as “sea kitten.”¹⁸ Though Americans describe seals as barking like dogs and call the young “pups,” Russians think of the species as kittens, and they look strikingly similar to sea *lions*, who occupy the same habitat. Humans use terrestrial vocabulary to make sense of animals living on the periphery. Seals are neither dogs, nor kittens, nor lions. They have oddly amphibious bodies, with flippers that make walking on land a challenge and running downright foolhardy. They spend much of their time in the water—especially the more active females—but without the fins that streamline

¹⁴ Briton Cooper Busch, *The War against the Seals: A History of the North American Seal Fishery* (Kingston, Ontario: McGill-Queen’s University Press, 1985), 95.

¹⁵ Henry W. Elliott, “Explanatory Notes and Comments Upon the Map of St. George Island,” in *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), frontispiece. Elliott added that the Pribilof Islands are located 1,500 miles from Vancouver Island and 1,400 miles from Sitka. These distances are not as the crow flies, but through Oonalashka (now Unalaska); this route is the shortest and safest between the North American coast and the Pribilof Islands.

¹⁶ George Archibald Clark, “Appendix to the Story of Matka,” October 12, 1909, in David Starr Jordan, *The Tale of Matka: A Tale of the Mist-Islands*, 1897 (Reprint, San Francisco: Whitaker & Ray-Wiggin Co., 1910), 70.

¹⁷ Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 6. Note that *Tiulenii* means “Seal” in Russian. Today, in English, Robben Island is called Tyuleny or Tyuleny Island.

¹⁸ Elsewhere Russian representatives called them the “valuable sea beast of the State.” See Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1143, list 2.

whale bodies so well for oceanic living. Independently, they do not wander much further than the beach, and their frequent resort back to the water makes them the ideal target of orcas (killer whales). Seals are, in many ways, anomalous creatures.



Figure 0.3: Steve Brown, Sea Lion Helmet, replica of 1794 Tlingit helmet, 1981, #SJ-I-A-130B, Sheldon Jackson Museum, Sitka, Alaska. Steve Brown is non-Native. Sheldon Jackson was an important figure in the early American period in Alaska. He was a Presbyterian minister and missionary among Natives in the American West. In 1885, he became general agent of education in Alaska. He was based in Sitka, where he tried to suppress Tlingit language and culture and teach the Tlingit to assimilate into white, Presbyterian culture. Source: Amanda Bosworth, August 12, 2016.

The northern fur seal as a resource fits an important motif in American environmental history: Europeans arrived on North American shores and witnessed sites of incomprehensible bounty, which made Europe seem frightfully depleted in comparison. The United States has many founding myths, but this is one of the first—in which the European gaze first looked upon the bounty of the seas adjacent to the North American continent and considered it unlimited. Even before setting foot on land, Europeans were overwhelmed by the abundance of animals for

food swimming around the American sea.¹⁹ In the broader European cultural imaginary, it seemed that in America there was always another fresh, massive piece of land or stretch of sea just around the next bend, teeming with edible and otherwise useful animal resources. In my estimation, the Americans who flooded into Alaska in and after 1867 approached Alaska with the same unbounded awe.

The role of the seal in this dissertation is primarily that of commodity. I must underscore, however, that this project assumes that marine mammals, like other animals, have culture and exhibit agency.²⁰ I define culture as beliefs and practices that are taught, both by parents and other local sentient beings, both to the young and throughout the life course. In the case of seals, it is harder to get at beliefs, but they can sometimes be inferred from practices. Seals are not bundles of mindless “instincts” who cannot help but react to the world as they have been programmed before birth; rather, they are raised in local cultures and act in their own self-interest, as do humans. Thus, this dissertation contributes to the animal turn in history, as does Brett L. Walker in “Animals and the Intimacy of History,” when he writes: “The foundational premise of the article is that humans are animals.”²¹ David Gary Shaw, in the *History and Theory*

¹⁹ See W. Jeffrey Bolster, *The Mortal Sea: Fishing the Atlantic in the Age of Sail* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2012), 9-10, 12-48. The human gaze on the environment is always subject to “shifting baseline syndrome,” in which each generation of observers notes painfully the depletion of a resource since that generation began observing, but fails to comprehend the monumental historical losses extending back to some indeterminate golden age or peak. Ecologist Daniel Pauly coined the phrase shifting baseline syndrome in his “Anecdotes and Shifting Baseline Syndrome of Fisheries,” *Trends in Ecology and Evolution* 10, no. 10 (October 1, 1995): 430. It was not only the sea that seemed bigger and better in the early days of North American colonization, but also forests, wild grasses, and berries. See William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), 3-4. See also, pages 9-10, Cronon’s assessment of the basic problem with all ecological history: “When one asks how much an ecosystem has been changed by human influence, the inevitable next question must be: ‘changed in relation to what?’ ”

²⁰ For a full exposition of this notion, especially as regards whales and dolphins, see Hal Whitehead and Luke Rendell, *The Cultural Lives of Whales and Dolphins* (Chicago: University of Chicago Press, 2015).

²¹ Brett L. Walker, “Animals and the Intimacy of History,” Theme Issue “Does History Need Animals?” *History and Theory* 52, no. 4 (December 2013): 45. Regarding a podcast that involves discussions of animal cruelty, host Robert Moor says: “It’s one of the funny things about podcasting, is so many true crime podcasts describe terrible things being done to human beings. And that’s so normalized to us through the media, because of *CSI* and everything that we imbibe every day. We kind of have a lot of mental scar tissue around that, or calluses. But animal abuse is so raw, and animals are so helpless.” This idea should inspire us to think more critically about how we value—and how

special issue asking “Does History Need Animals?” writes that putting animals in history was a logical outgrowth of social history, beginning in the late 1950s. Social history’s concern for “history’s sufferers” would inevitably—if accidentally—trickle down to animals.²² The literature on animal studies and placing animals in human history is now quite rich. Environmental historians make the focus of their research living beings as small as infectious microbes and as large as blue whales—as long as those beings have intersected with humans in the past in some way.²³ Animal studies scholars discuss the history and current status of animal welfare and rights, even to the point of proposing a constitution articulating the rights of nonhumans to the same security of embodied life that most humans expect for themselves. Most human efforts to articulate nonhuman rights, however, serve less to protect animals than to “enable a continuing domination.”²⁴ The right to life, or freedom from death, is notably absent from essentially every declaration of nonhuman animal rights. The literature on animal studies ranges from a simple

we should value—our own species and others. See “Joe Exotic: What’s Next for Joe and Big Cats,” *Over My Dead Body*, Podcast audio, September 24, 2019, <https://wonderly.com/shows/over-my-dead-body/>. Joe Exotic’s story became extremely popular in the United States during the COVID-19 quarantine in early 2020 via Netflix’s documentary series, *Tiger King: Murder, Mayhem and Madness*.

²² David Gary Shaw, “A Way with Animals,” Theme Issue “Does History Need Animals?” *History and Theory* 52, no. 4 (December 2013): 4.

²³ I cannot possibly cite all of the useful animal studies literature here, but this list will serve as an introduction: Andrew C. Isenberg, *The Destruction of the Bison: An Environmental History, 1750-1920* (New York: Cambridge University Press, 2000); Brett L. Walker, *The Lost Wolves of Japan* (Seattle: University of Washington Press, 2005); Louise E. Robbins, *Elephant Slaves and Pampered Parrots* (Baltimore: The Johns Hopkins University Press, 2002); Harriet Ritvo, *The Animal Estate: The English and Other Creatures in the Victorian Age* (Cambridge, Massachusetts: Harvard University Press, 1987); Tom Regan, *The Case for Animal Rights* (Berkeley, California: University of California Press, 1983); Susan Nance, *Entertaining Elephants: Animal Agency and the Business of the American Circus* (Baltimore: The Johns Hopkins University Press, 2013); Susan Nance, ed., *The Historical Animal* (Syracuse, New York: Syracuse University Press, 2015); Donna J. Haraway, *When Species Meet* (Minneapolis, Minnesota: University of Minnesota Press, 2008); Vinciane Despret, *What Would Animals Say If We Asked the Right Questions?* trans. Brett Buchanan (Minneapolis, Minnesota: University of Minnesota Press, 2016); and Lorraine Daston and Gregg Mitman, eds., *Thinking with Animals: New Perspectives on Anthropomorphism* (New York: Columbia University Press, 2005).

²⁴ Dinesh Joseph Wadiwel, *The War against Animals* (Boston: Brill, 2015), 37. Wadiwel discusses the United Kingdom’s Farm Animal Welfare Council declaration, which articulates “freedom from thirst, hunger and malnutrition,” “freedom from discomfort,” “freedom from pain, injury and disease,” “freedom to express normal behaviour,” and “freedom from fear and distress.” It is rather diabolical in its commitment to all of the important rights to bodily autonomy and dignity except for the most important one: the ultimate, irreversible decision to let die.

acknowledgment that animals influence and are influenced by human history to the radical pursuit of animal rights.

The theme of animal protection threads throughout this dissertation, but it is a misleading one: while this author and readers may well be drawn to this topic out of a sense of concern for animals, the same sensibility did not broadly guide the nineteenth- and twentieth-century stakeholders who are quoted on the pages that follow. While one cannot discount that these stakeholders felt some emotional connection to fur seals and their suffering, it would be anachronistic to assert that they were part of the same culture of environmentalism that pervades many twenty-first-century societies. In their own words, the American and Russian men quoted throughout this dissertation wanted to protect seal lives because of industry, because of their value as commodities. Ultimately, these historical actors pursued policies to keep seals alive in order to exterminate them. The language used by extractive businesses and diplomats may sometimes draw on life-positive discourses, but this does not imply that they valued seal lives for their own sake. Consider the words of Henry Wood Elliott, an amateur biologist and wildlife artist who contributed so much to American knowability of the fur seal that he occupies most of the space in Chapter 1 that is dedicated to human beings:

If that immense fur-seal herd of 1874 had been in the path of commerce, or blocking the settlement of a new domain, or in the way of railroads or mines and mining, then by the law of our civilization it could not by any reason be suffered to exist. But, it was not so standing: it was confined, by its natural order of life, to a small area of worthless rock and land, and to a desolate waste of sea and ocean. It fed chiefly upon small pelagic fishes that man never has captured, and never will. The buffalo did block the settlement of a new domain; it had to go; there was no alternative. But the case of the fur-seal of Alaska is just the reverse; it should not be abused by us, since, if it were rightly treated, it would live and endure forever, to the great annual gain and good of all mankind.²⁵

²⁵ Henry W. Elliott, "The Loot and the Ruin of the Fur-Seal Herd of Alaska," *North American Review* 185 (1907): 436.

These are hardly the words of an environmentalist. Elliott emerges here as not particularly sentimental toward seals, but rather as a realist who respects the “law of our civilization” above all. This Elliott is not a conservationist, but rather a promoter of industry and American progress. It was simply felicitous that seals did not stand in the way of human progress. Elliott’s words here are a good example of nineteenth-century, Progressive Era conservationism: the desire to save natural resources so that their exploitation could continue in perpetuity. Conservation thus implies programs of management to attain sustainability. Conservationists competed for government attention to their agendas with a smaller set of preservationists—a group of people who wanted all seal killing to cease and felt no sympathy for industry. Preservationists certainly existed in late-nineteenth and early-twentieth-century America, but they were a small group, and the subjects of this dissertation were not among them. Even the Camp Fire Club of America, in its compelling argument to protect American fur seals in 1910, wrote: “A Square Deal for the Fur Seal—Camp Fire Club Demands It, Nagel Refuses It—Shall a Valuable Industry Be Annihilated?”²⁶ The organization’s focus was on the annihilation of an industry, not of a species, throughout its five-page written appeal to the House of Representatives to act in favor of seal protection. Throughout this dissertation, readers may feel a preservationist impulse, but it should not be assumed that the historical actors about which they read held the same notion. Henry Wood Elliott was a conservationist when he penned those words comparing the American seal to the American buffalo. But he was a preservationist by the end of his career, influenced by the same evolving evidence of unsustainability that this dissertation tracks. Despite the

²⁶ Camp Fire Club of America, “A Square Deal for the Fur Seal—An Open Letter and Exhibits from the Camp Fire Club of America to the American People,” July 6, 1910, in Committee on Expenditures in the Department of Commerce and Labor, Hearings before the Committee on Expenditures in the Department of Commerce and Labor: House of Representatives on House Resolution No. 73 to Investigate the Fur-Seal Industry of Alaska, May 31 and June 2, 1911, No. 1 (Washington, D.C.: Government Printing Office, 1911), 242.

transformation in Elliott's personal views, for the subjects of this dissertation extending from 1867 to 1911, any modest environmental impulse that may have existed was utterly overshadowed by diplomatic and profit motivations.

The Transitional, Transnational Land of Walrussia

If this narrative traces the life cycle of northern fur seals vis-à-vis foreign relations and industry, why is it entitled *After "Walrussia?"* Walrus hunting was never a profitable business in the North Pacific or elsewhere, at least not on the scale of seal, otter, or whale hunting. Yet walrus hide did circulate as paper money in Russian Alaska in small, stamped squares.²⁷ Russians can be seen hunting walrus in Figure 0.4. Immediately after the purchase of Alaska, Americans writing for newspapers and working in Congress seriously considered naming the new acquisition Walrussia. The title reflects the role that "charismatic megafauna" play in this dissertation, the role that Russia plays in the fur seal controversy, and the fact that this project dates the fur seal dispute to the transfer of the territory temporarily and colloquially known as Walrussia.²⁸

²⁷ Elliott, *The Seal-Islands of Alaska*, 175.

²⁸ William Cronon, Foreword to Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), xiii. William Cronon uses this phrase in his foreword in quotation marks, but he does not cite a reference. It is a common, typically uncredited phrase in environmental history.



Figure 0.4: Pulling Dead Walruses aboard the Expedition Vessel, September 8, circa 1912-1914. Source: Walrus Hunting in the Koliuchinskaia Bay Area, Pulling Dead Walruses aboard the Expedition Vessel, Photograph 254, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond R-2241 (De-Tranze Nikolai Aleksandrovich, Polar Researcher [1886-1960]), opis' 1, delo 42, list 34 ob.

Most American schoolchildren encounter the phrase “Seward’s Folly” as a metonym for Alaska at some point in their education, but few would recognize “Walrussia,” a much more common name at the time of the transfer. Walrussia is a clever compound word in English, though it is meaningless in Russian; the Russian word for walrus is *morzh*. When the United States annexed the former Russian colony, it was not obvious or inevitable that it should be called Alaska. The Treaty of Cession did not name “Alaska” at all, but rather called it “all territory and dominion possessed by Russia, on the continent of America, and the adjacent islands.”²⁹ While the Russian Empire occasionally used the Aleut (Unangan) word *Aliaska*, the

²⁹ Treaty between Russia and the United States, for the Cession by Russia to the United States of All Territory and Dominion Possessed by Russia, on the Continent of America, and the Adjacent Islands, Signed at Washington, March 18 (30) 1867, in Reports of International Arbitral Awards: The Alaska Boundary Case (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 538.

name only applied to the mainland, and Russians typically called the entire region Russian America. Naturally, the name Russian America had to change. Many American writers publicly proposed cheeky names, including Behringia, Frigidia, Polario, Seward's Icebox, Johnson's Polar Bear Garden, and Isickles—after Civil War General Daniel Sickles.³⁰ Newspaper writers generally had a good deal of fun reporting on the new northern acquisition. The *New York Tribune* bemoaned the polar position of the new territory on April 11, 1867, by reporting: “We may make a treaty with Russia, but we cannot make a treaty with the North Wind, or the Snow King.”³¹ On April 29, the *Boston Daily Advertiser* reported that the “Detroit Advertiser proposes to call Mr. Seward's purchase ‘Walrussia.’”³² The next day, the *New York Tribune* was quoted as reporting:

The future name of the Arctic territory recently purchased from Russia remains in abeyance. We have heard of parents too poor to give their children fit names, but never before of bantlings too sorry to receive such names. We venture to suggest at once in recognition of the most valued inhabitants of his western Greenland, and as a compliment to the great nation which does us the honor to pocket our money, that Gov. Seward's hard bargain be known as Walrussia.³³

In a facetious report on June 7, the *New York Herald* mocked, “Our correspondent informs us that Russian commissioners are to proceed at once to Sitka to...[turn] over our new possessions to Yankee Doodle. The icy cold colors of Russia will give place to the Stars and Stripes, and Walrussia will henceforth become the north star of the republic.”³⁴ Sitka—formerly Novo-

³⁰ Lee A. Farrow, *Seward's Folly: A New Look at the Alaska Purchase* (Fairbanks, Alaska: University of Alaska Press, 2016), 67. George Templeton Strong, a New York lawyer who lived during the purchase and is famous for writing an extremely useful diary of 2,250 pages, bragged in the weeks after the purchase: “I would make a good superintendent of walruses—a very efficient and disinterested head of a Polar Bear Bureau.” See Norman E. Saul, *Concord and Conflict: The United States and Russia: 1867-1914* (Lawrence, Kansas: University Press of Kansas, 1996), 5.

³¹ “What We Get By the Treaty,” *New-York Daily Tribune*, April 11, 1867, 4.

³² “In General,” *Boston Daily Advertiser*, Boston, Massachusetts, April 29, 1867.

³³ “Varieties,” *The Plain Dealer*, April 30, 1867.

³⁴ “Change of Flags in Walrussia,” *New York Herald*, June 7, 1867, 6. The report continues: “The hoisting of the Stars and Stripes will be a great event for Walrussia. She will launch into new life. All the Esquimaux will be at the gathering; the Common Council of Sitka will make an appropriation to celebrate the occasion ; roast walrus, boiled walrus, fried walrus, walrus à la mode, whale scraps, whale blubber and whale oil will be served up in abundance

Arkhangel'sk—had been the Russian capital in Alaska. Walrussia proved to be one of the most popular names proposed for Alaska, even being put to a vote in Congress. Congress voted it down, and the name slowly disappeared from American consciousness. The tool Google Books Ngram Viewer shows that the term Walrussia occurred more frequently in English-language writing in almost every year from 1867 to 1917, when “Seward’s Folly” suddenly spiked and “Walrussia” fell out of use. It cannot be purely coincidental that 1917 is the year in which the Bolsheviks took control of the Russian government.³⁵



Figure 0.5: *Geograficheskiia karty Rossii* (Geographic Cards of Russia), Collection of Konstantin Matveevich Gribanov (1797-after 1859), Created by M.O. Wolf, St. Petersburg, 1859, Chromolithography, GMI SPb, INV No. VIII-A-3887k-3766-k, in the exhibition *Obrazy Severa* (Images of the North), created by the State Museum of the History of St. Petersburg (GMI SPb) in cooperation with the Imperial Porcelain Factory and the Peter-Paul Fortress, St. Petersburg, Russia, December 16, 2017-April 1, 2018. Source: Amanda Bosworth, March 9, 2018.

the choicest wines from the Arctic vineyards will be furnished ; the Esquimaux girls will be in at the first national ball ; all around the harbor of Sitka the seals, the polar bears and the walruses will turn out *en masse* to see what’s up, and finding that it is the American flag and Brother Jonathan, will join in the general jubilee. Thus, we nationalize our new purchase of real estate. Where is the next slice, Mr. Seward?”

³⁵ Google Books Ngram Viewer shows that “Walrussia” was used prior to 1867, but that it spiked in popularity in that year. Up to and including the year 1863, there was zero percent use of the word “Walrussia” in publications surveyed by the Ngram Viewer. Suddenly, in 1864, the word was used 0.000000275% of the time. In 1865 and 1866, the term increased to 0.000001058% of the time. In 1867, it was used 0.000001318%, and it peaked in 1870 at 0.000004080% before steadily declining. Interestingly, it peaked again in 1916, and again in 1940. Both of these years were during wartime, when the United States and Great Britain (the major English-speaking powers) were allies of Russia. See “Walrussia,” Google Books Ngram Viewer, accessed November 24, 2019, https://books.google.com/ngrams/graph?content=Walrussia&year_start=1800&year_end=2018&corpus=15&smoothing=3&share=&direct_url=t1%3B%2CWalrussia%3B%2C0#t1%3B%2CWalrussia%3B%2C1.



Figure 0.6: Alaska Card in Geographic Cards of Russia, Collection of Konstantin Matveevich Gribanov (1797-after 1859), Created by M.O. Wolf, St. Petersburg, 1859, Chromolithography, GMI SPb, INV No. VIII-A-3887k-3766-k, in the exhibition *Obrazy Severa* (Images of the North), created by the State Museum of the History of St. Petersburg (GMI SPb) in cooperation with the Imperial Porcelain Factory and the Peter-Paul Fortress, St. Petersburg, Russia, December 16, 2017-April 1, 2018. Translation, from top to bottom, then left to right: The climate is cold. Coat of arms of the Russian Empire. The population consists of Russians, Creoles, Aleuts, Kenaites (from the Kenai Peninsula), Chugach, and Kuriltsy (from the Kuril Islands). Russian-American Power. Arctic Sea, Otter Sea, British Possessions, Aleutian Islands, Sitka, the Great Ocean or Pacific Sea. East Ocean. The main occupation of the inhabitants is hunting. The number of inhabitants is 19,028 souls of both genders. The soil of the earth is mostly rocky. Source: Amanda Bosworth, March 9, 2018.

Political Background to 1867

It is beyond the scope of this dissertation to explain why Russia sold Alaska or why the U.S. purchased it. Many Russianists have written this story, at the end of their monographs on Russian America. Russianists tend to end their histories in 1867, with final chapters, epilogues, or conclusions telling readers why the Russian government made the decision to sell Alaska;

these conclusions contextualize the sale in the previous chapters describing what was wrong with Russian America. Ilya Vinkovetsky's recent book, for example, situates the sale in the Russian Empire's Great Reforms of the late 1850s and 1860s. Russian America was, in early 1867, a "sparsely populated fur-extraction colony that was well past its prime."³⁶ Figures 0.5 and 0.6 show Alaska's role in the Imperial Russian geographic imaginary. Americanists, on the other hand, begin their Alaska histories in 1867, with prefaces, forewords, introductions, and first chapters that tell readers why the American government made the decision to buy Alaska. Many Americanists working on Alaska are amateur historians. Lee A. Farrow, though a Russianist, focuses mostly in her book—*Seward's Folly: A New Look at the Alaska Purchase*—on the American context of the transfer. From her perspective, the purchase was an important element of the Monroe Doctrine, in which the American government had demanded, since 1823, that Europe stay out of affairs in the Americas.³⁷ Many studies of the Monroe Doctrine forget that the Russian Empire was a European power with its hands in the Americas before 1823 and until 1867. An intriguing 1975 interpretation of the Alaska transfer, Howard I. Kushner's *Conflict on the Northwest Coast: American-Russian Rivalry in the Pacific Northwest, 1790-1867*, shows that Eurocentric explanations emphasize that Russian-American relations were positive in 1867. What these interpretations are missing is recognition of the Pacific-region hostility between Imperial Russia and the U.S. leading up to the transfer. Before the transfer, when Russia

³⁶ Vinkovetsky writes, "One of the chief lessons that Russia's leading statesmen drew from the outcome of the Crimean War was that the Russian Empire was made vulnerable by its overextension and insufficient structural coherence. They pushed to strengthen the empire through substantive reorganization, reform, and modernization." As a result, there seemed to be something decidedly unmodern about governing an overseas colony of indigenous people. Vinkovetsky continues, "The Great Reforms of the 1860s, from the perspective of the government, were aimed at constructing a more rational empire-state. In the government and the press, the overseas colony and the colonial company operating it were increasingly presented as anachronistic." See Ilya Vinkovetsky, *Russian America: An Overseas Colony of a Continental Empire, 1804-1867* (New York: Oxford University Press, 2011), 183-184.

³⁷ Farrow, *Seward's Folly*, 10.

possessed the Alaskan seals, Americans sometimes inserted themselves into the northern seal hunt. At that time, “Russians scorned the reckless liberality of the Americans, who in turn saw despotism in Russia's attempts to control the harvesting of the ocean's animals.”³⁸



Map 0.2: Russian Possessions, Cropped Upper Left Corner of Johnson's North America Map. The peripherality of the region to North America is plain in the original, larger map, in which Russian Possessions and Asia are barely visible. Source: Johnson's North America by Johnson and Ward (New York, circa 1866), Map 7/15, B93.28.1, Anchorage Museum Library and Archives, Anchorage, Alaska.

The few members of the U.S. government who knew about the transfer in advance believed that the Alaska territory would be profitable, and they were correct. U.S. Secretary of State William Henry Seward and Eduard de Stoeckl, Russian ambassador to the U.S., wrote up the Treaty of Cession in a late-night meeting on March 30, 1867. The two men may have been

³⁸ Ryan Tucker Jones, “Running into Whales: The History of the North Pacific from below the Waves,” *American Historical Review* 118, no. 2 (April 2013): 368.

looking at the 1866 map of North America depicted in Map 0.2. The transfer was not made public, even to members of the U.S. Congress, until this secretive rendezvous was complete.³⁹ Officially, the United States paid \$7.2 million for Alaska, or 11 million rubles.⁴⁰ According to one Russian source, Alaskan extractive industries had already yielded over \$75 million to the American economy by 1890.⁴¹ It took more than a year, until July 28, 1868, for the U.S. Congress to authorize the appropriation of \$7.2 million to Russia to pay for Alaska.⁴² Due to various incidents described in *Seward's Folly*, Farrow believes that only \$7,035,000 went to Russia for Alaska.⁴³ These incidents, confusion over precisely what amount the U.S. government paid, and a Soviet-era myth that the U.S. only leased Alaska for ninety-nine years have led to calls in post-Soviet Russia to reclaim Alaska.

The Alaska purchase is situated in the Reconstruction aftermath of the American Civil War, which ended in 1865. Sending millions of dollars and resources to Alaska at a time when the South was in shambles seemed foolhardy to many in government.⁴⁴ Amateur Alaska historian Gerald O. Williams writes that “Following the Civil War, the American Navy had entered into a prolonged period of obsolescence and decay from which it was only emerging in 1892.” President Theodore Roosevelt called it a navy, but not a fleet, characterizing the American navy as “a collection of antiquated wooden ships.”⁴⁵ The Russian navy was quite weak in the same

³⁹ Farrow, *Seward's Folly*, 21-23.

⁴⁰ “Russko-amerikanskii dogovory i konventsii” [“Russian-American Agreements and Conventions”], *Bol'shaia sovetskaia entsiklopediia* [*The Great Soviet Encyclopedia*], tom 22 [vol. 22] (Moskva [Moscow]: Izdatel'stvo “Sovetskaia Entsiklopediia” [Publishing House Soviet Encyclopedia], 1975), 413.

⁴¹ Ivan Aleksandrovich Ovchinnikov, Arbitration in the Matter of the Seizure of American Schooners by Russian Cruisers, 1905, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 3485, list 3. These extractive industries included furs, canned and salted salmon, cod, ivory, gold, silver, whale oil, and whalebone.

⁴² Farrow, 103.

⁴³ Farrow, 113.

⁴⁴ Farrow, 64.

⁴⁵ Gerald O. Williams, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska* (Eugene, Oregon: Alaska Maritime Publications, 1984), 3. Williams was territorial and state police administrative officer and Anchorage detachment commander, as well as police advisor in several African countries under the auspices of the

period: one American reporter noted, after covering the Russo-Turkish War, that “Russia has a multitude of ships but no navy.”⁴⁶ After the U.S. Civil War, Russian-American relations were “at an all-time high,” according to Vinkovetsky.⁴⁷ The United States underwent a bit of a “Russian craze,” even while one traveling American minister described Russia as “the most gigantic despotism of the old world.”⁴⁸ Russia supported the Union in the war.⁴⁹ In 1863, the Baltic Fleet sailed from St. Petersburg to New York City on a friendship visit to show support for the Union.⁵⁰ In August 1866, the assistant secretary of the U.S. navy, Gustavus Vasa Fox, sent a request to the Russian navy asking for the technical details for Russian ships, weapons, ports, and operations. Fox argued that sharing such data was only sensible, as the U.S. was a “friendly naval power.”⁵¹ Many in the U.S. and Russia felt a special bond between the cultures, noting with great interest that the U.S. Civil War began the same year (1861) that Russia ended serfdom—a system that kept the majority of the population in poverty and immobile, tied to the land on which they worked. Kushner is more skeptical, arguing that whatever lovely relations the Russian and American empires may have had in general, the North Pacific was an endless source of conflict for them.

U.S. State Department. He was later a Juneau District Judge and U.S. Magistrate. See Claire Imamura, Public Services Librarian, Alaska State Library, Juneau, Alaska, Email to Amanda Bosworth, January 10, 2020.

⁴⁶ Saul, *Concord and Conflict*, 183.

⁴⁷ Vinkovetsky, *Russian America*, 182.

⁴⁸ Saul, *Concord and Conflict*, 174.

⁴⁹ Farrow, *Seward's Folly*, 16.

⁵⁰ Ivan Kurilla, “Frenemies: US-Russian Relations from a Historical Perspective,” Lecture, Anti-café Freedom, St. Petersburg, Russia, April 10, 2019.

⁵¹ Menu of Information Desired by G. V. Fox, Assistant Secretary of the Navy, Under Instructions from His Government, *U.S.S. Miantonomoh*, August 3, 1866, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 410 (The Chancellery of the Naval Ministry in the City of Petrograd [1836-1918]), opis' 2, delo 2871, listy 2-5. Original document in English. Italics mine. In 1879, the sentiment was repeated. Thomas Selfridge, Jr., wrote: “Upon expressing my desire to inspect the torpedo defenses of the Russian Navy, except such as were considered secret, [Admiral Kazakevich, commandant of Kronstadt] replied, ‘With pleasure, we have no secrets from Americans.’” See Saul, *Concord and Conflict*, 104.

At the same time, British-American relations were extremely poor coming out of the Civil War. Great Britain had supported the Confederacy, though unofficially. An official declaration of support for the Confederacy would have granted the rebellious state almost total economic independence, allowing it direct access to British markets.⁵² In the maritime realm, the British-built steamer *Alabama* nearly destroyed Union shipping during the war.⁵³ Another British-built ship, the *Shenandoah*, set fire to a large number of American whaling ships in the Bering Sea in the summer of 1865.⁵⁴ Though far away from the largest Civil War battle sites, the Bering Sea was involved in the war.⁵⁵ The resulting *Alabama* Claims between the United States and Great Britain would take seven years to resolve.⁵⁶ One of the variables up for discussion in the *Alabama* negotiations was whether Great Britain would give Canada to the United States as compensation, allowing the United States to fulfill its “manifest destiny” across the continent. When the U.S. government acquired Alaska—what would become its largest state by land size—obtaining Canada was not that difficult to imagine. When Seward announced the annexation of Alaska, he openly stated that “his purpose was to increase American influence in British Columbia and hasten the day when Canada and the United States would be joined.”⁵⁷ In 1866, two congressmen introduced a bill to annex the British North American colonies to the U.S. The bill failed, but its attempt was still significant.⁵⁸ The American government offered to take

⁵² Farrow, *Seward's Folly*, 37.

⁵³ Adrian Cook, *The Alabama Claims: American Politics and Anglo-American Relations, 1865-1872* (Ithaca, New York: Cornell University Press, 1975), 15.

⁵⁴ Cook, *The Alabama Claims*, 16.

⁵⁵ See Marc Songini, *The Lost Fleet: A Yankee Whaler's Struggle against the Confederate Navy and Arctic Disaster* (New York: St. Martin's Press, 2007); Lynn Schooler, *The Last Shot: The Incredible Story of the C.S.S. Shenandoah and the True Conclusion of the American Civil War* (New York: Ecco, 2005); Tom Chaffin, *Sea of Gray: The Around-the-World Odyssey of the Confederate Raider Shenandoah* (New York: Hill and Wang, 2006); and Josh Baldwin and Ron Powers, *Last Flag Down: The Epic Journey of the Last Confederate Warship* (New York: Three Rivers Press, 2007).

⁵⁶ Cook, *The Alabama Claims*, 9.

⁵⁷ Cook, 38.

⁵⁸ Farrow, *Seward's Folly*, 43.

Canada off of British hands in exchange for the settlement of the *Alabama* Claims, but eventually realized that the British would never give in to this request.⁵⁹

One American wrote after the transfer of Alaska that relations between Russia and the United States were “of the most cordial and intimate kind, for the Emperor has made us the keeper of his seals.”⁶⁰ This dissertation will show how well Americans cared for former and current Russian seals after 1867.

Early Cultural and Political History of American Alaska and Canadian British Columbia

Americanization of Alaska was a fitful process that produced a heavy backlash. The U.S. government’s early relationship with coastal Alaska Natives consisted of physical violence—with firefights and naval bombardments, such as the Kake War in 1869 and the Angoon Bombardment in 1882.⁶¹ In 1872, *Appletons’ Hand-Book of American Travel: Western Tour* mentioned Alaska for the first time and wrote of Sitka: “The Indians are never allowed inside the stockade after nightfall, while a guard is kept constantly on the alert with rifles loaded...constantly trained on the Indian village...and a man-of-war lies anchored in the harbor, with her guns pointed at the Sitka village.”⁶² The travel guide also said, “Alaska is the newest accession to the territory of the United States” and “not likely to prove very inviting to travellers”; its description of early American Sitka alone might have been enough to keep tourists away from Alaska.⁶³ Some former Russian-American Company employees chose to stay in American Alaska, but most returned to Russia with the (mostly unfulfilled) promise of relocation

⁵⁹ Cook, *The Alabama Claims*, 161.

⁶⁰ “The Russian Prince,” *The New York Times*, December 11, 1871, 1.

⁶¹ Native sources call the 1882 encounter the Bombardment of Angoon, while U.S. government sources call it the Angoon Incident. See Maria Shaa Tláa Williams, ed., *The Alaska Native Reader: History, Culture, Politics* (Durham, North Carolina: Duke University Press, 2009).

⁶² A man-of-war is a naval ship outfitted with cannons.

⁶³ *Appletons’ Hand-Book of American Travel: Western Tour* (New York: D. Appleton and Company, 1872), 308, 310. Today the *Lonely Planet* travel guide for Alaska calls the city “Russia-tainted Sitka.” See Brendan Sainsbury, Greg Benchwick, and Catherine Bodry, *Lonely Planet Alaska* (New York: Lonely Planet Global Limited, 2015), 76.

costs to be paid by the company. The mixed Russian-Native Creoles who remained were simply called “Russians” by American government representatives.⁶⁴



Figure 0.7: George Benson, Baranov Totem Pole, Sitka, Alaska. This is perhaps the only totem pole in the world featuring the double-headed-eagle symbol of the Russian Empire. It was erected during World War II. Source: Amanda Bosworth, August 12, 2016.

The violence of Americanization prompted nostalgia for Alaska’s Russian past, much of which remains in evidence today in places like Kodiak and Sitka, as seen in Figure 0.7. Kodiak was the Russian-American Company’s first capital, but by 1867, Sitka was the capital and the only town with a significant number of nonindigenous settlers. During the Russian period, some

⁶⁴ Rebecca Poulson, “Sitka’s Lost Decade, 1867-1877,” Sitka Art Blog, October 18, 2017, <https://sitkaartblog.wordpress.com/2017/10/18/sitkas-lost-decade-1867-1877/>. Poulson is an artist, boatbuilder, and amateur historian born in Sitka.

called Sitka the “Paris of the Pacific,” for its preservation of European high culture and social stratification far from Europe.⁶⁵ Yet in 1872, *Appletons’ Hand-Book of American Travel* said that Sitka was “beyond doubt, the dirtiest and most squalid collection of log-houses on the Pacific slope.”⁶⁶ The Russian Orthodox Church throughout coastal Alaska gained congregants after the sale, much to the chagrin of Presbyterian missionaries who viewed Orthodoxy as, literally, a hell bound faith.⁶⁷ Education agent and Presbyterian minister Sheldon Jackson led American Protestants into Orthodox Alaska, beginning a full decade after the transfer.⁶⁸ A backlash against Jackson’s coercive conversion and “civilizing” methods—such as prohibiting Native children from speaking their native languages in schools—strengthened the cause of the Russian Orthodox Church. Orthodox missionaries and funds from St. Petersburg did not abandon Alaska after the transfer, and the Church officially remained in Alaska until the atheist Bolsheviks took over the Russian government in 1917.⁶⁹ This backlash is part of what Frederick E. Hoxie calls the “irony of assimilation.”⁷⁰ Assimilation efforts often have the opposite effect as intended, galvanizing a doubling down on an individual or community’s devotion to a previously held idea or way of life. W.D. De Armond writes, in an instruction manual for National Park Service employees working at the Russian Bishop’s House in Sitka:

⁶⁵ “Rich History,” *Visit Sitka Alaska*, Sitka Convention and Visitors Bureau, 2017, 5.

⁶⁶ *Appletons’ Hand-Book of American Travel*, 310.

⁶⁷ For example, Andrew Dickson White compared “simple Protestantism” to the “fetishism of the Russo-Greek Church.” See Andrew Dickson White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2 (New York: The Century Co., 1906), 30.

⁶⁸ Farrow, *Seward’s Folly*, 167.

⁶⁹ One historian writes: “Although the Alaska Territory was sadly neglected, by 1890 the American presence there was booming because of increased missionary activity, exploration, gold-seeking, and fishing...Russia also stepped up its involvement. Through the influence of the powerful man behind the throne, Konstantin Pobedonostsev, by the 1890s Russia was providing direct support (\$75,000 annually), appropriated by the State Council and augmented by a subsidy from the St. Petersburg Missionary Society, specifically for the Russian Orthodox church in Alaska and especially its school and missions.” See Saul, *Concord and Conflict*, 387.

⁷⁰ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, Nebraska: University of Nebraska Press, 2001), 243.

In the latter part of the 19th century, church and state were not well separated in Sitka. It is worth noting that on March 27, 1897, Russian residents of Sitka sent a, [*sic*] petition to the Russian minister in Washington, D.C., asking him to intercede to protect them from the U.S. government and from the Presbyterians. Whether the plea did them any good is not recorded.⁷¹

Though Russian religion and culture were an intermediate stage in coastal Alaska Native development and not original, they were nonetheless preferable to a new and unknown invading power.

Next door, the colony of British Columbia did not officially belong to any country. It had begun as a British colony, but when the Dominion of Canada formed on March 29, 1867—literally the day before the secret meeting between Seward and de Stoeckl to transfer Alaska—the furthest west province was not a part of it.⁷² British Columbian authorities seriously considered joining the U.S., but begged the governments in both Ottawa and Washington, D.C., to send the emerging railway all the way out to the West Coast. Ottawa responded favorably, and British Columbia joined the Dominion in 1871.

The Alaska transfer rendered British Columbia's status unstable. The *London Post* wrote that the Alaska purchase was “the answer from Washington to the Confederation of our North American Provinces.”⁷³ However, since the passing of the British North America Act of 1867 and the Alaska Treaty of Cession were only separated by one day, it is more likely that these two acts were expressions of a broader nation-building and nation-consolidating impulse in this period.⁷⁴ The British North America Act of 1867 served as the first constitution of Canada, and it placed Canadian foreign policy firmly in the hands of the government in London. It allowed for a

⁷¹ W.D. De Armond, compiler, “Interpretation at the Russian Bishop’s House: An Idiosyncratic Enchiridion for the Uninitiated, Perplexed, Uncertain, and Overwhelmed,” February 2009, 67 (according to the document’s idiosyncratic internal pagination system).

⁷² Farrow, *Seward’s Folly*, 44.

⁷³ Farrow, 143.

⁷⁴ It was, indeed, a nation-building period. Hokkaido also became an official part of Japan in 1869. See Tinakrit Sireerat, Conversation with Amanda Bosworth, December 13, 2018, Ithaca, New York.

bizarre dichotomy, which granted the Canadian Parliament almost complete jurisdiction over domestic affairs and almost no control over foreign affairs. Canadian leaders could freely voice their opinion, but no one in the British Empire had to listen to it. This meant there was no official channel for the governments in Ottawa and Washington to be in contact with one another, despite their relative geographic closeness. Historian Oscar Skelton put it like this: “Miss Ottawa had a voice, but etiquette forbade her speaking to Mr. Washington except through Papa London.”⁷⁵ Surely the use of the female and male honorifics here is not accidental. As this dissertation progresses, the relationship between “Miss Ottawa” and “Mr. Washington” will also change, primarily in response to changes in the British Empire’s organizational scheme, which granted Canadians more autonomy over time.

When Russia departed from Alaska, it did not depart from the region entirely, but it did significantly curtail its activities in the Bering Sea. Once the Russian-American Company ships departed the Alaskan coast for the last time, “Russia rarely had commercial sailing ships on the Pacific, except for those transporting prisoners.”⁷⁶ The Russian government then divested itself of several Far East railroad projects.⁷⁷ Vinkovetsky writes that, after the transfer, “It was as if the Russians wanted to forget their former American colony, as they shifted their focus to territorial acquisitions elsewhere.”⁷⁸

Continents, Borderlands, Borderseas

This dissertation is about boundaries: between nations, between land and sea, between center and periphery, between Natives and newcomers, between humans and nonhuman animals. When Seward visited his coveted Alaska territory for the first time, in June 1869, he stopped to

⁷⁵ Oscar Douglas Skelton, *Life and Letters of Sir Wilfrid Laurier*, vol. 2 (New York: The Century Co., 1922), 120.

⁷⁶ Saul, *Concord and Conflict*, 154.

⁷⁷ Saul, 40.

⁷⁸ Vinkovetsky, *Russian America*, 15.

give a speech in San Francisco on the way. In the speech he asked, “Where is the power, and whence are the forces to come, to make war upon a people whose boundaries are oceans?”⁷⁹ This dissertation is situated in the period of coastward continental expansion by the United States, Canada, and Russia. Russia was expanding eastward via the game-changing new railway system, and the United States and Canada were moving westward via the same.⁸⁰ Canadians, Americans, and Russians all reached the North Pacific opposite their imperial centers in large numbers and wanted to expand beyond, into the sea. When Grand Duke Aleksandr Mikhailovich visited the World’s Columbian Exposition in 1893 in Chicago, an officer in his entourage told *The New York Times*: “You have your wild West. We have our wild East. You are settling up and developing the wild West. We are doing likewise with our wild East. Soon your wild West and our wild East will meet.”⁸¹ Of course, by 1893, they already had. That meeting place was the North Pacific.

The North Pacific was, in many ways, the quintessential borderland. A borderland is a place of encounter in which rights and activities must be negotiated by multiple groups with sometimes-conflicting, sometimes-coalescing goals. In recent decades, many historians of empire have abandoned one-sided terms like “frontier” in favor of “borderland.” Historian Frederick Jackson Turner delivered his frontier thesis—the primary enemy with which

⁷⁹ Ted C. Hinckley, “William H. Seward Visits His Purchase,” *Oregon Historical Quarterly* 72, no. 2 (June 1971): 130. From there, he went to Victoria, then on to Sitka.

⁸⁰ In 1997, a project called Meeting of Frontiers united the Library of Congress and several Russian libraries in scanning and digitizing content pertaining to the eastward movement of Russians across the Eurasian continent and the simultaneous westward movement of Americans across the North American continent. See “Meeting of Frontiers,” World Digital Library, accessed December 15, 2019, <https://www.wdl.org/en/themes/meeting-frontiers/>; and “Meeting of Frontiers,” The Library of Congress, last modified June 11, 2002, <http://frontiers.loc.gov/intldl/mtfhtml/mfhome.html>.

⁸¹ “Russian Officers Pleased,” *The New York Times*, July 17, 1893, 1. President William Howard Taft added his voice to the “manifest destiny refrain” in 1907, saying: “The country [Siberia] is like the Dakotas or Nebraska and will support a population of millions. The opportunities for development, therefore, of Russia toward the Pacific on one hand are quite like the actual development in the United States towards the Pacific on the other.” See Saul, *Concord and Conflict*, 529.

borderlands theory contends—in the year 1893, during the time period of this dissertation. In a 1999 forum essay for *The American Historical Review*, Jeremy Adelman and Stephen Aron clarify that borderlands can be understood as “contested boundaries between imperial domains.”⁸² Not only do borders separate distinct entities, such as nation-states, but they create something utterly new to the world: “new mestizo realities.”⁸³ The place where water and land meet is a very real geographic border, but the meanings and uses of this border will be continually negotiated throughout the pages that follow.

While the United States gained a new foothold in the North Pacific border region, Canada, Russia, and Japan each felt the loss of some control. This project makes special use of Russian archives, which have not been used before to tell the story of the post-transfer North Pacific in English. Where once Russia’s power extended across the Bering Strait into the Americas, it had lost that grip by the end of the nineteenth century. This is nowhere more evident than in the disastrous Russo-Japanese War in 1904-1905. Russian concern over its position in the global order is especially vivid in this attempt to define the borderlands of Manchuria and Korea. In the late imperial period, as numerous American and Canadian seal hunting schooners appeared in Russian waters, these anxieties flared up. Confiscations of foreign ships and crews in 1892, no matter what the consequences would be, gave the Russian navy a sense of control over its own space. Russia was not alone; all four of these countries were seeking a greater sense of maritime control in this period. I tell the story of the Russian confiscations because it is a story that has not been told before.

⁸² Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History,” *The American Historical Review* 104, no. 3 (June 1999): 816.

⁸³ David A. Chang, “Borderlands in a World at Sea: Concow Indians, Native Hawaiians, and South Chinese in Indigenous, Global, and National Spaces,” *The Journal of American History* 98, no. 2 (September 2011): 385.

This narrative is one of empires in motion. It was a decades-long dispute over a space, after part of that space—Alaska—changed hands. The dispute centers on seals, who were compelling empires to follow them around the North Pacific and causing them to bump into one another. This research reveals Russian, British, and American empires in overreach, all trying to fling their power into the North Pacific despite a lack of critical infrastructure. As literary scholar Thomas Richards discusses in *The Imperial Archive: Knowledge and the Fantasy of Empire*, “An empire is by definition and default a nation in overreach, one nation that has gone too far, a nation that has taken over too many countries too far away from home to control them effectively.” All empires face the “problems of control at a distance”; naval officers often act as representatives of empire in these faraway attempts at control.⁸⁴ The Japanese empire does not enter into the story much until Chapter 4, and with a different orientation to Pacific space from the faraway empires that dominate earlier chapters. This dissertation explicates a decades-long, multilayered dispute over a bordersea: a borderland between land and sea, between “territorial waters” and “open sea,” indigenous people and empires, one empire and another—a borderland that separates Asia and America with an imaginary line, the International Date Line, dropped through the middle of the Bering Strait in 1884 to create a borderland between one day and another.

Jurisdiction at Sea

Shaky delimitations of marine space make policing fluid borderlands difficult. Though multinational consensus on marine jurisdiction has no definitive starting point, most scholars credit Grotius with the genesis of modern maritime law in the Western world.⁸⁵ Huig de Groot,

⁸⁴ Thomas Richards, *The Imperial Archive: Knowledge and the Fantasy of Empire* (New York: Verso, 1993), 1.

⁸⁵ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (New York: Cambridge University Press, 2010), 110. Further, Renisa Mawani argues that “The persistent historiographical emphasis on the law of the land has obfuscated the law of the sea.” Humans feel at home on land, our natural

or Hugo Grotius, a Dutch jurist, is pictured in Figure 0.8. When he published *Mare Liberum* (*The Free Sea*) anonymously in 1609, he surely had no idea that he was composing the foundational text of maritime law.⁸⁶ His intent was to defend Dutch confiscation of a Portuguese ship in 1603 near Singapore, making Grotius' words particularly germane to this dissertation—in which state navies confiscated ships belonging to private citizens of other states. Just as the Russian navy gathered a handsome revenue from the sale of seal pelts caught through non-Russian labor, so too did the Dutch ship earn an ample reward: the contents of the ship seized in 1603 sold for a sum nearly equivalent to the entire annual revenue of the English government at the time.⁸⁷ In his treatise commissioned by the Dutch government to defend its actions retroactively, Grotius also responded to controversy over Dutch trading in Southeast Asia. The dispute to which he was responding was local, but I assert that the implications of his argument were global then and later. Stakeholders from across Europe sought clarification on the rights of navigation and marine resource extraction in waters both adjacent to European land and wherever Europeans might find themselves on the globe. The oceanic *modus vivendi* that prevailed in Grotius' time can be “understood as a peculiar legal region in which multiple powers exerted influence but not

habitat, but trade and travel—basic human impulses—would not be possible without equable attention to the law of the sea. See Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham, North Carolina: Duke University Press, 2018), 150. It is not as if Grotius was the first to ever think about the idea of maritime jurisdiction. The Roman orator Cicero argued that “the natural law prohibition on ownership of the sea meant that it was unlawful to place restrictions on navigation.” See Benton, *A Search for Sovereignty*, 123. The Roman poet Ovid wrote in *Metamorphoses*: “Why do you deny me water? The enjoyment of water is a common right. Nature has not made the sun private to any, nor the air, nor soft water: the common right I seek.” See Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), 25. Although he was not the first, Grotius' work had an intense impact: “The book was taken by the English and the Scots as an assault on their fishing rights in the North Sea and by the Spanish as an attack on the foundations of their overseas empire. It had implications no less for coastal waters than it did for the high seas, for the West Indies as much as for the East Indies, and for intra-European disputes as well as for relations between the European powers and extra-European peoples.” See David Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), xi.

⁸⁶ Mawani, *Across Oceans of Law*, 42.

⁸⁷ Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, xii.

control.”⁸⁸ The question in *Mare Liberum* was whether ships could pass through another nation’s waters unmolested. Or was simply passing through a violation, as is common on land—obligating the trespasser to carry letters of introduction, passports, visas, and other tools of remote control by states? Was the world sea free (*mare liberum*) or closed (*mare clausum*)? The development of European overseas empires made these questions crucial, though not new, in 1609.



Figure 0.8: Burleigh (Copied from a portrait in Amsterdam at the request of Andrew Dickson White), Photograph of a Painting of Hugo Grotius, 1891, oil on canvas, 23½ x 28 ¼ inches, Myron Taylor Hall, Cornell University. White wrote in his autobiography, vol. 2, page 320: “Twenty years ago, when minister at Berlin, I sent an eminent American artist to Holland and secured admirable copies of the two best portraits of the great man. One of these now hangs in the Law Library at Cornell University, and the other over my work-table at the Berlin Embassy.” This photograph shows Grotius in his 2019 position in Cornell University storage. Source: Ofer Leshed, September 27, 2019.

⁸⁸ Benton, *A Search for Sovereignty*, 110.

With *The Free Sea*, Grotius made a clear distinction between land—which can be owned as territory because it can be “physically circumscribed”—and the sea, which cannot be circumscribed.⁸⁹ For Grotius, “that ocean wherewith God hath compassed the Earth is navigable on every side round about” and, just like the wind, is divinely inherited by all.⁹⁰ By being passable or reachable from all sides, it must be free. His unstated assumption was that land is the native habitat of humans, laden with human culture, but that the surrounding sea is an alien element. These words were written by a seventeenth-century European who could not imagine humans being preoccupied juridically or economically with the solid form of water—ice—that occupies much of the world ocean, nor could he imagine humans orbiting the cosmos. Though Europeans had already encountered sea and glacial ice while searching for the elusive Northwest Passage before 1609, the first Dutch attempt—under Captain Henry Hudson—only set sail in 1609, the year that *Mare Liberum* was published. The terrestrial properties of the solid form of water aside, Grotius claimed: “By the Law of Nations navigation is free to all persons whatsoever.”⁹¹ He further argued, “Every nation is free to travel to every other nation, and to trade with it,” whether that travel was by land or sea.⁹² It was both the nonspecific “Law of Nations” and the divine law of god that, in his mind, made the sea fundamentally different and held in common, compared to possessable land. Not only did Grotius’ much discussed work form a legal basis for matters at sea, but it also promoted the formalization of terrestrial boundary-making in the early modern period. Legal historian Lauren Benton writes that the

⁸⁹ Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, xvi.

⁹⁰ Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, 11.

⁹¹ It should be noted that, despite Grotius’ insistence on free navigation for all human beings, much of the sea would allow free travel and trade only to white men until well into the twentieth century. The so-called free sea would be a vehicle of bondage for many who were not white men.

⁹² Hugo Grotius, *The Freedom of the Seas or The Right Which Belongs to the Dutch to Take Part in the East Indian Trade*, trans. Ralph Van Deman Magoffin, ed. James Brown Scott (New York: Oxford University Press, 1916), 7.

nature of the ocean demands a legal regime “derived from natural law or other law standing outside the control of polities.” Yet the “historical weakness of such legal regimes has given the oceans an enduring association with lawlessness.”⁹³ I argue that the fundamental problem with separating oceanic law from that of “polities” is that international law has no actual enforcement power—beyond the extreme and arbitrary decision to declare war. Despite international law’s relative lack of utility, empires used the linked concepts of maritime law and international law to justify their empires by equating them with allegedly universal principles. In 1882, the Russian Ministry of Foreign Affairs agreed with Grotius’ view of the free sea: “Maritime waters, even when they wash up against shores with a stable population, cannot be the subject of private possession; they are reserved for common use.”⁹⁴ This liberal view was in conflict with Russian attempts in 1892 to fashion a zone of exclusion around “their” seals. In Chapter 2, we will see why even a state theoretically in favor of a *mare liberum* had difficulty upholding its ideals. Grotius influences every chapter of this dissertation except Chapter 1, because that chapter is terracentric—which reflects the sometimes terracentric nature of the seals themselves—and orients around the theoretical concept of biopolitics rather than any maritime conceptual framework.

Literature Review

This dissertation rests at the confluence of multiple subfields, including transnational, maritime, environmental, Pacific world, foreign relations, Russian, and American histories. It works to put Russia into the growing literature on the Pacific world, where it has been largely ignored. Not only is Russia often neglected in the English-language literature on the Pacific

⁹³ Benton, *A Search for Sovereignty*, 105.

⁹⁴ Untitled attachment, Art. 560, Letter from M. de Giers to Mr. Hoffman, Chargé d’Affaires, May 8/20, 1882, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, list 106. Original document in French; translated by Slava Borisov.

basin, but the entire northern part has seldom interested professional historians of the Pacific world. The Mediterranean world has been theorized as a place since Fernand Braudel's 1949 masterwork *The Mediterranean and the Mediterranean World in the Age of Philip II*.⁹⁵ But many educated Americans, Canadians, and Russians would be hard-pressed to articulate a single event that occurred in the Bering Sea region between the transfer of Alaska (1867) and the Russo-Japanese War (1904-1905). During the cold war, Western scholars theorized the Atlantic world as a cohesive, democratic place that countered the communist sphere of the Soviet Union; they emphasized cultural, linguistic, and other connections linking Europe and America, including the colonization of the Americas. Until recently, however, only a handful of scholarly monographs have contributed to the emerging field of Pacific history or Pacific world studies. The Pacific has been peripheral. In this already peripheral scholarship, Russia has been especially peripheral. In Matt K. Matsuda's *Pacific Worlds: A History of Seas, Peoples, and Cultures* (2012), Russia only commands a handful of paragraphs in a 378-page narrative.⁹⁶ David Igler's *The Great Ocean: Pacific Worlds from Captain Cook to the Gold Rush* (2013) expands Russia's Pacific role, but without integrating Russian-language sources from Russian archives and publications. The sea populated by Russians in this dissertation is rarely seen in English-language scholarly literature, with the Russian sea a rare feature of professional histories.

This is a history of the sea, as well as of seals. A history of the sea is often, by default, transnational. Sociologist and legal geographer Renisa Mawani writes:

⁹⁵ Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, vol. 1 (New York: Harper & Row, 1972); and Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, vol. 2 (New York: Harper & Row, 1973).

⁹⁶ Matt K. Matsuda, *Pacific Worlds: A History of Seas, Peoples, and Cultures* (New York: Cambridge University Press, 2012).

The transnational and global turn, as evidenced in the work of imperial and world historians, has made concerted efforts to unsettle the analytic dominance of the nation. Yet, transnationalism, as its appellation suggests, remains tied to borders and territories, even as it explores movements between and across them. As compelling as this literature is in pluralizing and expanding our understandings of global migrations, it inadvertently centers land and territoriality.⁹⁷

As a transnational history, this project is obsessed with border crossing and the boundaries that nations throw up to preserve their sovereignty. Yet, with an oceanic approach, this project is also concerned with the interconnectedness of the North Pacific ecosystem that transcends all human boundaries. I engage with the new “blue humanities,” in which scholars in diverse fields focus on the vertical complexity of the ocean—not only on its role as a highway for humanmade ships.⁹⁸ They show how the ocean’s animals, tides, winds, and other features impact human stories, and how humans leave their unseen footprints on sea spaces. Mawani calls it “oceans as method.”⁹⁹ A history of the sea is inherently a history of mobility, and seals determine the movement of humans and ships in this history. Robert D. Foulke describes the period 1870-1910 in oceanic history as the “dying world of sail.”¹⁰⁰ This dying world is the background to this narrative.

This dissertation is part of the larger history of the global fur trade, about which much has been written. Archaeologist, historian, and seasoned Arctic subsistence whaler John R. Bockstoe has written extensively on American whaling, but his *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade* (2009) is

⁹⁷ Mawani, *Across Oceans of Law*, 13.

⁹⁸ See Ian Buchanan, ed., “Blue humanities,” *A Dictionary of Critical Theory*, 2nd ed. (Oxford, United Kingdom: Oxford University Press, 2018); John R. Gillis, “The Blue Humanities,” *Humanities* 34, no. 3 (May/June 2013); Steve Mentz, *Shipwreck Modernity: Ecologies of Globalization, 1550-1719* (Minneapolis, Minnesota: University of Minnesota Press, 2015), xi; Helen M. Rozwadowski, *Vast Expanses: A History of the Oceans* (London: Reaktion Books, Ltd, 2018); and Steve Mentz and Martha Elena Rojas, eds., *The Sea and Nineteenth-Century Anglophone Literary Culture* (New York: Routledge, 2017).

⁹⁹ Mawani, *Across Oceans of Law*, 8.

¹⁰⁰ Robert D. Foulke, “Life in the Dying World of Sail: 1870-1910,” *Journal of British Studies* 3, no. 1 (November 1963): 105-136.

a central text in both fur trading and sealing history.¹⁰¹ Bockstoce appears to use only published Russian sources in translation. His magisterial work is the essential sealing reference, but it also lacks a clear argument or narrative arc. *Furs and Frontiers* situates the Russian reasons for selling Alaska to the United States in the particularities of the fur industries. Bockstoce's work highlights the Russian role in the fur seal industry but focuses on the period before the transfer of Alaska. This dissertation builds on that work.

This project intervenes in the literature with a transnational story that draws extensively from Russian archives, strengthening the English-language histories of Russia, Alaska, the North Pacific region, and the Pacific world more broadly. The decades-long conflict over northern seals is traditionally called the “Bering Sea fur seal controversy” or “fur seal crisis” in English, and one can find volumes of document collections in academic libraries with transcripts of meetings between the United States and Great Britain. This is no surprise; one contemporary writer noted, “Perhaps more printer’s ink has been spread over the fur-seal, directly and indirectly, than over any species save man.”¹⁰² Yet this dissertation shows, in every chapter, that Russia was a key player in North Pacific events of the late nineteenth and early twentieth centuries, even causing—through its decision to abandon its North American colony—the geopolitical shift that allowed the fur seal controversy to happen in the first place. The fur seal affair was not a conflict between English speakers, as so much English-language literature implies. Russian speakers played as much of a role, as did Japanese speakers beginning around the turn of the century. With the Russian role in mind, we can date the fur seal problem that was resolved in 1911 with

¹⁰¹ John R. Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven, Connecticut: Yale University Press, 2009).

¹⁰² M.C. Marsh, “Fur Seals and the Fur Seal Question,” *Alaska-Yukon Magazine* 3, no. 6 (August 1907): 462. William T. Hornaday writes, “The history of the fur seal species, and of the contentions regarding its slaughter and its savage, fill a larger number of bound volumes than the strongest man could pick up and carry away.” See Hornaday, *Thirty Years War for Wild Life*, 171.

the North Pacific Fur Seal Convention to the transfer of Alaska in 1867—rather than dating it from the 1880s, following a purely Anglo-American timeline. Giving Russia pride of place in the traditional story of Canadian and American diplomacy allows us to see that Russia acted often as a mediator between the conflicting interests of the Americans, Canadians, and Japanese, while still maintaining its own interest in the sealing matter. At other times, however, Russia fiercely defended its maritime sovereignty and inspired confusion among the North Pacific nations. Both of these elements—the conflict and the cooperation fostered by Russia’s role in the North Pacific fur seal crisis—are missing from most other English-language accounts of this period.

Outline

The narrative that follows is organized into five chapters and an epilogue/conclusion. Broadly, Chapter 1 shows the United States working out its new understanding of sea borders vis-à-vis fur seals, Chapters 2 and 3 show Russia doing so, Chapter 4 shows Japan doing so, and Chapter 5 brings them all together to form a new collective, transnational boundary around the seals. Notably, the one country with a fur seal interest that is absent from this schematic is Canada. This is because Canada never controlled any northern fur seal rookeries within its own territory. In Chapter 1, readers first encounter seals on Alaska’s Pribilof Islands, just after the United States acquired them. Pribilof sealing lasted from 1870 to 1910, when the need for a more purposeful regulatory regime reached a tipping point. The previous *modus operandi* between Great Britain and Russia (more precisely, between the Hudson’s Bay *Company* and the Russian-American *Company*) was much less fraught. The Alaska purchase and, specifically, the start of a large-scale American sealing industry, was the basis for troubled relations between Great Britain, Canada, Russia, the United States and, eventually, Japan. The story of the early years of the American Pribilof Island seal fishery is primarily told through the eyes of Henry Wood Elliott, a

government agent and naturalist who contributed to a colony-building project of biopolitical control over seal bodies and Native bodies. Chapter 1 argues that the fiction of biopolitical control was ultimately unsuccessful, as the narrative arc until 1911 shows the long-term, commercial unsustainability of the sealing industry.

Chapter 2 shows the chaos that ensued when American and Canadian authorities decided to ban the *pelagic* seal hunt, simply shifting the hunt across the North Pacific arc to Russian waters. The Russian navy was unsure how to protect its maritime sovereignty against an unexpected threat, so it exercised its perceived right to arrest and confiscate foreign schooners. Prior to the act of confiscation, the Russian navy felt powerless to control what it believed was its own territory—sparking a debate over maritime jurisdiction, the nature of water, and the nature of mobile animal resources. Confiscation equaled sovereignty for the Russian navy in the summer of 1892. Though a three-nautical-mile economic zone protecting national coasts was the *de facto* standard of the time, Russian naval officers alternately declared to Anglo-American sealing crews that they could not hunt within 100, 200, even 1,000 miles of the Russian coast. In a climate in which international “law” had little enforcement power, the Russian government worked out through *performance*—rather than through traditional diplomatic means—how to define, display, and enforce its maritime sovereignty. Chapter 2 argues that the Russian detainments and confiscations of foreign ships in 1892 marked a rupture that starkly highlighted why a regional agreement to save the seal population was necessary to preserve diplomatic relations among North Pacific countries.

In Chapter 3, we will see how the cases of arrest and seizure described in Chapter 2 were arbitrated over the course of a decade and how the Russian government was punished. We finally begin to see the clear delimitation of North Pacific space and working out issues through

diplomacy, rather than through snap decision-making. By the end of this chapter, North Pacific space will be redefined. Chapter 3 argues that the three settlements that make up this chapter were critical steps on the road to resolving the foreign relations crisis caused by the fur seal industry. The region regained a sense of nervous equilibrium once these three issues were settled. Yet given their form as instruments to satisfy multinational conflicts—not to help keep the fur seal industry sustainable by saving seal lives—they would prove only temporarily satisfactory in saving the industry.

Japan is introduced as a major player in this contested space in Chapter 4. The focus of the chapter is change and continuity in the sealing industry during the period of the Russo-Japanese War (1904-1905). But it will also explore the rise of Japan as a sealing power in the few years before the war and, certainly, its growing assertiveness in Russian waters after winning the war. Disinvestment in the region on the part of the Russian government following the sale of Alaska made it difficult for Russia to face a Pacific war—or even to get ships to the other side of the empire in time. While the Russian navy largely diverted its attention away from seals during a brutal war for which it was totally unprepared, the Japanese, Americans, and Canadians kept on sealing. They did it so effectively, in fact, that the seals reached the point of commercial extinction on both sides of the Bering Sea. Chapter 4 argues that Japan interrupted the *modus operandi* to which the United States, Canada, and Russia had become accustomed, making the need for a permanent solution to the seal question all the more acute. Japan's victory in the Russo-Japanese War and the failure of the 1897 International Fur Seal Convention contributed to the conditions that finally led to the decisive 1911 convention.

In Chapter 5, we gain a new perspective on the 1911 North Pacific Convention on the Fur Seal. We see that the American delegation was overconfident and overly optimistic, even

arranging a bilateral pre-agreement with Great Britain in hopes of settling everything quickly. Instead, the British and Japanese both rejected the American proposal at the main convention, and the Russian delegation looked on at the American diplomatic failure with some bemusement. This chapter argues that the 1911 convention transformed the behavior of the Russian navy in the North Pacific—from disorganized and flailing in 1892 to strict adherence to best practices going forward. It also highlights the contradictory nature of multinational agreements; they bind only the signatory countries and, perversely, allow nonparticipating countries to do whatever they want. This basic problem with transnational agreements will be a recurring theme throughout this dissertation. With the convention as an endpoint, we can link the fur seal controversy that was resolved in 1911 to the Alaska transfer in 1867 and the shift in the geopolitical balance that followed. Chapter 5 argues that the northern fur seal was the first animal in history to be protected by a multinational treaty because of the long-term diplomatic dispute they engendered and the profit they generated. Environmentalist impulses played little role. The convention that determined the fate of seals and of seal hunters' livelihoods ultimately decided that Grotius was right about freedom of navigation but wrong about the inexhaustibility of resources.

An epilogue/conclusion briefly explains what replaced seals as coveted mobile resources after the 1911 convention: whales. The North Pacific was not a combat site in World War I; while people died, seals and whales lived. Notably, global commercial whaling by Americans ended in 1924. With fur seal protection underway and the end of American whaling, new states—including the Soviet Union and Japan—emerged as major whaling countries. This transition eventually led to the formation of the International Whaling Commission. The Epilogue/Conclusion argues that, from 1912 through World War II and beyond, as the effects of the pelagic sealing ban were fully realized, a new animal emerged at the center of North Pacific

relations, replacing seals as the organizing principle in transpacific encounter. The fur seal treaty has had the long-term effect of enclosing the sea and prompting increasingly controlling biopolitical regimes. Despite all of its promise, the fur seal treaty reminds us a century later that, even if hunters stop endangering a species, habitat loss surely will.

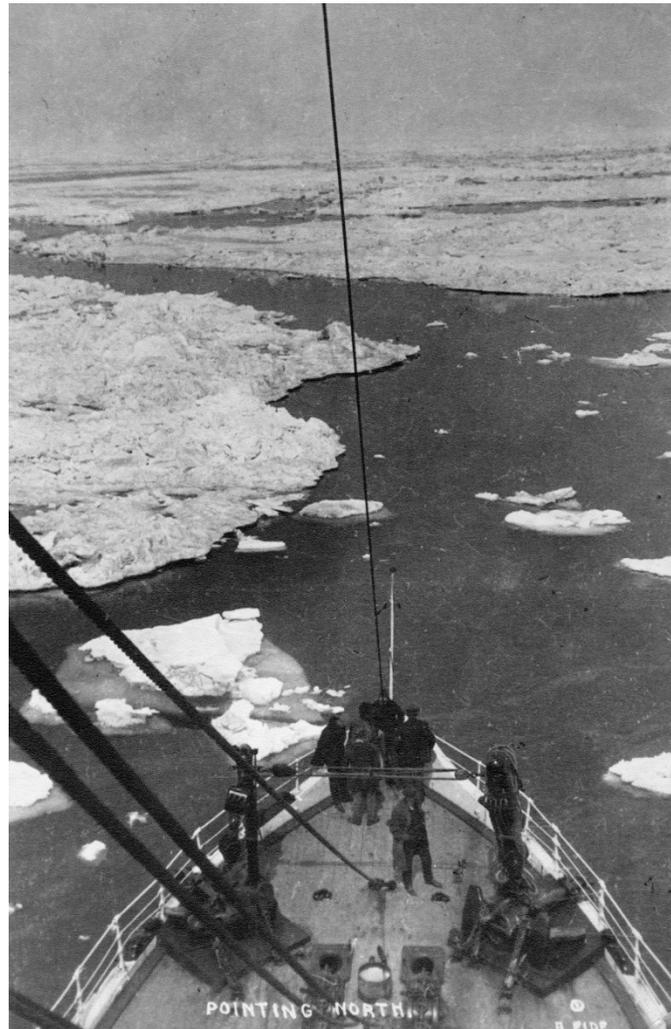


Figure 0.9: Pointing North. We are looking north from the rigging of the *SS Victoria* out of Nome, 1915. Arthur Hansin Eide, the source of this photograph, was a Presbyterian minister and teacher in Alaska in the early 1900s. Source: Eide Collection: B1970.028.152, Box 1, Folder 8, Anchorage Museum Library and Archives, Anchorage, Alaska.

This dissertation, including the epilogue, tracks many different transitions: Russian to American control of Alaska, sail to steam, seals to whales, imperial government to Soviet government, the separation of the region in time by one day. I argue that the transfer of Alaska

and, thus, of the fur seal interest, from Russia to the United States made the precedent-setting North Pacific Fur Seal Convention desirable and possible. In my view, this action both saved a species from commercial extinction and contributed to the broader enclosure of the free sea envisioned by many Western thinkers since Grotius. Now join me, the sailors of the late nineteenth and early twentieth centuries, and missionary to Alaska Arthur Eide—who captured the view in Figure 0.9—in *pointing north*.

Chapter 1: “Now or Never!”:

Americans Take Up Russian Sealing in Alaska, 1867-1910¹⁰³

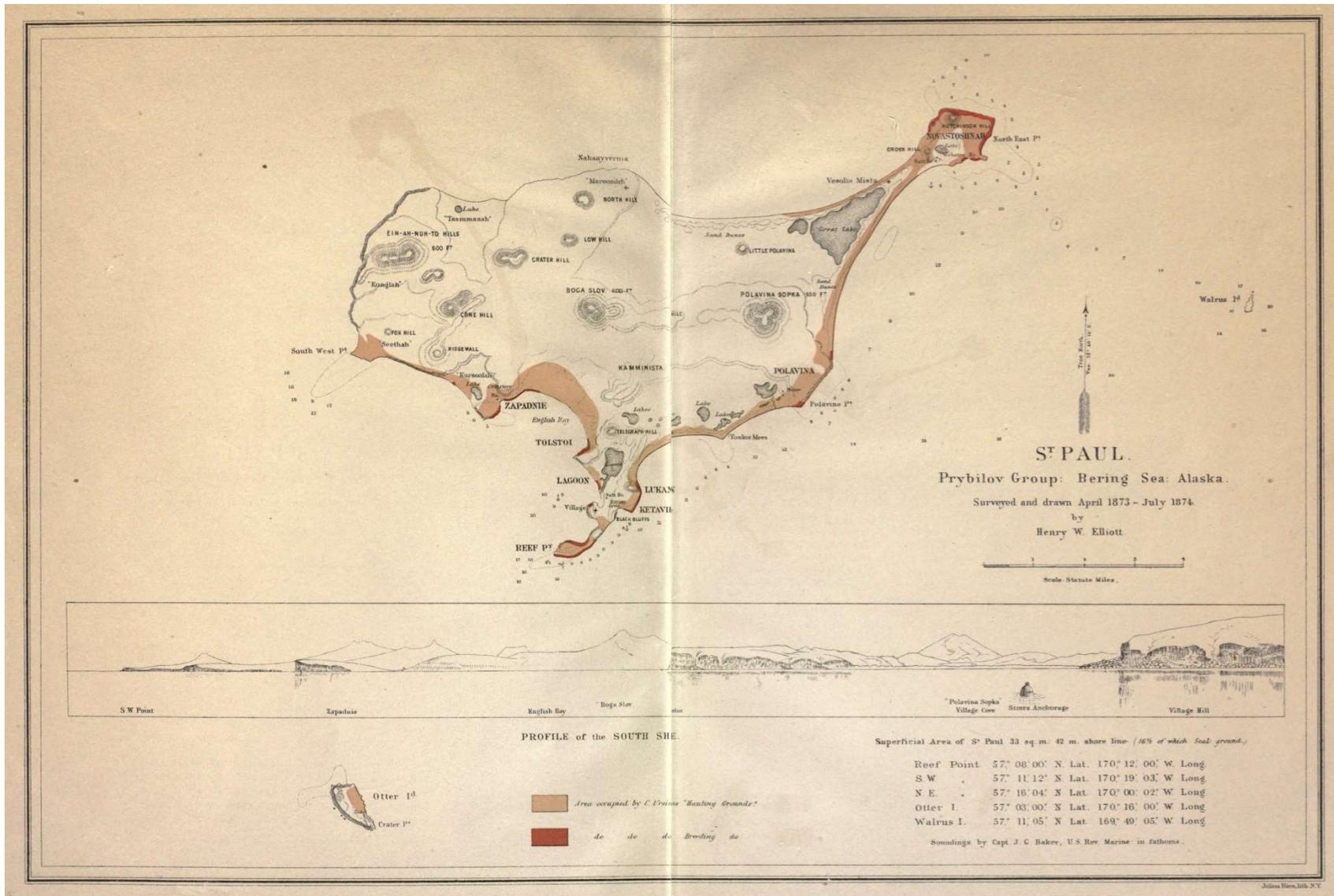
Our acquisition of the islands during 1867 was celebrated in a characteristic way by some of our people, who rushed up there in 1868, and slaughtered over 360,000 young male seals within that season, and they stopped at that immense figure only because their supply of salt was exhausted upon which they depended to cure the green skins for shipment from the islands!¹⁰⁴

Thus began America’s relationship with Alaska and its two “seal islands” after the 1867 political transfer of the territory from Russia to the United States, in the words of the first American naturalist to study the new herd extensively, Henry Wood Elliott. In the words of Ivan Aleksandrovich Ovchinnikov, naval officer and professor at the Nikolaev Maritime Academy in St. Petersburg, Alaska, “with the termination of the [Russian-American] Company, remained without any government supervision.” In 1905, Ovchinnikov wrote a brief history of the American takeover of Alaska’s sealing industry, and it is used throughout the dissertation. He wrote his history during the period covered by the later chapters of this dissertation, creating an intriguing dialogue across time periods. In the absence of a government but with the promise of fast wealth through exploitation of America’s massive new northern exposure, lawless “adventurists” flooded into Alaska.¹⁰⁵ Eventually the U.S. government, far away in Washington,

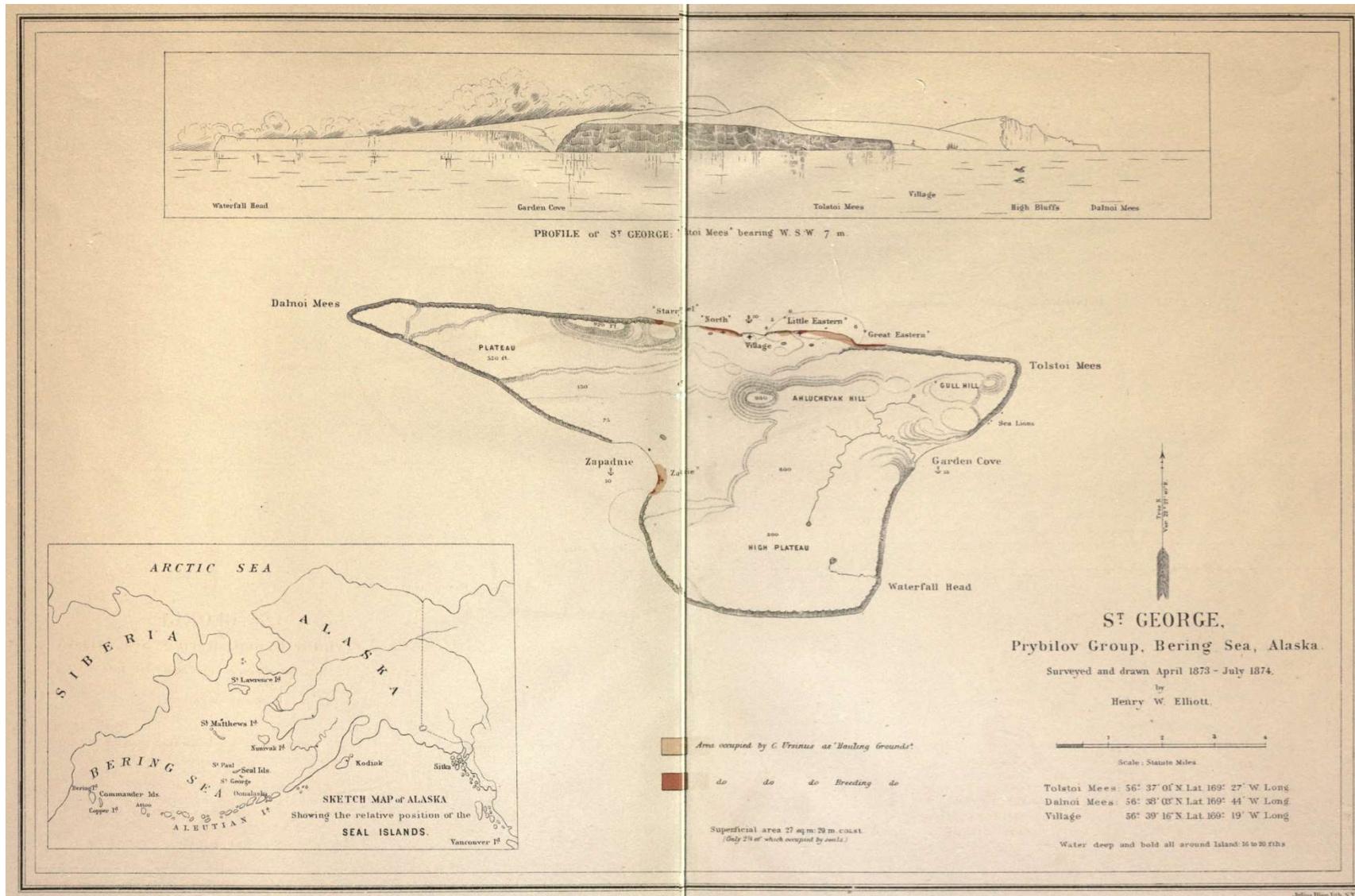
¹⁰³ Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 157. Henry Wood Elliott composed this provocative phrase in this context: “The work every year of taking the seals, like the moving of the tides, cannot and will not wait for any man.” “Now or never!” can be thought of as the battle cry of extractive capitalism.

¹⁰⁴ Henry W. Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” *The North American Review* 185, no. 617 (June 21, 1907): 428. The killing of 360,000 seals in a single season is quite extreme considering that the U.S. government later set quotas of only 100,000 per year.

¹⁰⁵ Ivan Aleksandrovich Ovchinnikov, *Arbitration in the Matter of the Seizure of American Schooners by Russian Cruisers, 1905*, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Marine Headquarters), opis’ 1, delo 3485, list 3 ob.



Map 1.1: St. Paul, Prybilov Group: Bering Sea: Alaska, Surveyed and drawn April 1873-July 1874, by Henry W. Elliott. Notice Walrus Islet (*Morzovia* in Russian) to the east and Otter Islet (*Bobrovia* in Russian) to the south. Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), frontispiece.



Map 1.2: St. George, Prybilov Group, Bering Sea, Alaska, Surveyed and drawn April 1873-July 1874, by Henry W. Elliott. Note the inset of the broader North Pacific. Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), frontispiece.

D.C., learned of the unregulated massacre and declared the islands a “reservation” in March 1869. The free-for-all in the summer of 1868 was followed up by strictly Native subsistence hunting in the summer of 1869.¹⁰⁶ Congressmen in Washington then decided to restrict seal hunting to one administrative entity, leasing their new seal interest for twenty-year periods to a single company. The Russian Imperial government in St. Petersburg had already learned that handing over management of a faraway, maritime, non-settler colony to a business was more trouble than it was worth. On the two seal islands pictured in Maps 1.1 and 1.2—named the Pribilof Islands after the first Russian captain to land there in 1786—it would take the U.S. government about forty more years to come to the same realization.¹⁰⁷

Argument and Historiography

When Americans took up the abandoned Russian fur seal industry and infrastructure in Alaska in earnest three years after the purchase, they did not know they were initiating a punishing diplomatic fight that would last until 1911. The previous *modus operandi* between Great Britain, through the Hudson’s Bay Company, and Russia, through the Russian-American Company, was much less fraught. I argue that the Alaska transfer and, specifically, the start of a large-scale organized American sealing industry, was the basis for troubled relations between Great Britain, Canada, Russia, the United States and, eventually, Japan—all of the North Pacific-bordering nations. Pribilof Island sealing lasted from 1870 to 1910, when the need for an intentional regulatory regime reached a tipping point, and Americans and Canadians gathered with Russians and Japanese to change the seal hunting landscape until the present.

This chapter introduces the United States as a fur seal country as Americans utilized the abandoned Russian fur seal infrastructure in Alaska, including killing grounds and salt houses. A

¹⁰⁶ Elliott, *The Seal-Islands of Alaska*, 25.

¹⁰⁷ Elliott, *The Seal-Islands of Alaska*, 20.

key element of that infrastructure was the “native” workers, whom the Russian-American Company had forcefully relocated from their Aleutian Island homes to the more productive Pribilof Island rookeries. Here I examine the crucial role of Ohioan Henry Wood Elliott in the emergent U.S. government in Alaska. Self-trained and employed by the Smithsonian Institution, Elliott learned to speak, read, and translate Russian and was a critical mediator in Alaska’s transformation from a Russian imperial to a U.S. imperial space.¹⁰⁸ The two lead actors in this chapter are Elliott and the Alaska Commercial Company, the U.S. government’s arm in the north for the first few decades. This chapter also situates this dissertation in space, illuminating a region of the world that is typically torn asunder in flat world maps—where Alaska is on the far left, the Russian Far East is on the far right, and viewers have no conception of how close and interconnected they are. Figure 1.1 reconnects Asia and North America at their watery point of linkage. What is “west” and what is “east” looks different from the perspective of this dissertation, where the International Date Line (*liniia peremeny daty*) is at the very center of the map.

¹⁰⁸ Elliott graduated from high school in Cleveland, Ohio, and then taught himself art and science before going to work for the Smithsonian Institution. See “Elliott, Henry Wood,” Encyclopedia of Cleveland History, Case Western Reserve University, accessed August 24, 2019, case.edu/ech/articles/e/elliott-henry-wood. Only a few months after his arrival on the Pribilof Islands, Elliott married a Creole woman of mixed Aleut and Russian heritage, Aleksandra Melovidov. Since it was highly unusual for white American men in the new Alaska territory to marry local, Native women, Elliott’s sanity and loyalties were questioned by contemporaries on this basis.



Figure 1.1: Big Diomed (Russian: Ratmanova) and Little Diomed (Russian: Kruzenshtern), circa 1900. The two islands are a little more than two miles apart. Note the hand drawn International Date Line and phantom steam from a steamship. Source: Charles S. Hamlin Collection, 1894-1907, Acc. 728, Box 1: Papers, UAF-1964-74-150, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

Henry Wood Elliott was the architect of a program of biopolitics impacting seal and Aleut lives—a program drawn from U.S. frontier practices and policies but honed in a new subarctic environment shaped by decades of relations between indigenous people and the Russian Empire. Philosopher Michel Foucault developed the term “biopower” to describe the “subjugation of bodies and the control of populations,” through measures influencing and regulating sexuality, family planning, birthrate, nutrition, public health, movement, housing, education, and lifespan.¹⁰⁹ I connect Foucault’s biopower formulation to fur seals, showing that the government believed it had to know the natural history and life rhythms of seals in order to properly control seal populations for the greatest output of healthy, attractive pelts. This biopower program is co-constituted by humans and seals, but with the humans ultimately exerting the most control. Foucault argues that biopolitical violence can be generative, not only destructive: it can “incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one

¹⁰⁹ Michel Foucault, *The History of Sexuality*, vol. 1, *An Introduction (The Will to Knowledge)*, trans. Robert Hurley (New York: Pantheon Books, 1978), 140; and Dinesh Joseph Wadiwel, *The War against Animals* (Boston: Brill, 2015), 25, 28.

dedicated to impeding them, making them submit, or destroying them.”¹¹⁰ Biopolitical projects may seem on the surface to foster life, but if they have sovereign power over life, they can also “*disallow* it to the point of death.”¹¹¹ Biopolitical programs simultaneously “[deploy] technologies of care and violence.”¹¹² Social theorist Dinesh Wadiwel argues that “human violence towards animals [is] biopolitical violence *par excellence*.”¹¹³ This chapter argues that the American fur seal industry was a biopolitical project managing both seal and Aleut bodies. It was ultimately unsuccessful, as it showed that Americans—like Russians before them—could not sustainably hunt seals indefinitely.

As both empires and biopolitical programs desire knowability, so too did the United States government want its new imperial extension in Alaska to become knowable. Richards demonstrates that empires must describe, quantify, and classify newly acquired territories to make them legible to the central state apparatus. The acquisition of new territories demands data collection to make colonies legible within a cohesive narrative that asserts the national identity as well as the new colony’s place within it.¹¹⁴ The legible territory is a manipulable one. To that end, reports from Alaskan expeditions began to show up on the desk of the U.S. Secretary of the Interior quickly after the 1867 purchase. These reports included the constellation of natural resources and the habits of Alaska Natives—especially what weapons they had and how violent they were toward outsiders. Americans’ baseline knowledge of seal and Aleut lives in Alaska came through Elliott’s 1881 report and monograph, *The Seal-Islands of Alaska*. It was submitted to the Department of the Interior as part of the Tenth Census of the United States, and it offers

¹¹⁰ Foucault, *The History of Sexuality*, 136.

¹¹¹ Foucault, 138. Italics in original.

¹¹² Dinesh Joseph Wadiwel, *The War against Animals* (Boston: Brill, 2015), 26.

¹¹³ Wadiwel, *The War against Animals*, 27.

¹¹⁴ Thomas Richards, *The Imperial Archive: Knowledge and the Fantasy of Empire* (New York: Verso, 1993), 1.

indispensable insights into the operation of the fur seal regime in Alaska. The seals, along with the seal island people—the Aleuts of the Pribilofs—were part of Elliott’s national census. In his worldview, I believe, seals and Aleuts together constituted the natural world, decorating the backdrop of American civilizing activity. In his 176-page report, Elliott discussed all of the living residents of the two Pribilof Islands, in this order: Aleuts, Alaska Commercial Company employees, hair seals (now called harbor seals, they were economically unproductive due to their lack of fur), fur seals, sea lions, walruses, nonmarine mammals, birds, fish, invertebrates, and plants.¹¹⁵ The bulk of Elliott’s analytical attention was on the natural history of the seals and the culture of the Aleuts. As an agent of the U.S. government, Elliott had a close, early view of the practices of the American state in Alaska. Acting as an observer, he was a central cog in the machinery of state biopolitics. Although he was not manipulating the population through direct intervention, Elliott performed one of the essential initial roles in establishing a biopolitical system of management: that of collector and collator of information. One must have a baseline understanding of the existing landscape before deciding which controls to impose from above. Starting with his first trip in 1872, Elliott informed the state of the status of human and animal populations’ health, reproduction, labor productivity, and lifespan. He performed a key task of the modern state: managing life. While a simplistic, cursory view of the Alaskan seal islands might conclude that the burgeoning American state in the north was involved in a seal extermination project, it was, in fact, a project to enhance life. Any attempt to manage life is, perversely, a violence. The modern state does violence by wielding its power to determine who can live and who can die, and when. In order to exploit seal lives most efficiently to prevent the

¹¹⁵ Aside from the famous seals, the Pribilof Islands were also home to the following mammals: Arctic foxes, lemmings (only on St. George), cats (not endemic but introduced by Russians, who brought them to combat the mice who were endemic to ships’ holds), and cows and sheep (not endemic but introduced for food). See Elliott, *The Seal-Islands of Alaska*, 13, 34.

loss of the commodity, the state and its economic arm, the company, also managed and exploited human lives.

In addition to biopolitics, human uses of seals in the North Pacific can be understood through Rosemary-Claire Collard's theoretical framework of disaster capitalism as it relates to the Alaskan sea otter. Canadian journalist Naomi Klein first popularized the phrase "disaster capitalism" in her 2007 book, *The Shock Doctrine: The Rise of Disaster Capitalism*. She writes that disaster capitalism encompasses "raids on the public sphere in the wake of catastrophic events, combined with the treatment of disasters as exciting market opportunities," such as the ways in which poor residents of New Orleans were exploited after Hurricane Katrina.¹¹⁶ Collard extends the metaphor to other catastrophic events, such as mass slaughter of a species or the slow death of sea otters through the violence of captivity—the violence of care, or being loved to death. She shows how Russian hunters initiated both the Alaskan sea otter and fur seal hunts. Collard situates Alaskan sea otters as commodities in a capitalist system. I place northern fur seals in the first two of Collard's five relational positions or orientations of "non-human natures" within "capitalist social relations." These are: 1. "officially valued (as a commodity)" (dead seals), and 2. "reserve army of potential commodities or unrecognized workers" (still-living seals).¹¹⁷ In this chapter I extend Collard's schematic to seals, showing how seal bodies transformed as a result of the American biopolitical project in Alaska in service of capitalist expansion.

The Alaska that readers will encounter in this chapter and dissertation is a watery space; it is not populated with soaring mountain peaks and snowy trails, but rather with ships and

¹¹⁶ Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007), 6.

¹¹⁷ Rosemary-Claire Collard, "Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life," *Antipode* (2018): 2-3.

marine life. The state has a coastline 31,246 miles long.¹¹⁸ Of course, Alaska is a large territory and the largest state in the union; its interior is populated by indigenous people and latecomers alike. Yet Alaska, from the Russian and early American perspectives, was a coastal place. Commissioner of Indian Affairs, Frank Mahoney, wrote in an 1869 expedition report that, two years after the purchase, only coastal Alaskan settlements were known. He wrote, “Nothing is known of these interior Indians, only what the Coast Indians say...”¹¹⁹ In fact, Russian control of the territory, and later American control, was a fantasy everywhere except for in the southern, coastal areas. Interior Alaska Natives had almost no contact with the Russians and did not know that they did not officially govern their own lives. The *Hand-Book of American Travel* in 1872 corroborated Mahoney’s account, informing potential tourists: “Although we have been flooded with books from travellers claiming to have explored [Alaska], the interior is yet an unknown land.”¹²⁰ All who inhabit Alaska in this chapter and throughout this dissertation—including the seals—first approached it via the sea and did not move much further inland. When the Russian government controlled Alaska, it divided the territory into five districts—four of which were oriented around the sea: Sitka (the Russian-American Company headquarters), Kodiak (the island on which the first Russian American capital had been established), Oonalashka (Unalaska—a port on the Aleutian Islands that served as a convenient rest and restocking point for ships traveling north or south), Atka (also on the Aleutian Islands), and the North.¹²¹ The first

¹¹⁸ Bruce Cumings, *Dominion from Sea to Sea: Pacific Ascendancy and American Power* (New Haven, Connecticut: Yale University Press, 2009), 191.

¹¹⁹ Frank Mahoney, U.S. Department of the Interior, Bureau of Indian Affairs, Letter on the Indians and their trade in Eastern Alaska to Special United States Indian Commissioner Hon. Vincent Colyer, in “Report of the Commissioner of Indian Affairs, made to the Secretary of the Interior, for the Year 1869” (Washington, D.C.: Government Printing Office, 1870), 2, Mss 26: Curry-Weissbrodt Papers of the Tlingit-Haida Indian Tribes of Alaska, 1930-1979, Series 1: James E. Curry Papers, Box C3A: Correspondence, Folder 19, Sealaska Heritage Institute Archives and Collections, Juneau, Alaska.

¹²⁰ *Appletons’ Hand-Book of American Travel: Western Tour* (New York: D. Appleton and Company, 1872), 309.

¹²¹ Elliott, *The Seal-Islands of Alaska*, 165.

four districts were on islands, but “the North” absorbed the rest of Alaska that was not near the sea. These five administrative districts show how the Russian-American Company designed Russian America to be a colony oriented around the sea. One historian argues that the “Americanization of Alaska in 1867 was borne northward neither by wagon train nor by railroad locomotive, but via the sea.”¹²²

Nonetheless, at the time of the purchase, the American government anticipated earning revenue through *land-based* fur-bearing animals—through squirrels, not seals. In Alaska, this meant “the bear, of many families—black, grizzly, and cinnamon—the mountain-sheep, the wolf, the fox, the beaver, the otter, the mink, the raccoon, the marten, the ermine, and the squirrel.”¹²³ Starting from the sea in Alaska, Americans quickly realized that marine megafauna held more promise than those land animals.

The fur seal became knowable to Americans through the purchase of Alaska, or rather through the three-year process of establishing a robust American fur seal industry (1867-1870) and its fitful forty-year duration (1870-1910). Though the Russian intimacy with the fur seal extends back further, this dissertation reads the American experience as a direct line from the Alaska purchase to the North Pacific Fur Seal Convention of 1911. The geopolitical conflict began when Russia withdrew from the Bering Sea, formerly an interior sea. For Americans, the eventual desire in 1911 to protect northern seal lives was a direct result of the Alaska purchase and the acquisition of valuable rookeries. This chapter will show that Russian-American seal-

¹²² Ted C. Hinckley, *The Americanization of Alaska, 1867-1897* (Palo Alto, California: Pacific Books: 1972), 23. Hinckley writes that it ought to be called “Alaskas,” rather than a single Alaska. This pluralization fits with that of the United States and “All the Russias,” a common Russian way of referring to the vast empire. See page 25.

¹²³ *Appletons’ Hand-Book of American Travel*, 309. The writer(s) may have mistakenly assumed that sea otters spend most of their time on land, which they do not.

based relations and conflict began shortly after the transfer, rather than later—as asserted by many English-language scholars who do not engage with Russian documents.

Most of the historical literature available on the early Americanization of Alaska in English is written by amateur historians who are Alaska residents. They may feel a personal need to fill the gap left by the scholarly community. Gerald O. Williams wrote a useful, sixty-five-page amateur history of the early American fur seal industry, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska*.¹²⁴ Robert Campbell's *In Darkest Alaska: Travel and Empire along the Inside Passage* is perhaps the best scholarly account of Alaskan cultural history, but it has nothing to do with the fur seal industry.¹²⁵ The present chapter intervenes with a scholarly history of the American Alaskan fur seal industry. Further, it clarifies that Russia continued to hunt seals after losing Alaska. Many English-language sources are vague or even misleading on this point. In fact, Russia continued to hunt seals on its Pacific islands after the loss of Alaska, but readers may be surprised to know that the Russian government contracted with American hunters to pursue these seals. This highlights the entangled nature of nineteenth-century North Pacific geopolitics and the seal industry.

The Factory Islands Hum Again, Lease I: 1870-1890

The United States government's Alaska investment quickly paid for itself. The oil and gold reserves of the north were significant, with the 1896 Klondike gold rush spurring development in the region. The Pribilof Island seal fishery itself yielded \$3.5 million to the US Treasury in its first decade.¹²⁶ But at the time of the purchase, the United States did not expect

¹²⁴ Gerald O. Williams, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska* (Eugene, Oregon: Alaska Maritime Publications, 1984).

¹²⁵ Robert Campbell, *In Darkest Alaska: Travel and Empire along the Inside Passage* (Philadelphia: University of Pennsylvania Press, 2008).

¹²⁶ Tax and Rental Paid into the Treasury of the United States by the Alaska Commercial Company—The Lessee of the Pribylov Islands—1870-'81, August 20, 1881, in Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 171.

much to come from the coasts and islands of southeast Alaska. Elliott recounts not knowing about the usefulness of the fur seals until after the purchase. Sometime between 1865 and 1867, Elliott met Dr. William Fraser Tolmie in British Columbia. Tolmie worked for the British Hudson’s Bay Company on Vancouver Island.¹²⁷ The two men discussed the fur-bearing animals of the region—not primarily for scientific purposes, but to get at the question of which animals were available for trade. In that conversation, Tolmie did not even mention the fur seal as a possible commodity. It should be noted that coastal British Columbia is quite far away from the Pribilof Islands, and the fur seal industry was an exclusively Russian business until 1867. Still, Elliott emphasized his surprise in his 1881 report that, prior to the Alaska transfer, “[he] never heard a single word of the fur seal, and [he], [himself], then never recognized its name.”¹²⁸

Elliott’s interest in the region had preceded the Alaska purchase and awareness of its seals. His first field expedition to British Columbia began in 1864, when Alaska was Russian and, likely, of little interest to him or Tolmie, as representatives of the interests of the United States and Canada, respectively. In his 1881 report, Elliott penned a section titled “Strange Ignorance of Their Value in 1867.” In it, he recounted how Senator Charles Sumner gave a speech in that year to convince the Senate that Alaska was a natural resources hotspot. It fascinated and shocked Elliott that, “in summing all this up, [Sumner made] no reference whatever to the seal-islands, or the fur-seal itself” so that, therefore, “the extraordinary ignorance at home and abroad relative to the Pribylov Islands [could] be well appreciated.”¹²⁹ The United

¹²⁷ Mount Tolmie in Victoria is named for Dr. William Fraser Tolmie, as are several other natural and manmade features in the Pacific Northwest. His son, Simon Fraser Tolmie, was a premier of the province of British Columbia, and Simon Fraser University is named for him. For those unfamiliar with Pacific Northwest geography, the city of Vancouver is not located on Vancouver Island. The largest city on Vancouver Island is Victoria, the capital of the province of British Columbia.

¹²⁸ Elliott, *The Seal-Islands of Alaska*, 80.

¹²⁹ Elliott, *The Seal-Islands of Alaska*, 69. See also Charles Sumner, Speech of Hon. Charles Sumner, of Massachusetts, on the Cession of Russian America to the United States (Washington, D.C.: Printed at the Congressional Globe Office, 1867). Right after the purchase, many Americans commented that Alaska was a great

States did not fancy itself a seal hunter during or immediately after the negotiations with Russia, but by 1869, the fur seal industry arose as the “greatest single economic benefit accruing to the United States by reason of its purchase of Alaska.” According to Williams, it was the only revenue stream coming into the U.S. Treasury from Alaska in the first few post-purchase years.¹³⁰ Ironically, Russia had wanted to sell Alaska, in part, because the fur seal industry had become so unprofitable, and the animal was hardly on anyone’s radar in the mid-1860s. Yet the fur seal industry would pay back the \$7.2 million investment many times over. There was just a three-year delay in restarting the seal hunt on an industrial scale, giving newspaper reporters plenty of time to think up their pithy, inaccurate, and foolishly enduring moniker, “Seward’s folly.”

I argue that the fur seal became knowable to the American public and even to the American scientific community through the acquisition of Alaska. This new knowing would translate to newfound caring—caring about a faraway animal whom most Americans would never see in real life—which would hasten the convention to protect the fur seal forty years later. For a Smithsonian naturalist like Elliott, American ignorance of the animal prior to the purchase was proven by the fact that his employer, that eminent scientific establishment, did not have a single northern fur seal specimen—or even parts of one—in its collection. Not only the Smithsonian, but hardly any of the best-known specimen collections in the world, had a northern fur seal at that time.¹³¹ Without a sample in the cabinet of curiosities, it was almost as if the creature did not exist. Elliott made sure to remedy that after he arrived on the islands in 1872.

acquisition as “valuable fur country,” but this does not imply seals. Land-based sources of fur in the huge Alaska territory were expected to yield great profits. See Lee A. Farrow, *Seward’s Folly: A New Look at the Alaska Purchase* (Fairbanks, Alaska: University of Alaska Press, 2016), 56.

¹³⁰ Williams, *The Bering Sea Fur Seal Dispute*, 7.

¹³¹ Elliott, *The Seal-Islands of Alaska*, 5.

It took the United States government three years to decide what to do with its seal islands, their Aleut residents, and their “factories”—various buildings designed for salting and storing seal carcasses. When the Russians first arrived, they found two uninhabited islands and dubbed these nameless places untouched by human culture the “Factory Islands”; see Map 1.3. They were probably uninhabited by humans because they were “stormy, windswept, isolated islands with a narrow resource base,” no trees, rocky land, no obvious harbors, and fog from the ground up.¹³² It was the ideal home for seals. In 1870, the American government brokered a lease with the Alaska Commercial Company (ACC), one of twelve proposals, to get the machinery of seal death running again at full tilt.¹³³ The Aleuts acted as translators between the Russians and Americans, as transferrers of imperial knowledge, bearers of imperial practice, culture bearers. Across the nineteenth century, they liaised between the Russians and Americans using an evolving Creole of Aleut, Russian, and English. Many Russian place names remained in use as Americans hunted seals on the Pribilof Islands. For example, some of the rookeries continued to be called by their Russian originals: Zapadnie (Western), Tolstoi (Thick), Polavina (Half), and Starry Ateel (Old Atoll). The Russians and Aleuts co-created an efficient system of seal exploitation, and the Americans became eager pupils. Maritime Russians ensured that a sealing monoculture prevailed across the entire North Pacific through the long nineteenth century.

¹³² Dorothy Knee Jones, *A Century of Servitude: Pribilof Aleuts under U.S. Rule* (Lanham, Maryland: University Press of America, 1980), 1.

¹³³ Briton Cooper Busch, *The War against the Seals: A History of the North American Seal Fishery* (Kingston, Ontario: McGill-Queen’s University Press, 1985), 109.



Map 1.3: Russian Factory Islands. This cropped version of “Northwestern America Showing the Territory Ceded by Russia to the United States,” 1867, zooms in on “Russian Factory” and places it at the center of our vision. Though this map was made because the Russian Factory was no longer there, it yet lingers. Source: ASL Map G4370 1867 U55, Alaska State Library Historical Collections, Juneau, Alaska.

American Pribilof seal history is divided into two neat periods, 1870-1890 and 1890-1910; the ACC lease lasted the first twenty years, followed by the North American Commercial Company for the second twenty years. American delegates’ interest in taking action to protect seals in 1911 coincided with the Pribilofs reaching the end of a lengthy lease era; the end of the lease encouraged advocacy for nonrenewal. The initial lessee had to pay at least \$500,000 to the U.S. government for the right to use government-owned territory and government-owned animals to make money. In addition, the company paid a rent of \$50,000 per year, plus \$2 per sealskin as a tax.¹³⁴ It was acceptable for another lessee to take over after twenty years—which

¹³⁴ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 153. Other sources state the rent as \$55,000 and \$2.62½. See Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485,

did happen—but the act was adamant that “no persons other than American citizens shall be permitted, by lease or otherwise, to occupy said islands, or either of them, for the purpose of taking the skins of fur-seals therefrom.”¹³⁵ The lease would be promptly terminated if any foreigner was found to be benefitting from the seal islands. In fact, beginning in 1872, “No vessels other than those employed by the company, or vessels of the United States, [would] be permitted to touch at the islands, or to land any persons or merchandise thereon, except in cases of shipwreck or vessels in distress.”¹³⁶ The government did not want to be tyrannical and fail to help sinking vessels, but it otherwise maintained strict control of its new moneymaker islands. The agreement included an annual quota of 100,000 seals on the two islands combined. In the first year, the ACC only took 23,733, but the lease took effect late in the summer season.¹³⁷

I contend that the Alaska Commercial Company was a key agent of Americanization in Alaska. Initially, the company was called Hutchinson, Kohl, and Co., but the partners changed the name shortly after arriving in Alaska in October 1868.¹³⁸ On the heels of the U.S. government purchase, the company bought Russian-American Company buildings on the islands for \$350,000.¹³⁹ Company founder Hayward M. Hutchinson was a businessman originally from Baltimore. He partnered with Captain William Kohl of Pennsylvania Dutch extraction. Kohl was a '49er in the California Gold Rush, then became a captain and shipowner, settling in Victoria.¹⁴⁰

l. 4; and Alton Y. Roppel and Stuart P. Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” *The Journal of Wildlife Management* 29, no. 3 (July 1965): 451.

¹³⁵ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Elliott, *The Seal-Islands of Alaska*, 153.

¹³⁶ John F. Miller, President of the Alaska Commercial Company, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, Office of the Alaska Commercial Company, San Francisco, in Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 155.

¹³⁷ Busch, *The War against the Seals*, 110.

¹³⁸ Busch, 106.

¹³⁹ Busch, 104.

¹⁴⁰ Victoria, Vancouver, and Seattle were all only founded as official cities as late as the 1840s and 1850s, just before this dissertation begins. See Busch, 130.

Hutchinson managed company affairs from Washington, D.C. (from whence to lobby the government), Kohl from Victoria (the center of Canada’s sealing industry), four men from San Francisco (the gateway to the seal islands from the Lower 48), and one man from London (the fur marketplace).¹⁴¹ The ACC owned “four steamers, a dozen or fifteen ships, barks, and sloops” with which to conduct its business.¹⁴²

The ACC lease became official on July 1, 1870. It gave the Treasury Department ultimate authority over the Alaska territory, which it farmed out to a corporation. Thus was Alaska established as a money-making venture, just as Russian America had been. When the American Congress looked at Alaska, it did not see a future state, but rather a white settler colony intended to garnish revenue. I believe it is productive to think of pre-statehood Alaska (pre-1959) as a “collection district,” borrowing language from the lengthy title of the 1868 Act to Extend the Laws of the United States Relating to Customs, Commerce, and Navigation over the Territory Ceded to the United States by Russia, to Establish a Collection District Therein, and for Other Purposes.¹⁴³ The territory’s identity as a collection district is evident in the depth of Alaska-related correspondence addressed from or to the Secretary of the Treasury. Yet a collection district is a uniquely ill-suited unit to engage in foreign relations. Alaska was barely a functional stand-in for the American nation in the north for the first several decades, yet it was proximal to Canada and Russia, and it quickly got into all sorts of diplomatic mischief—mostly having to do with seals, always having to do with ships. Just as the Russian-American Company had found itself unable to properly govern or build extensive infrastructure on all of the land west of

¹⁴¹ Miller, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, in Elliott, *The Seal-Islands of Alaska*, 156.

¹⁴² Elliott, *The Seal-Islands of Alaska*, 25.

¹⁴³ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Elliott, *The Seal-Islands of Alaska*, 154.

Canada, so too did the ACC find it difficult to act as corporation, sole employer, general store, government, education provider, medical system, and Protestant missionary corps on the Pribilof Islands.¹⁴⁴ The ACC worked in consultation with the U.S. government but was not the government. In the nineteenth century, it was not so uncommon that the basic elements of civil society were entrusted to a business venture.

The organization of the Alaska Commercial Company locked Aleut laborers into the exploitative, extractive economy of fur sealing. The company owned the general store, along with everything else on the Pribilofs. The government obliged the company to sell the same goods for the same prices as at its flagship store in San Francisco. Men in government even chose exactly what adult Aleut women would wear, telling the company: “The natives should be restricted to one pair of dress shoes each year, and the women to one good dress. Gingham, calicoes, muslins, and similar inexpensive dress-goods may be issued in reasonable quantities.”¹⁴⁵ Since Aleut employees could shop by having the total value of their purchases deducted from their salaries, many Aleuts actually owed the company money rather than possessing any. The company store was the only place on either island where paper money had value. The ACC created savings accounts for each employee, but many of the Aleuts had negative balances. Elliott and many Americans claimed that the freedom to be in perpetual American debt was an improvement on Russian slavery. The ACC highlighted that “no

¹⁴⁴ See Miller, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, in Elliott, *The Seal-Islands of Alaska*, 156; Lieutenant Washburn Maynard, United States Navy, Synopsis of Lieut. Maynard’s Investigations, November 30, 1874, in Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 107; and From Agent, U.S. Department of Commerce and Labor, and Agent, North American Commercial Company, to Mr. W.I. Lembkey, Agent in Charge of Seal Islands, May 1, 1905, 10, Folder: Agent’s Correspondence, St. Paul, 1905-06, Container #1, 1871-1984: Pribilof Islands Administrative Correspondence, Pribilof Island Program, National Marine Fisheries Service, RG 370: National Oceanic and Atmospheric Administration, National Archives and Records Administration (NARA), Seattle, Washington.

¹⁴⁵ From Agent, U.S. Department of Commerce and Labor, and Agent, North American Commercial Company, to Mr. W.I. Lembkey, Agent in Charge of Seal Islands, May 1, 1905, 6, Folder: Agent’s Correspondence, St. Paul, 1905-06, Container #1, RG 370, NARA.

compulsory means [would] ever be used to induce the people to labor. All shall be free to labor or not, as they may choose.”¹⁴⁶ However, being indebted meant not having the freedom to choose to labor or not. The ACC built houses for workers or gave them houses built by the Russian-American Company. It operated a school for four hours per weekday, eight months per year, though it was not compulsory, and many Aleut families questioned its value. School was English only. The ACC gave fuel, oil, and salmon to the Aleuts “*gratis*” and covered the financial needs of widows and orphans.¹⁴⁷ Company leadership believed they were meeting all Aleut needs, while still allowing Aleuts to hunt in the manner to which they were accustomed.

In my view, the organization of space on St. Paul and St. George islands is part of a broader American organization of corporate space and Native living space in the late nineteenth and early twentieth centuries. The “company town” and American Indian school are useful comparisons here. One of the most famous early American company towns was Pullman, Illinois, situated outside Chicago city limits beginning in 1880. Businessman George Pullman built a “model town” where his workers were expected to be able to build Pullman railway sleeper cars in peace and harmony, away from the distracting vices of the big city. The company met housing and many other social and economic needs for laborers and their families. Pullman said of his project, “It is simplicity itself—we are landlord and employers.”¹⁴⁸ Yet the company town went beyond these two managerial roles; it was intended to separate workers from the “industrial warfare” taking place in the nineteenth-century city. Pullman and model towns like it were meant to signal a “new era for labor”—namely one sheltered from worker strikes and other

¹⁴⁶ Elliott, *The Seal-Islands of Alaska*, 107.

¹⁴⁷ Miller, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, in Elliott, *The Seal-Islands of Alaska*, 156.

¹⁴⁸ Richard C. Wade, Foreword, in Stanley Buder, *Pullman: An Experiment in Industrial Order and Community Planning, 1880-1930* (New York: Oxford University Press, 1967), vii.

tensions between workers and bosses.¹⁴⁹ Yet the famous Pullman Strike of 1894 showed that Pullman, Illinois, was not far enough away from Chicago. The Pribilof Islands, however, *were* far enough away from Chicago and other major cities and allowed for the ideal organization of Alaska Native labor under the auspices of the company. In Pullman, the “paternalism” of the “ubiquitous company” rankled residents who felt that their every move was observed and regulated by an all-seeing, panoptic administration.¹⁵⁰ Pullman workers quickly found the overplanned town to be undemocratic. The company islands of Alaska appeared beneficent while severely restricting the social and economic choices of Aleuts. Positioned as far as they were from the American metropole, however, Aleuts had little recourse. Despite Elliott’s glowing account of how white Americans on the Pribilofs had “maintained perfect order...directed neatness...and stimulated industry, such as those natives had never before dreamed of,” Aleuts had been trained into submission by the Russians for decades before American arrival.¹⁵¹ Community relationships on the seal islands were even more complex: many Aleut families were part Russian. Elliott marveled that no policemen or courts were needed in the Pribilofs, giving credit to Aleuts for handling disputes at the family or community level without bringing it to the attention of authorities.¹⁵² The islands were similar to other American company towns, but geographically and culturally distinct. Aleuts met their own disciplinary needs instead of expecting external authorities to do so. Dorothy Knee Jones, ethnographer of the Aleuts, wrote that the *company* treated Aleuts like “other American workers,” but that the *government* treated them like “Russian serfs.”¹⁵³ Living in an isolated company town meant that seal island Aleuts’

¹⁴⁹ Wade, Foreword, in Buder, *Pullman*, viii.

¹⁵⁰ Wade, 229-230.

¹⁵¹ Elliott, *The Seal-Islands of Alaska*, 20.

¹⁵² Elliott, *The Seal-Islands of Alaska*, 22.

¹⁵³ Jones, *A Century of Servitude*, 23.

experience of what it meant to be an American worker looked different from that of other Native Americans—even others from Alaska. Working for relief payments and for credit in the company’s monopoly store was not like “other American workers” in the late nineteenth century.

Government and enterprise were so tightly entangled on the Pribilofs that it was hard to tell where capitalism ended and the state began. The two were entwined inexorably in pre-statehood Alaska (pre-1959). The president of the ACC wrote glowingly of this enmeshment in 1872: “The interest of the company in the management of the seal-fisheries being identical in character with that of the United States, there can be no conflict between the agents of the company and the agents of the government.”¹⁵⁴ The U.S. Treasury Department held official powers over the collection district of Alaska, and that department granted the ACC its powers. One former San Francisco-based American sealer, identifying himself as only “An Old Salt,” critiqued this entanglement: “The fact is the privileges conferred upon the Alaska Commercial Company by our government are akin to those bestowed by England upon the East India & Hudson [*sic*] Bay Company.” Some contemporaries viewed the relationship between government and enterprise in Alaska with skepticism and derision. The retired sealer went on: “It would be well for Congress to appoint a commission to investigate, and let the public know for whose benefit these fur seals preserves are maintained at the public expense and for what purpose?”¹⁵⁵ The American people had been told that their \$7.2 million investment would benefit them, while the two Alaskan “company towns” filled ACC coffers.

At work on the Pribilof Islands was the logic of American Indian uplift that pervaded the nineteenth-century West. Training Native people to assimilate into white culture and to see its

¹⁵⁴ Miller, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, in Elliott, *The Seal-Islands of Alaska*, 156.

¹⁵⁵ An Old Salt, “Behring Sea,” *Coast Seamen’s Journal*, April 3, 1889, 1.

advantages was a key element in reducing the violent attacks and political battles that characterized white expansion westward. Indian schools scattered across the continent targeted young people, in order to “kill the Indian, save the man.”¹⁵⁶ The Carlisle Indian School in Pennsylvania, for example, operated from 1879 to 1918, educating approximately 10,000 teenagers from about 140 tribal nations. The school required that students speak English only, convert to Christianity, and wear prevailing white regional fashion. Critically, Carlisle administrators separated students who came from the same tribal nations and spoke the same native languages.¹⁵⁷ On the Pribilofs, Aleuts remained in families rather than living in faraway residential schools. The government required the ACC to provide day schools that served these same “civilizing” functions among children, while adult men were Americanized through their work for the company. The Sherman Institute in Riverside, California, engaged in the same theory of uplift from 1902. In the words of one Chicago journalist who visited the school in 1911, “550 Indian boys and girls are being converted into useful citizens.”¹⁵⁸ As part of their education, teenagers were sent out from Sherman Institute in the “outing” program to work low-wage manual labor and service sector jobs, training for their future role in America’s lowest socioeconomic group. Kevin Whalen, historian of the Sherman Institute, writes that “The growth of the campus allowed for yet another venue to showcase the progress the students made in their

¹⁵⁶ Homepage, Carlisle Indian School Project, accessed December 27, 2019, <http://www.carlisleindianschoolproject.com/>. The quotation is from the school’s founder, Richard Henry Pratt.

¹⁵⁷ Institutional History, Carlisle Indian School Project, accessed December 27, 2019, <http://www.carlisleindianschoolproject.com/history/>.

¹⁵⁸ William E. Curtis, “For Indian Youth: Work of Sherman Institute at Riverside, Cal.,” *Evening Star*, May 11, 1911, 8. This institution continues to exist today, under the name of Sherman Indian High School, with its mascot, the Brave. It remains a residential school for Native Americans. It is operated by the Bureau of Indian Affairs within the Department of the Interior. See Homepage, Sherman Indian High School, accessed December 27, 2019, <http://www.shermanindian.org/>; and About Us, Sherman Indian High School, accessed December 27, 2019, <http://www.shermanindian.org/home/>.

alleged march away from Indianness and toward whiteness: labor.”¹⁵⁹ As buildings were added to the growing campus, students themselves became the builders of the Americanizing cocoon around them, increasingly severing the cord linking them to their Native pasts. Just as the American government expected the ACC to do so much more on the Pribilof Islands than just hunt seals and prepare their carcasses for transport to the London market, “The campus at Sherman Institute was supposed to be a place of rapid and indelible transformation, a place where young people shed indigenous cultures and languages and emerged into white, Protestant civilization as common laborers.”¹⁶⁰ Students were expected, and trained to be, poor—with a focus on skills needed for manual labor and to manage a home with very few resources. They would be Americans, but they were expected and taught to be in poverty. Aleut seal hunters were also trained to be poor, to be dependents of the ACC. Hoxie writes that the American government’s indigenous assimilation project seemed totally possible in 1880, but it was abandoned as folly by 1920—around the same time that the Carlisle Indian School closed its doors. For Hoxie, the irony of assimilation was that the biopolitical project of “assimilation had produced its opposite.”¹⁶¹

Biopolitics: Managing Seals

The biopower of seals and their human killers needed to be sustainably harnessed for Walrussia to pay for itself. In Foucault’s conception of biopower and biopolitical systems, regimes depend upon “infinitesimal surveillances, permanent controls, extremely meticulous orderings of space, indeterminate medical or psychological examinations.”¹⁶² Thus, for Foucault,

¹⁵⁹ Kevin Whalen, *Native Students at Work: American Indian Labor and Sherman Institute’s Outing Program, 1900-1945* (Seattle: University of Washington Press, 2016), 4.

¹⁶⁰ Whalen, *Native Students at Work*, 7.

¹⁶¹ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, Nebraska: University of Nebraska Press, 2001), 243.

¹⁶² Foucault, *The History of Sexuality*, 145.

the modern state since the seventeenth century has been managing bodies for the benefit of capitalism, valorizing the body and engaging with the body to maximize its economic output. The modern state is obsessed with “biological processes”—namely “propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary.” One of the qualities that distinguished the premodern state from the modern one, Foucault continues, was that the state’s focus shifted from its power to kill to its power to “invest life through and through.”¹⁶³ The lack of jurisdiction over one’s own body—including how one dies, as with a prohibition on euthanasia or requiring military service—is the ultimate undemocratic state machination. States using biopolitical power must deploy an army of workers to first catalog existing population conditions, for the purpose of improvement or uplift. Elliott’s task in the new Alaska territory was to catalog both seal bodies and Native bodies on the seal islands, to ensure that they were both being exploited to the greatest possible extent without reducing their usefulness to the corporate-governmental enterprise.¹⁶⁴ Another army of workers must be deployed to convince human populations that biopolitical controls are in their best interest. Wadiwel writes that “industrialised slaughter (making death) is interdependent upon industrialised reproduction (making life).”¹⁶⁵

Seal observers in the late nineteenth century understood that seals governed their own lives and made their own choices. Aleut hunters and foremen could plan all they wanted for a seal drive the next day, but if the weather at one a.m. was “tayopli”—Elliott’s version of the Russian adjective *tēplyi*, or warm—the seals would be in the water.¹⁶⁶ Since the only requirement

¹⁶³ Foucault, *The History of Sexuality*, 139.

¹⁶⁴ Foucault writes that the point at which a biomanipulated population outstrips its usefulness to the state is when it becomes more difficult to govern *because of* its superior health. When that threshold is reached, quality of life must be *reduced* through state controls. See Foucault, *The History of Sexuality*, 141.

¹⁶⁵ Wadiwel, *The War against Animals*, 27.

¹⁶⁶ Elliott, *The Seal-Islands of Alaska*, 71.

for starting a seal drive was to get between them and the sea and start raising a ruckus, the seals were able to determine whether their ultimate fate was delayed for another day. The seals empowered themselves to decide whether the Aleuts were paid for that day or labored in vain. By collectively going swimming when the air temperature reached a certain acceptable threshold, seals exhibited agency. Elliott wrote that seals would not attempt to land on bluffs because “they could not do so without suffering, and in violation of their laws, during the breeding-season.”¹⁶⁷ By referring to seal “laws,” Elliott could either be anthropomorphizing them, or absorbing them into the natural world that includes natural laws. Laws are products of culture and must be created by intelligent minds, but “natural laws” since the Enlightenment govern everything and everyone that exists, whether invented by god or the universe.

The humans in charge of the Alaskan seal islands tried to live by seal habits in order to maximize the productive output. The two-page Act to Prevent the Extermination of Fur-Bearing Animals in Alaska created foundational guidelines for how the ACC should organize seal life. The act stipulated that white people or their on-the-clock employees could only kill seals in Alaska in the months of June, July, September, and October; August was oddly excluded, though Elliott noted that this odd formulation was quickly changed to allow hunting from June 1 to August 15. This killing window fit seasonal seal behavior and local weather patterns better.¹⁶⁸ Employees of the ACC could never kill female seals or those younger than one year at any time. To prevent unnecessary cruelty to the seals, the act stated that seals could not be killed off cliffs or rocks; in other words, a hunter could not force a seal to plunge to its death. The plunge would destroy the pelt’s commercial value, at any rate. The penalty for violating this rule was a fine of

¹⁶⁷ Elliott, *The Seal-Islands of Alaska*, 69.

¹⁶⁸ Miller, Regulations for Conduct of Affairs on the Seal-Islands, January 1872, in Elliott, *The Seal-Islands of Alaska*, 155.

\$200-1000, imprisonment for up to six months, or some combination of the two, as well as confiscation of any vessel or sealing equipment used in the attempt.¹⁶⁹ The act also established annual quotas of 75,000 for St. Paul and 25,000 for St. George—numbers based on a false assumption that St. George had one-third the seal population of St. Paul. In reality, St. George, with rocky bluffs similar to the Palisades of Manhattan-facing New Jersey, only supported about one-eighteenth as many seals as St. Paul.¹⁷⁰ Thus, seals could only haul out of the water to breed along about two miles of St. George’s twenty-nine miles of coastline. Further, it was dangerous for ships to try to land on St. George, especially during one of the region’s ubiquitous fogs. These cliffs are only about fifteen to twenty feet above sea level on average, but neither seals nor ships can scale that height.¹⁷¹

The seal quota system may have seemed eminently logical to Pribilof Island decision-makers in the 1870s, but the numbers were built on a faulty foundation: that of the baseline count. Virtually every demographic management program depends on a baseline count. But on the Pribilofs, the initial numbers were off dramatically. Until 1872, when Elliott arrived to be the first counter, no one knew how many seals there were; even after, they still would not know, but they would think that they did. In Elliott’s words, all prior knowledge of seal quantities came from “fanciful yarns” spun by either whaling captains cruising through the area or “naturalists of more or less repute.” His word choice is humorous, given that he would later be dismissed as being of “less repute.”¹⁷² Eyeballing the rookeries had some use, but that observational method would not stand up to the budding expectations of professionalism in the late nineteenth century.

¹⁶⁹ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Elliott, *The Seal-Islands of Alaska*, 153.

¹⁷⁰ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Elliott, *The Seal-Islands of Alaska*, 153; and Elliott, *The Seal-Islands of Alaska*, 157.

¹⁷¹ Maynard, Synopsis of Lieut. Maynard’s Investigations, November 30, 1874, in Elliott, *The Seal-Islands of Alaska*, 105; and Elliott, *The Seal-Islands of Alaska*, 16, 18.

¹⁷² Elliott, *The Seal-Islands of Alaska*, 5.

In addition, the scientists doing the counting were firstly technocrats—agents of American empire and its interests.

One element of fur seal biology complicated the baseline count tremendously: all of the seals were only “home” on the Pribilofs for, reliably, about ten days out of every year—from approximately July 10 to 20. That was mating season. Ten days per year in America is a tenuous basis for claiming American ownership of the herd. Representatives of all four fur seal countries complained that their seals were not exclusively their own but overwintered or oversummered elsewhere. Yet it remains true that the herd did not gather anywhere else in the world for a longer period of time than ten days. The females of breeding age spent the least amount of time on the rookeries. Home was a piece of rocky beach that breeding-age males prepared for multiple females, who were more active swimmers, ranging further and returning to the Pribilofs much later than the males. After mating, the female of the species would abandon her mate and newborn pup and set off again for open ocean. While seals would head south at different times, by mid-September, the whole roaring community had broken up. The only females remaining by then looked confused as to what their role in life should be. By the end of October, even the oldest males and pups had left.¹⁷³

Elliott did not count millions of seals one by one, an impossible task since the animals hardly ever stayed in one place and rarely slept for more than one hour at a time. He instead measured the total area of the breeding ground, granted each female two square feet, judged that she “doubles herself” when she has a pup, and estimated that each harem male on the rookery took up about four square feet. See the photograph of one of the St. Paul rookeries depicted in Figure 1.2. Elliott made two false calculations: 1. based on harem size estimates, there was one

¹⁷³ Elliott, *The Seal-Islands of Alaska*, 42.

male to every fifteen females and, 2. the numbers of breeding and nonbreeding males were about the same. With these assumptions in mind, Elliott concluded that there was a baseline of 4.7 million fur seals on the Pribilof Island rookeries in 1874. He called it “[his] individual judgment” and admitted, “I am well aware of the fact, when I enter upon this discussion, that I cannot claim perfect accuracy.”¹⁷⁴ Indeed, retroactive studies done in the twentieth century suggest that Elliott’s estimate of the size of the herd was three times too high.¹⁷⁵ His two assumptions were dramatically ill-informed. Professional naturalist David Starr Jordan, in *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean* (1898), wrote that the Elliott count, based on acreage, was “exceedingly unsatisfactory.”¹⁷⁶ One of the key reasons for this was that no landmarks of any kind existed by which a counter could measure his progress. How could anyone accurately count a constantly moving mass of bodies? Jordan was skeptical that it could ever be done properly by anyone. The professional biologist further stated that “a count of 650 closely crowded dead bodies” on one of the St. Paul killing grounds revealed that each dead body took up thirteen and a half square meters of space, a vastly larger amount than the four square feet that Elliott estimated.¹⁷⁷ Jordan summarized that Elliott’s work was clouded in a “haze of exaggeration” contrived by a “too-vivid imagination.”¹⁷⁸ Jordan’s tone did not impugn Elliott’s morality, but his competence. Two American marine mammal biologists revisiting the count

¹⁷⁴ Elliott, *The Seal-Islands of Alaska*, 50, 62.

¹⁷⁵ Roppel and Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” 454. Briton Cooper Busch, in *The War against the Seals*, 120, writes that Elliott’s estimate was 300 times too high, but it would be extreme if Elliott miscounted to such a degree. The number 300 was probably a typo, intended to read 3.

¹⁷⁶ David Starr Jordan, *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean*, Part 1 (Washington, D.C.: Government Printing Office, 1898), 75. Jordan was a graduate of Cornell University and a member of the first graduating class, where his advisor was Andrew Dickson White. Jordan later became the first president of Stanford University.

¹⁷⁷ Jordan, *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean*, 81.

¹⁷⁸ Jordan, *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean*, 82-83.

issue in the mid-twentieth century concluded that the real count in the 1870s was probably closer to 1,064,473.¹⁷⁹



Figure 1.2: Seal Rookery, circa 1925-1926. Source: Ernest and Helen Watson Album, 1913-1939, UAF-2002-158-209, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska, Alaska's Digital Archives, <https://vilda.alaska.edu/digital/collection/cdmg11/id/42311/rec/7>.

The Seal Hunt and the Seal Body

This section will explore how the seal hunt happened on land, as well as the typical behaviors of the seal body and mind while living, while dying (while being hunted), and when dead. The living seal was more or less autonomous, acting according to his or her own natural history, biology, and local culture. Unknowingly, the seals occupied position two in Collard's disaster capitalism scheme: that of "reserve army of potential commodities or unrecognized workers." Within one day, that reserve seal shifted into position one: "officially valued (as a commodity)."¹⁸⁰

¹⁷⁹ Roppel and Davey, "Evolution of Fur Seal Management on the Pribilof Islands," 454.

¹⁸⁰ Collard, "Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life," 2-3.

Living

The seals were as unaware of the transfer of Alaska as were many Alaska Natives living in the interior and the far north, not interacting with either colonizer of the territory. Elliott wrote in 1881 that “the fur-seals of Alaska, collectively and individually, are the property of the general government.”¹⁸¹ Those 1881 seals were owned by Americans, whereas their ancestors had been owned by Russians. Seal treatment was strikingly similar across generations, since killing practices transmitted by the Russians to the Americans via the Aleuts changed little across the long nineteenth century. What does it mean for Elliott to declare that the seal body was the property of a government? It means that the living body will soon be dying will soon be dead.

When living seal bodies gathered together, they produced a raucous cacophony. Whether on the breeding grounds, in the “surplus male” waiting room that was usually within a mile inland of the breeding grounds, or on the killing fields, seals together were *loud*. A captain caught in fog could literally navigate his way into any of the Pribilof Island harbors via the dull roar of thousands of seals barking at one another. Rudyard Kipling wrote of these islands in *The Rhyme of the Three Sealers*:

...And the deep seal-roar that beats off-shore above the loudest gale.¹⁸²

Kipling himself never traveled to the seal islands, but he interacted with seal hunting culture when he visited Victoria in 1889. In this single line from his 1893 poem, Kipling shows that where the human eye fails, the human ear compensates. This shows that even the living seal body was of use to humans. None of the Pribilof harbors were particularly amenable to large ships, even in the absence of fog. St. George was near impossible to broach, with its dangerous,

¹⁸¹ Elliott, *The Seal-Islands of Alaska*, 157.

¹⁸² Rudyard Kipling, “The Rhyme of the Three Sealers” (1893), in *The Seven Seas* (New York: D. Appleton and Company, 1900), 69. Kipling also wrote a poem called *Lukannon* about the Lukanin rookery on St. Paul—from the perspective of the driven seals.

rocky bluffs. Elliott did not advise captains to follow the seal's siren song to St. George, but a seal gathering would nonetheless guarantee that at least a patch of decent sea-level beach existed there, so that ships could lay anchor.¹⁸³ Given their unique amphibious shape, seals were not in the habit of climbing great heights. Researchers estimate that, without direct human interference, northern fur seals would live from fifteen to twenty-five years in the wild.¹⁸⁴

Dying: "The Following is Not Pleasant Reading"¹⁸⁵

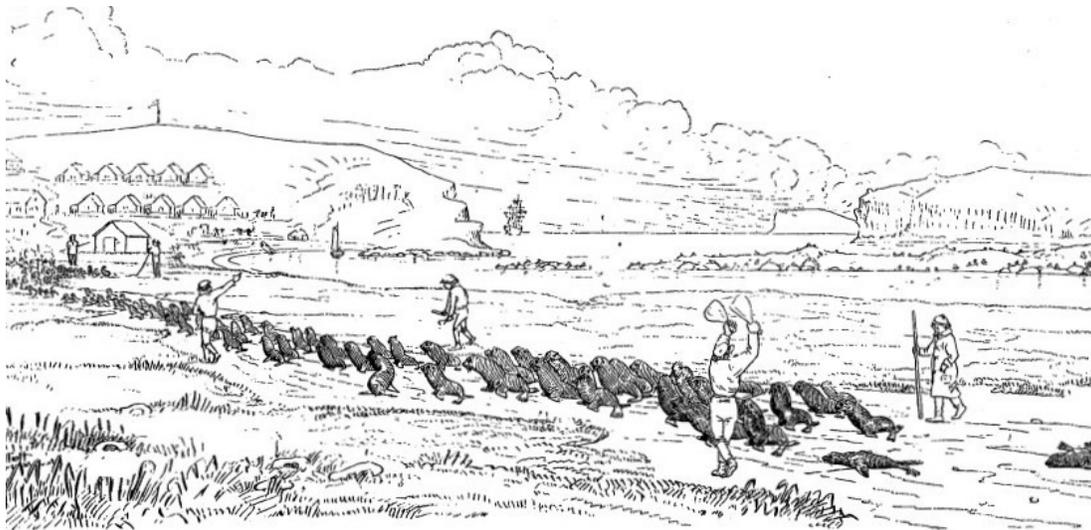
How were seals killed on the North Pacific islands? First, during the breeding season they were driven inland from the beaches in a death march that was brutal for animals without legs. Yet Elliott adjudged that the Aleut-Russian driving method could not have been improved upon. The Aleuts only had to get between the seals and the sea and startle them into running up the beach and inland. With a simple startle, almost none of the seals would put up a fight. Three or four Aleuts could effectively corral 1,000 seals. The men drove them at a rate of about half a mile per hour. It could be done faster, but with some deaths along the way from exhaustion. Those flippers were not made for a quick getaway—though readers must be aware that northern fur seals can walk more easily than harbor, or "true" seals, who have virtually no neck and tiny flippers and can only bounce painfully on their stomachs. An older male bull fur seal could run at the same rate as a man for about 100 yards, but then the former would collapse in exhaustion. In general, the fur seal's walk was "a kind of walking step and a sliding, shambling gallop." The "whole caravan" was a "succession of starts, spasmodic and irregular, made every few minutes, the seals pausing to catch their breath, and make, as it were, a plaintive survey and mute

¹⁸³ Elliott, *The Seal-Islands of Alaska*, 16, 18.

¹⁸⁴ New England Aquarium, "Northern Fur Seal."

¹⁸⁵ Charles Hibbert Tupper, "Crocodile Tears and Fur Seals," *National Review* (London) 28, no. 163 (September 1896): 91. Tupper, Minister of Marine and Fisheries in Canada, used this phrase before discussing the gruesome details of the declining seal herd in 1896.

protest.”¹⁸⁶ The drive is pictured by Elliott in Figure 1.3 and shows the stragglers who have already given up, revealing their subjectivity and intentionality as individuals.



NATIVES DRIVING THE “HOLLUSCHICKIE,”

The drove passing over the lagoon flats to the killing-grounds, under the village hill, St. Paul Island.

Looking S. S. W. over the village cove and Lagoon Breeding Rookery, July 14, 1872.

Figure 1.3: Natives Driving the “Holluschickie” (Bachelors or “Surplus Males”). Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 70-71.

The groaning ordeal of killing seals would begin at one or two o’clock in the morning, extend for three hours or more, and the herd would be ready for destruction by six or seven in the morning. This intense procedure only happened forty days out of every year on the Pribilofs; forty days were enough to kill the 100,000 seals permitted by the government quota. On St. Paul, multiple rookeries fed into the same slaughtering field near the Aleut village. Some drives were two and a half miles, while others were five; Elliott thought none should be longer than one mile. He complained that the company sometimes moved the killing fields further inland from rookeries, producing a “causeless infliction of physical misery upon phocine backs and

¹⁸⁶ Elliott, *The Seal-Islands of Alaska*, 72. Sometimes a seal would go weak in the lower spine or posterior and collapse, not to revive for days or ever. Elsewhere, page 30, Elliott wrote that the fur seal could only shamle for thirty or forty yards before collapsing from exhaustion. This was especially likely when the trail was dry, and seals had no natural Slip ’N Slide.

flippers.”¹⁸⁷ Elliott wanted to improve upon the Russian system by having more salt houses built around the island. During the drive, Aleut workers would allow the seals periodic cooling breaks, in which the seals would fan themselves with their flippers. It was hardly out of compassion that the hunters would allow these breaks; rather, the fur coats of seals who suffered during the drive deteriorated in quality. Fur seals lack sweat glands and pant like dogs. A hot and sweaty pelt was of lower quality than a fresh one—if any pelt could be considered fresh after a “seal-shamble” and a “march to death and the markets of the world.”¹⁸⁸

Who were these promenading seals? Every year during the first week of May, each reproducing male found his place on the beach, not far from the water’s edge. There he would collect a harem, scooping up every female he could attract as she took her first swimming leap onto the beach in mid-July after a long migration from central California.¹⁸⁹ Sometimes he would fight off other males to the point of extreme injury or even death. Each of these bulls reproduced with an average of 15-20 females, Elliott estimated, but some harems had 45-50 and others just 2-3. The males who were able to claim and defend space closest to the ocean had the biggest harems, since females had to size up fewer males to get there. Female northern fur seals are *one-sixth* the size of the male of the species—the greatest gender size differential of any species on earth—and females could easily be crushed by fighting males on their way up the beach.¹⁹⁰ None of these breeding animals were fair game for the American sealers, who instead targeted the seals located *really* far from the ocean, the “surplus males.” Thus, the land-based seal hunt was almost

¹⁸⁷ Elliott, *The Seal-Islands of Alaska*, 71.

¹⁸⁸ Elliott, *The Seal-Islands of Alaska*, 71-72.

¹⁸⁹ Elliott, *The Seal-Islands of Alaska*, 42.

¹⁹⁰ Elliott, *The Seal-Islands of Alaska*, 37. Elliott weighed some seals with a scale and determined that the males were about 400-500 pounds and females about 70-80 pounds. See page 46.

always males killing males. Females, whether they were of reproducing age or not, were “sacred cows.”¹⁹¹

Males aged three to four were the ideal targets for transformation into coats. Such males had the highest-quality fur and were not yet breeding, creating what Elliott called the “admirably perfect method of nature.”¹⁹² It seemed that god had ordained the slaughter of the “surplus males.” They were superfluous because one fertile male would impregnate many females—his “harem”—in the same mating season. Surplus males were called “holluschickie”—a local evolution of the original Russian term, *kholostiaki*, or bachelors.¹⁹³ Elliott believed that between one-third and one-half of the Pribilof seals in the 1870s were “holluschickie.”¹⁹⁴ They had potential as a future “reserve army,” but for the current season were doing nothing to sustain the future of the species. These unsexed males were doubly peripheral, doubly wronged, by their own culture and by human culture. They fought for rookery space and lost out to more powerful males or were rejected by fertile females, so they shuffled up the beach dejectedly, sometimes for multiple years in a row. The humans took advantage of those seals’ banishment from their community and targeted them for a violent death. The “holluschickie” were the weakest of the herd from all perspectives, but with the best coats, making them ideal targets. If northern fur seals were peripheral to the world, then surplus males were the most peripheral.¹⁹⁵

After the humans ate breakfast, the entire “able-bodied male population” of the island arrived to find the seals cooling off on the killing grounds. Each man brought his own oak or hickory club, made faraway in New London, Connecticut. The club was five or six feet long and

¹⁹¹ Busch, *The War against the Seals*, 100.

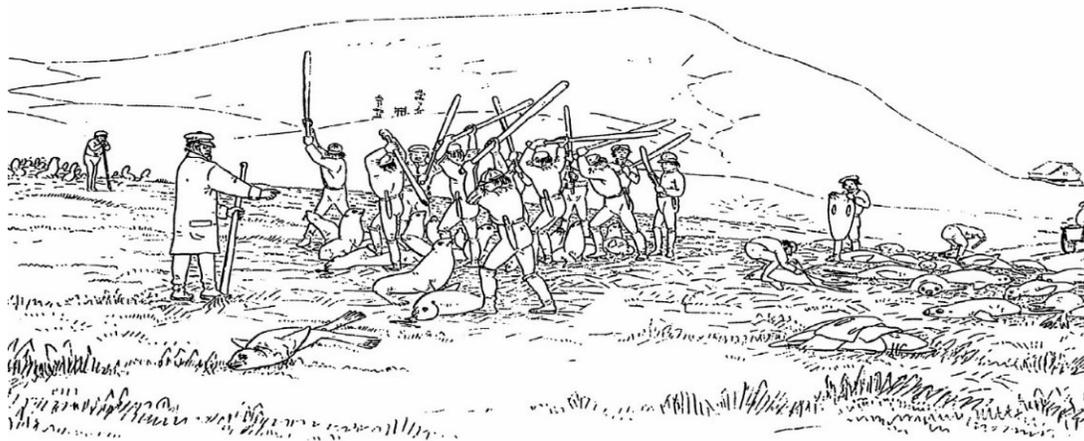
¹⁹² Elliott, *The Seal-Islands of Alaska*, 70-71.

¹⁹³ The same Russian word applies to human bachelors.

¹⁹⁴ Elliott, *The Seal-Islands of Alaska*, 62.

¹⁹⁵ Elliott, *The Seal-Islands of Alaska*, 71.

three inches in diameter at the head.¹⁹⁶ The head of the club would make contact with the head of the seal. The foreman of the hunting party would yell “Strike!” and at once the glorified baseball bats would stun—but not kill—the animals. Of course, the seals outnumbered the men, and at that decisive moment the impassive, as-yet-unstunned seals would jump to attention. Every bystander seal would make a beeline for the beach. The Aleuts would let go those who looked too old or too young; the old-timers would probably exhaust themselves again and be found littering the path back to the beach later. The youths would be seen again another day or the following year.¹⁹⁷ This clubbing procedure, illustrated in Figure 1.4, only occurred on land rookeries, whereas pelagic—or offshore—sealing will be discussed at length in the next chapter, when the watery borders between nations begin to be contested.



THE KILLING-GANG AT WORK.

Method of slaughtering Fur-seals on the grounds, near the village, St. Paul Island.

Figure 1.4: The Killing-Gang at Work. Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 72-73.

¹⁹⁶ Elliott, *The Seal-Islands of Alaska*, 72.

¹⁹⁷ Elliott, *The Seal-Islands of Alaska*, 73.

While dying, seal bodies went through some predictable transformations. When a northern fur seal body on land was in the first phase of dying—after the club blow to the head—sometimes the lenses would pop out of the eyes. Elliott remarked with awe that only the best placed and accurate blow would elicit this reaction from the seal’s body. He wrote that the “crystalline lenses” would “fly out from the orbital sockets like hail-stones, or little pebbles, and frequently struck [him] sharply in the face, or elsewhere, while [he] stood near by watching the killing-gang at work.”¹⁹⁸ Then, in the absolute chaos prompted by the fleeing bystanders, hunters would bend down and drive a knife into the heart of the lifeless-but-still-living club victim. Ideally, the hunter would lay the animal on his back before making the decisive stab, allowing for a neat skinning *in situ*.

Seal clubbing was delicate work. Hunters strove to preserve the perfection of the pelt despite an imprecise killing method. Each hunter needed to give his undivided attention to the animal in front of him, since seals occasionally lunged at hunters when the initial strike to the head did not take. Sometimes, just as a hunter came closer to an inert animal to turn him onto his back, he would leap forward and bite the hunter. The Aleuts kept their knives at the ready for the turning over procedure, but a surgeon was always on hand on both islands in the event that a seal struck first. A knife stab would almost certainly destroy the pelt, making it unsellable, thereby wasting a seal life truly for nothing.¹⁹⁹ The beauty of the pelt to the human eye made sealing more delicate work than whaling: whale blubber was boiled down into oil and transported as a liquid. Its appearance only mattered insofar as a normal appearance indicated a healthy product. The treatment of the dying whale and the dead whale was of little consequence. Form followed

¹⁹⁸ Elliott, *The Seal-Islands of Alaska*, 73.

¹⁹⁹ Elliott, *The Seal-Islands of Alaska*, 74.

function. Not so with the seal. The form was the *only* function of the seal body in its commodity orientation. Unlike whales, all “fur-hopeful” animals were handled with kid gloves.

Dead

When a northern fur seal was alert to danger, Elliott marveled, “a singular lurid green light suffuses the eye...At the moment when last raising its head it sees the uplifted bludgeons on every hand above, fear seems then for the first time to possess it and to instantly gild its eye in this strange manner.” This lovely, “opalescent tinting” would remain in the seal’s eye for hours or even days after its death. Even without skin, the animal’s vacant eyes shimmered like precious gemstones.²⁰⁰ The marks of fear remained visible on the seal corpse long after it no longer had anything to fear.

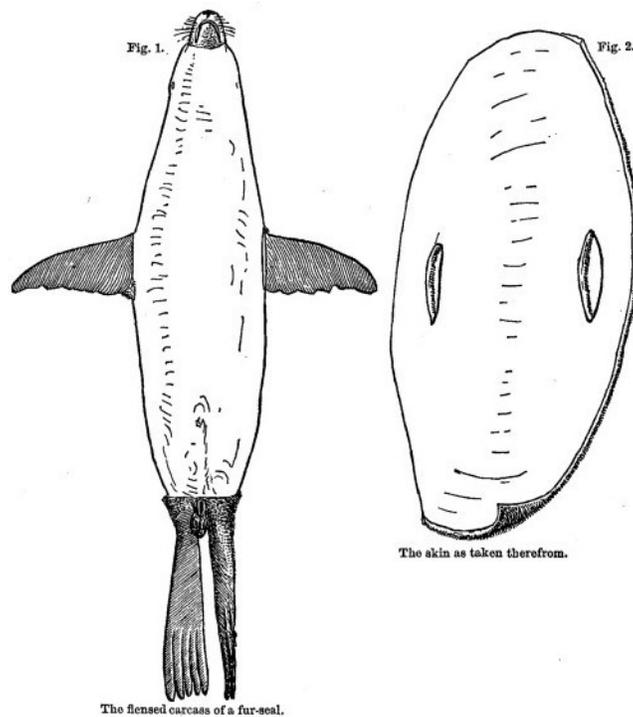


Figure 1.5: The Pelt. Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 73.

²⁰⁰ Elliott, *The Seal-Islands of Alaska*, 73.

The hunter had to get the coat off the animal quickly, because the fur began coming out in clumps shortly after death.²⁰¹ Kipling described this procedure from the perspective of a young northern fur seal in what begins as a charming children's story, *The White Seal* (1893): "Ten minutes later little Kotick did not recognize his friends any more, for their skins were ripped off from the nose to the hind flippers, whipped off and thrown down on the ground in a pile."²⁰² The resulting large pelt, to be turned into a human coat, is visible in Figure 1.5. Little Kotick's name translates to Kitten in Russian, but the Russian term for the fur seal is *morskoi kotik*—literally sea kitten. Poignantly—and politically—Kipling ended his tale with these lines: "Now there are two great countries squabbling to find out which of the two shall kill seals off the island of St. Paul's, in the Bering Sea; and while they are squabbling news has come in that the seal-catch is small. It will get smaller and smaller, till at last the two countries will be left with nothing to argue about."²⁰³ Kipling referred to the United States and Canada/Great Britain, emphasizing the uniqueness of the North American situation and ignoring the other side of the North Pacific. Though many people today think of Rudyard Kipling as a teller of animal stories for children, he is notable as a writer in support of late nineteenth and early twentieth century British imperial strategy. The animal allegory often makes stories of imperial domination more

²⁰¹ Elliott, *The Seal-Islands of Alaska*, 72.

²⁰² Rudyard Kipling, "The White Seal," *The National Review* 21, no. 126 (August 1893): 851. *The White Seal* is part of Kipling's *Jungle Book* cycle. The white seal, Kotick, is a rather thinly veiled white male imperial hero. Toward the end of the story, an older seal meets Kotick and says, "There was a story on the beaches that some day a white seal would come out of the North and lead the seal people to a quiet place," page 854. When Kotick realizes that he is the only albino seal he has ever known to exist, he says, "I am the only seal, black or white, who ever thought of looking for new islands," page 854. Finally, thousands of seal voices shout, "We will come. We will follow Kotick, the White Seal," page 858. Four years after *The White Seal* was first published, David Starr Jordan wrote a children's story about a seal pup named Kotik, whose mother was Matka (in contrast to Kotick's mother in Kipling's story, whose name was Matkah). See David Starr Jordan, *The Tale of Matka: A Tale of the Mist-Islands*, 1897 (Reprint, San Francisco: Whitaker & Ray-Wiggin Co., 1910). In Russian, the word *matka* literally means uterus or womb, though Elliott defines it as mother. See Elliott, *The Seal-Islands of Alaska*, 174. Jordan's Kotik was lucky enough to have a scar on his back that made him an undesirable catch, and he was mercifully rejected every year by the St. Paul hunters. These seal stories quickly arose in response to the new knowability of the northern fur seal to Americans and Canadians.

²⁰³ Kipling, "The White Seal," 858-859.

palatable. Kipling was masterful at promoting colonial situations with people and animals as historical actors. He even noted the threat that Russians posed to British Columbians when he visited Victoria: “It is not seemly to leave unprotected the head-end of a big railway; for though Victoria and Esquimalt, our naval stations on Vancouver, are very near, so also is a place called Vladivostock, and though Vancouver Narrows are strait, they allow room enough for a man-of-war.”²⁰⁴

The bones of the driven dead littered the paths from the beach to the slaughtering fields. They would bleach in the sun and sink into the ground. After observing the ordeal numerous times, Elliott concluded: “There is no Golgotha known to man elsewhere in the world as extensive as this one of St. Paul.”²⁰⁵ With this trope, he elevated the value of the seal’s life and death—or rather the collective value of the entire herd—to christlike proportions to starkly illustrate the carnage for readers.

Once a large stack of seal bodies was gathered, they were bundled in pairs, transported via kayak (*baidarka*), and placed in the hold of the large ACC steamer at St. Paul.²⁰⁶ From there, they journeyed by sea to San Francisco. Then, they either took the Isthmus of Panama or the railroad to New York. From there, the skins still had to go to London.²⁰⁷ Since most of the London furs were sold to China—also a Pacific nation—the dead seal bodies had to circumnavigate the globe and find themselves back in China.²⁰⁸

²⁰⁴ Rudyard Kipling, *From Sea to Sea, Letters of Travel*, vol. 2 (New York: Doubleday & McClure Company, 1899), 54. Kipling’s novel *Kim*—with a human protagonist rather than an animal one—“presents the autonomous museum as the British alternative to Tsarist Russia’s notorious and failed policy of ‘Russification,’ according to which hegemony was to be established and maintained through cultural homogeneity.” See Richards, *The Imperial Archive*, 29.

²⁰⁵ Elliott, *The Seal-Islands of Alaska*, 52.

²⁰⁶ Elliott, *The Seal-Islands of Alaska*, 173.

²⁰⁷ Elliott, *The Seal-Islands of Alaska*, 76-77.

²⁰⁸ Elliott, *The Seal-Islands of Alaska*, 79.

In her disaster capitalism framework, Collard writes that seal bodies were marked by their experiences. She argues that bodies “ ‘acquire the very shape’ of their orientation.”²⁰⁹

Collard writes (of sea otters, but the two marine mammals shared the same ecosystem):

Violence was required to shift a sea otter from its live orientation as a commodity-in-waiting, or part of the reserve army, to an officially valued commodity. This violence was direct, fast acting, purposeful and sanctioned. Whether inflicted by gunshot or spear, this direct, lethal violence was necessary for the formation of the commodity: the skin and fur that surrounded the sea otters’ muscles, organs and bones had to be severed from those other bodily parts in order to circulate as a commodity.²¹⁰

Collard argues that animal decline can usually be described as a “slow unraveling” or “slow violence.” Rob Nixon introduced the phrase “slow violence” to signal “a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all.” He compares it to the violence that is “immediate in time, explosive and spectacular in space...erupting into instant sensational visibility.”²¹¹ Natural disasters or human-caused oil spills might create rapid mass extinction events but most, like the fur seal decline, are quite slow. These countless, bland slow violences foster a constellation of inequities throughout the world. In the cynicism of late capitalism, animal extinction is understood as inevitable, as species like Steller’s sea cow (in the North Pacific), the great auk, and the passenger pigeon no longer exist on earth. Collard’s goal is to “counter technocratic stories about biodiversity loss and extinction, instead situating these crises in systems of devaluation and valuation upon which capitalism and the state rely.”²¹² Thus, loss is not inevitable; it is created. It is culturally constructed. It is inevitable only to the extent that capitalist extractive practices were so entrenched and emboldened by the mid-nineteenth

²⁰⁹ Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 2.

²¹⁰ Collard, 6.

²¹¹ Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge, Massachusetts: Harvard University Press, 2011), 2.

²¹² Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 3-4.

century that they seemed inevitable. Only when the fur seal began to go commercially extinct would capitalist and governmental actors shift their thinking against the slow violence of the hunt.

The expired North Pacific fur seal body had a long way to travel to fulfill its ultimate purpose as a coat or, in fewer cases, a muff. The world's largest fur market in the late nineteenth century was in London, and C.M. Lampson & Co. managed seal pelts.²¹³ The reason for the market's placement in London, in Elliott's view, was that no New World city could compete with the cheap labor of the Old World. Although Elliott wrote that "our people" could dress the salted sealskins—turning them into clean, purchasable commodities—the labor of Londoners was so much cheaper.²¹⁴ Undoubtedly, this was at least partially due to scale: as the global center of fur exchange, London was likely overloaded with furriers. Individual seal bodies would travel to the salt house, where they were salted and inspected for imperfections. Eventually, the U.S. Department of Commerce and Labor ordered that the leasing company on the Pribilof Islands had no right to refuse any killed skin, regardless of quality.²¹⁵ This move was to protect Native hunters, whose entire livelihood depended on commercial seal hunting. Any seals caught in winter needed to be cured especially well, since ships could not even get into and out of the Pribilof Islands before June 15 every year, at the very earliest, to send pelts to the market.²¹⁶

²¹³ From C.M. Lampson & Co. to the Under Secretary of State, British Foreign Office, March 12, 1904, London, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, listy 5-5 ob. Original document in English. To be specific, company representatives wrote in 1904: "We, as a firm, have consigned to us for sale all the Fur Seals taken both on the American and Russian Islands, as well as the larger portion of those taken by the pelagic sealers."

²¹⁴ Elliott, *The Seal-Islands of Alaska*, 80. It is not entirely clear whom Elliott meant by "our people."

²¹⁵ From Agent, U.S. Department of Commerce and Labor, and Agent, North American Commercial Company, to Mr. W.I. Lembkey, Agent in Charge of Seal Islands, May 1, 1905, 6, Folder: Agent's Correspondence, St. Paul, 1905-06, Container #1, RG 370, NARA.

²¹⁶ From the Vice President and General Manager, Northern Commercial Company, to Mr. John Sidney Webb, July 6, 1910, San Francisco, Folder 1326: Legal Papers, Fur Regulations and Sea Otter Hunting, 1910-1911, Box 139: Legal Papers – Photographs 1869-1929, San Francisco, California, Alaska Commercial Company Records, 1868-1913, USUAF3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

About twice each summer, a ship arrived on the islands to take salted pelts. But from October to June, there was “no communication” and “no possibility of any.” As a result, “Life on the seal islands is complete isolation from the rest of the world for a large part of the year.”²¹⁷

All of those dead bodies fed the tremendous demand for warm sealskin coats in the nineteenth century. With male hunters clubbing male seals, and male powerbrokers making foreign policy decisions in St. Petersburg, Washington, D.C., Ottawa, London, and Tokyo, this paragraph is the only place in this dissertation in which human females appear as historical actors. Their role is as one dimensional as can be: that of the conspicuous consumer. Jack London wrote in his 1904 novel, *The Sea-Wolf*—based on his own experience as a North Pacific seal hunter:

We ran on to the north and west till we raised the coast of Japan and picked up with the great seal herd. Coming from no man knew where in the illimitable Pacific, it was travelling north on its annual migration to the rookeries of Behring Sea. And north we travelled with it, ravaging and destroying, flinging the naked carcasses to the shark and salting down the skins so that they might later adorn the fair shoulders of the women of the cities. It was wanton slaughter, and all for woman’s sake.²¹⁸

Suddenly, the figure of the woman appears in this history—as the villain, as slave to fashion. The *British Colonist* told every father in 1884 to get a sealskin coat so that his daughters would not remain unmarried. The newspaper—headquartered in Victoria, Canada’s commercial sealing capital—persuaded readers, “A sealskin is always attractive. Let a girl go along the street in a plain, merino gown and the men will never notice her. Let her put on a sealskin and everybody takes a look at her, and even turns back to take another.” The paper appealed to parents’ fears that their daughters would never be chosen by husbands in order to move seal pelts. The story that ran in Victoria originated with an anonymous writer at the *San Francisco Chronicle*—that

²¹⁷ M.C. Marsh, “Fur Seals and the Fur Seal Question,” *Alaska-Yukon Magazine* 3, no. 6 (August 1907): 469.

²¹⁸ Jack London, *The Sea-Wolf*, vol. 2, 1904 (Reprint, Leipzig, Germany: Bernhard Tauchnitz, 1912), 236. This novel was first published in 1904.

other capital of sealing—who gushed, “I have know [*sic*] a whole family of girls comfortably married off by judicious manipulation of a sealskin.”²¹⁹ The sophisticated, urbane woman—especially one who still needed to attract a mate—simply had to have a sealskin coat in the late nineteenth century. Yet blaming women and their fashions simplifies the industry; governments cared about the marine and terrestrial fur hunts because they yielded great profits for the economies of so many states. Further, historian Don MacGillivray notes, sealskin coats were as popular for men as they were for women in the 1880s. The men working the gold fields of California would often purchase a sealskin coat and muff with their first payout.²²⁰

The skin of the fur seal was a lucrative commodity, but neither Russians nor Americans had any use for the remaining parts of the animal’s body. In theory, seal blubber could be boiled into oil the same way that whale blubber was, just with less yield per animal because of its relatively smaller size. Yet fur seal oil was useless for one seemingly superficial, but ultimately crucial human reason: the smell of fur seal oil is incredibly noxious to the human nose. American whalers wrote prolifically of the stench of rendered whale fat, but it was nothing compared to seal fat. Elliott wrote that anyone repairing to the Pribilof Islands for any reason would be buffeted by “nasal misery.”²²¹ Seal bone was so small and porous relative to whale bone that the trouble of obtaining it by separating the small skull bones from the head, cleaning them, and transporting them would outweigh the financial return.²²² Because fur seals and many varieties of whales live in the same neighborhood—the subarctic ocean—humans recognized the usefulness of their bodies not in isolation, but relative to each other. It appeared appropriate to pattern-

²¹⁹ “The Virtues of the Seal Skin,” *British Colonist*, March 25, 1884, 1.

²²⁰ Don MacGillivray, *Captain Alex MacLean: Jack London’s Sea Wolf* (Vancouver: UBC Press, 2008), 27.

²²¹ Elliott, *The Seal-Islands of Alaska*, 161. Despite the smell of seal oil, M.C. Marsh wrote that “seal meat is excellent eating.” See Marsh, “Fur Seals and the Fur Seal Question,” 466.

²²² Elliott, *The Seal-Islands of Alaska*, 81-82.

seeking humans that seals and whales should meet many of the same human needs, but that was not always the case. All of these needs, from fur coats to oil lamps to corset stays to umbrella supports seemed to serve one ultimate purpose for the human body: keeping it warm.

On the “Native”

Elliott and other American observers called the Aleut hunters on the Pribilofs “natives,” but the term does not reflect the historical experience of that group. There were, in fact, no native human inhabitants of the Pribilof Islands at all. Fur seals chose these islands as their home long ago, probably precisely because there were no humans to interfere with their breeding activities on the rookeries. The Pribilof Islands were and are loaded with Russian place names that did not rewrite earlier, indigenous names. They were Russian spaces first.²²³ Rather, it is more accurate to say that the Pribilof Islands became Imperial Russian spaces and Native spaces at the same time, but the former had naming privileges. From 1786, Russians picked up Aleuts from their native islands to the west as the former moved east or north and forced them to labor as slaves in the Russian fur seal industry. Most Aleuts forced to work for the Russians were from the port town of Unalaska.²²⁴ Though not native to the Pribilofs, they were still local to the region—accustomed to the climate, lack of trees, and hunting for fur seals and sea otters. The word “Aleut” is a Russian word; the people called themselves “Unangan.”²²⁵ For the sake of consistency with my American, Russian, and Canadian/British sources, and because members of that group tend to self-identify this way today, I use the term “Aleut.” Elliott wrote that the Aleuts would communicate with each other in their native language but would speak to the

²²³ A Russian speaker will find many examples of Russian place names on Elliott’s maps of the two islands at the beginning of this chapter.

²²⁴ Ilya Vinkovetsky, *Russian America: An Overseas Colony of a Continental Empire, 1804-1867* (New York: Oxford University Press, 2011), 78.

²²⁵ Elliott, *The Seal-Islands of Alaska*, 173.

Americans using a slew of Russian terms.²²⁶ The first version of written Aleut employed the Cyrillic alphabet under the influence of Russian Orthodox missionaries; see Figure 1.6. Thus, the Russian language lived on in the Pribilofs, slowly losing its potency as the Russian era edged further into the past. Elliott reported speaking Russian with the Natives during his first visit in the 1870s; he may have begun to learn the language during the unsuccessful Russian-American Telegraph expeditions, 1865-1867, in which he was a participant.²²⁷

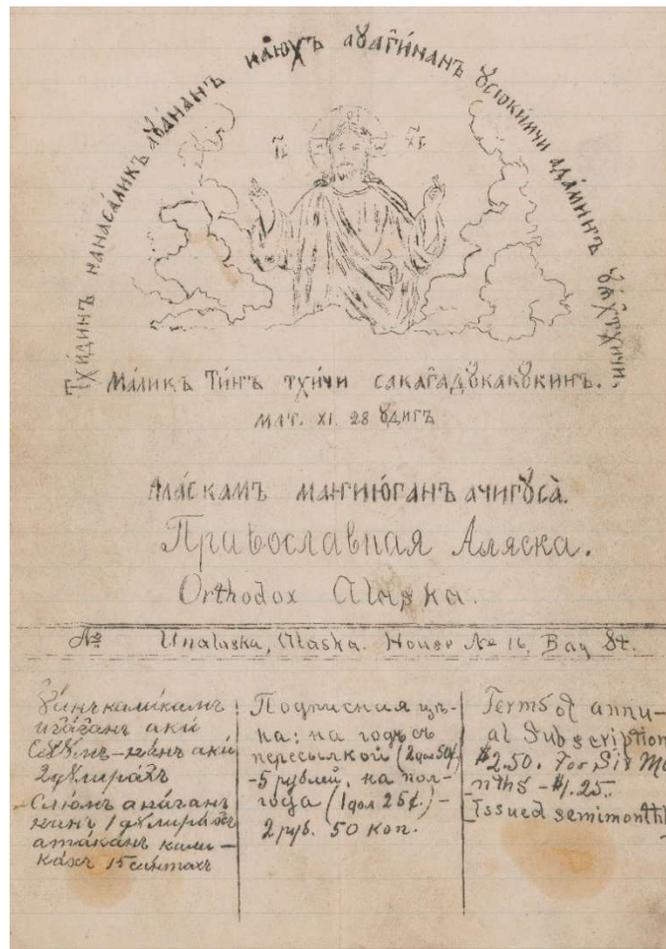


Figure 1.6: *Orthodox Alaska*, January 1904, hand copied. At the bottom, from left: Aleut language written using the Cyrillic alphabet, Russian, and English. Source: BANC Film 3067: Collection of manuscripts relating to Russian missionary activities in the Aleutian Islands, [ca. 1840-1904], The Bancroft Library, University of California, Berkeley.

²²⁶ Elliott, *The Seal-Islands of Alaska*, 176.

²²⁷ Elliott, *The Seal-Islands of Alaska*, 11; and Joe Tait, Librarian/Archivist, Cleveland Museum of Natural History, Cleveland, Ohio, Email to Amanda Bosworth, September 25, 2019.

The Pribilof Aleuts disrupt our traditional notions of what a Native or indigenous person is. “Native” turns out to be a facile designation. The Pribilof Aleuts provide a unique case study in imperial-indigenous relations. Within imposed, layered imperial and nation-state categories, Aleuts appear as a bundle of contradictions, as both natives and foreigners at once. In shifting and historically complex imperial contexts, they become Aleut, Russian, American, enslaved peoples, free laborers, highly skilled and essential to the functioning of empire, disdained as sluggish slackers, and residents, with their work, economic, and social relations controlled by a corporation empowered by the government. In Elliott’s estimation, they were “given to riotous living” and their “chastity and sobriety cannot be commended,” but if one were heading from either St. Paul or St. George to Walrus Islet (*Morzovia* in Russian), one should “submit to the advice and direction of the natives.”²²⁸ Elliott engaged in a traditional argument about the indigenous person being utterly uncivilized, yet utterly required for survival under local conditions.

Elliott conducted a census of the human inhabitants of the Pribilof Islands. He named 231 “resident natives of St. Paul” as of July 1, 1870. About one-fourth of the adult male residents of the Pribilofs was born there, he reported, ignoring the womenfolk altogether.²²⁹ That one-fourth bore the marks of decades of Russian colonization. While some of those 231 names have no obvious Russian derivation (Sylvester and Feelechhat, male and female first names, respectively), most of them do, but with generous use of double letters “f,” “e,” and “o” in their English spelling: Mareena, Matroona, Akooleena Seeribneekova, Paraskeevee Nacock (female

²²⁸ Elliott, *The Seal-Islands of Alaska*, 19, 21; and Henry W. Elliott, “Explanatory Notes and Comments Upon the Map of St. Paul Island,” in *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), frontispiece.

²²⁹ Henry W. Elliott, “Resident Natives of St. Paul, July 1, 1870, Taken from Philip Volkov’s Lists, August 8, 1873 [Section 5],” in *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 160.

names); and Ahkakee, Nekolaie, Ivan Kozlov, Eefeem Anoolanak (male names).²³⁰ At the end of this list, Elliott appropriately titled another list, “White men in charge.” It included eight men on St. Paul in 1870. Elliott asked, “What Constitutes a Native of St. Paul?” because “there [had] been some petty divergence of opinion on the island as to who are the real ‘natives’ thereof.” The naturalist put the word in scare quotes to show that the Pribilof Aleuts were not, in fact, “native,” but that they “enjoy[ed] certain privileges that [were] very valuable to them and coveted by all outside Alaskan brethren.”²³¹ While “all” is surely an exaggeration, and Elliott’s sense of this was likely based on anecdotes rather than organized data collection, he believed that other Alaska Natives were jealous of the benefits that the small group of Aleuts had come to enjoy from the ACC. He did not recognize that it was at the cost of a generational legacy of forced migration and slavery with little personal choice or freedom of movement. Elliott may have imagined, even without any actual input from Aleuts, that any indigenous person should be eternally grateful for such a civilizing force as the ACC and, thus, that the excluded Alaska Natives must have been unhappy with their lot.²³² In reality, the ACC presence in Aleuts’ lives across the Aleutians and the Pribilofs offered both loss of resources and access to new ones at the same time. It was a changing relationship to land, sea, government, and the economy that was characterized by both benefits and drawbacks.

²³⁰ Elliott, “Resident Natives of St. Paul, July 1, 1870, Taken from Philip Volkov’s Lists, August 8, 1873 [Section 5],” in *The Seal-Islands of Alaska*, 158-159. The Pribilof and Aleutian Islands are combined in the Aleut Corporation. To understand the ongoing impact of Russian America on Aleuts, see the Board of Directors for the Aleut Corporation, one of twelve Alaska Native Corporations set up in 1971 through the Alaska Native Claims Settlement Act (ANCSA): four of the nine directors have obvious Russian last names, anglicized with “/s.” See “Board of Directors,” Aleut Corporation, accessed August 26, 2019, <https://www.aleutcorp.com/corporate/corporate-governance/board-of-directors/>.

²³¹ Elliott, “Resident Natives of St. Paul, July 1, 1870, Taken from Philip Volkov’s Lists, August 8, 1873 [Section 5],” in *The Seal-Islands of Alaska*, 160.

²³² Elliott, *The Seal-Islands of Alaska*, 13, 163.

Only one-fourth of the adult male Pribilof Aleuts in the 1870s was born on the seal islands, so another three-fourths moved to the Pribilofs to work in either the Russian or American systems. Elliott wrote that the second category of Pribilof “natives” were not born there, but resided there in 1867, at the moment of political rupture. In a Russian temporal imaginary, they were not natives, but in an American temporal imaginary, they were. Elliott’s third category involved adult males who were not residents in 1867 but became so in the interstitial period, before the ACC lease took effect. The ACC dubbed all three of these groups “natives,” equally entitled to company benefits.²³³ The final group in Elliott’s schematic arrived on the islands after the ACC took over, putting them in a separate, less-privileged category.

White observers of the Aleuts wrote of their enslaved status under the Russians and the dirty, half-underground dwellings in which they lived—recreated in Figure 1.7—without realizing that that was the ideal home configuration for life on windswept, treeless islands like the Aleutians. Elliott blamed the Russians for keeping them in that debased condition, at the same time denying Aleut agency and failing to recognize the advantages of such a dwelling in subpolar climes. In the early 1870s, there were eighty Aleut dwellings on St. Paul (for 284 people) and about twenty on St. George (for 88 people). The naturalist glowed that since the Americans had taken charge of the Pribilofs, the Natives were “neat, warm, and contented.”²³⁴

²³³ Elliott, *The Seal-Islands of Alaska*, 160.

²³⁴ Elliott, *The Seal-Islands of Alaska*, 20. In addition to these numbers, there were fourteen white Americans on St. Paul—including one white woman—and four white Americans on St. George.



Figure 1.7: An example of an Aleutian Island home, recreated at the Alaska Native Heritage Center in Anchorage, Alaska. Source: Amanda Bosworth, September 16, 2017.

While governments continually worked out with which technologies their citizens were allowed to kill seals and how many, indigenous peoples' right to hunt for subsistence purposes remained consistent across the North Pacific arc. In Alaska, this meant that Aleuts could hunt as long as they never passed along any seal parts to white men for sale.²³⁵ Aleuts used seals for food, clothing, boatbuilding needs, and “pokes”—organic backpacks or food storage containers made from seal stomachs, shown in Figure 1.8. Though Aleuts were company employees—until the company leases ended in 1910—on their own time they could do whatever they wanted with

²³⁵ United States Congress, An Act to Prevent the Extermination of Fur-Bearing Animals in Alaska, July 1, 1870, in Elliott, *The Seal-Islands of Alaska*, 153.

seals. Still, the U.S. government placed restrictions on the maximum number of seals that Aleuts could take in any given year.



Figure 1.8: School Girls Exhibit Seal Poke, Hooper Bay, 3/1940. Emptied of its original contents, the seal bag could be filled with food or any other small item one might wish to carry. Source: Evelyn Butler and George Dale, Photographs, 1934-1982, ASL-PCA-306, Alaska State Library Historical Collections, Juneau, Alaska, Alaska's Digital Archives, <https://vilda.alaska.edu/digital/collection/cdmg21/id/971/rec/5>.

Playing with Time, 1884

In 1884, the United States declared Alaska an official territory when it created a limited territorial government; in the same year, a new, imaginary line would divide one day from another in the North Pacific, making transnational business relations more challenging.²³⁶ The International Date Line approximately follows the contours of the marine boundary between Russia and the United States in Alaska, jogging severely to the west to accommodate the

²³⁶ Robert Laird Stewart, *Sheldon Jackson: Pathfinder and Prospector of the Missionary Vanguard in the Rocky Mountains and Alaska* (New York: Fleming H. Revell Company, 1908), 342.

Aleutian island chain, which has remained part of Alaska. By the second decade of the American Pribilof seal fishery, Europeans, Americans, and Canadians became obsessed with the need to standardize time. The global spread of railway links caused a fetishization of time as never before. Thus, in the late nineteenth and early twentieth centuries, Americans and Canadians slowly pushed further west with their separate railroads, and Russians slowly pressed further east with theirs, all stopping when they reached their Pacific coasts. Literature scholar Adam Barrows writes that “before the nineteenth-century clocks often lacked minute hands,” but by 1881, “a mere fifteen-second delay in the coordination of Parisian clocks was met with extreme consternation not only by engineers and astronomers but also by a general public increasingly dependent on temporal precision.”²³⁷ The invention of the imaginary prime meridian through Greenwich, England, in 1884 and its global opposite, the imaginary International Date Line, were a direct outgrowth of the railroad’s need for standardized time.²³⁸

Why was an International Date Line necessary? Barrows asserts:

The universal day has to start somewhere, and while for most localities the discrepancy between local solar-based time and an arbitrary Greenwich-based standard rarely exceeded twenty minutes, the International Date Line, 180 degrees from the prime meridian, would be the one place on earth where the disconcerting ‘barbarity’ of different days existing simultaneously would persist, making it possible to keep one foot in Monday while moving the other to Tuesday.²³⁹

²³⁷ Adam Barrows, “Eastward Journeys: Literary Crossings of the International Date Line,” *Modern Language Quarterly* 73, no. 2 (June 2012): 157. According to Cora E. Lutz, the International Date Line was anticipated 500 years before it came to pass by medieval philosopher Nicolas Oresme. See Cora E. Lutz, “A Fourteenth-Century Argument for an International Date Line,” *The Yale University Library Gazette* 47, no. 3 (January 1973): 125-131.

²³⁸ Sailors traversing the Pacific recognized the need for a date line at least since the fourteenth century. Those traveling east from the Asian coast and those traveling west from the American coast used coastal time from their point of departure as their reference point, thus seemingly permitting all times and no time to exist simultaneously in the timeless Pacific. It was only the European acquisition of Pacific colonies that made the chaos of Pacific time a problem to finally be fixed. See Barrows, “Eastward Journeys: Literary Crossings of the International Date Line,” 161-162. Why did the International Meridian Conference settle on a prime meridian through Greenwich, England? It was ultimately a matter of convenience: by 1884, “seven-tenths of the civilized nations of the world use[d] this meridian, not that it was intrinsically better than the meridian of Paris, or Washington, or Berlin, or St. Petersburg.” See International Conference Held at Washington for the Purpose of Fixing a Prime Meridian Universal Day, October 1884, *Protocols of the Proceedings* (Washington, D.C.: Gibson Bros., Printers and Bookbinders, 1884), 128.

²³⁹ Barrows, “Eastward Journeys: Literary Crossings of the International Date Line,” 160.

The standardization of the prime meridian and International Date Line created a “universal day”—a misleading term, because no nation-states or empires were obliged to take the new imaginaries seriously.²⁴⁰ International law in concrete matters hardly has any force, as we will see later in this dissertation—let alone adherence to imaginary lines. But if we adhere to the imaginary, we admit that since the Russian island of Ratmanova (Big Diomede) and the American island of Little Diomede (Kruzenshtern) are split by the International Date Line, every day of human and animal life since 1884 has begun in Russia and ended in the United States.²⁴¹ Contributors to the conversation on modern rational time argued that the Pacific was the world’s most marginal space, only populated by the uncivilized, such as a “miserable driblet of Kamchatkan savages,” in the words of Scotland’s astronomer royal in 1879.²⁴² Once it was

localized to a distant and exotic region marked to Western eyes by racial and cultural inferiority, the date line could be conveniently ignored in the Western popular imagination, which transplanted what might otherwise have been universal anxieties of modernization to a place remote from the regular view or interests of empire and global commerce...temporal uncertainty and relativism are relegated to the Far East, where one crosses land and sea with no reference to the civilizational trappings of calendars or newspapers, where railway tracks end and elephant rides begin.²⁴³

I contend that nonwhite cultures surrounding the International Date Line from north to south were left to suffer the consequences of a distant logic that made no local sense: adjacent islands that interacted with each other for business and personal/familial reasons were now *one entire day* apart. The time change across the Bering Strait was especially confusing in the era of the telegraph and the emerging telephone; two people separated by a few miles could send each

²⁴⁰ “What is the International Date Line?” National Oceanic and Atmospheric Administration National Ocean Service, accessed August 14, 2019, <https://oceanservice.noaa.gov/facts/international-date-line.html>. Despite its name, the International Date Line is not legally binding on any nation to the present, and governments are free to choose the dates and time zones to which they belong, along with whether or not to participate in daylight saving time. The logic, however, of the twenty-four-hour day and the twenty-four global time zones has been compelling.

²⁴¹ Complicating time further in 2020, the United States follows daylight saving time and Russia does not, so the time difference between these two islands straddling the line is not consistent year-round.

²⁴² Barrows, “Eastward Journeys: Literary Crossings of the International Date Line,” 160.

²⁴³ Barrows, 160-161, 165.

other a telegraph message, but when the operators put it to paper, it would have two different dates.²⁴⁴

A New Leaseholder, Lease II: 1890-1910

When the ACC lease expired in 1890, the U.S. Treasury Department awarded the Pribilof Islands lease to the North American Commercial Company (NACC). Alaska was simply a different animal by 1890 than it had been a generation earlier; a handful of San Francisco businessmen with experience in Alaska could not compete with wealthy investors from the East Coast eager to make a buck up north. To reflect the investment of wealthy East Coast families in the development of the American West, historian Bruce Cumings titles part of his 2009 book, “Pacific States, New England Peoples.”²⁴⁵ During the second lease, the Treasury Department redeployed Elliott to the Pribilofs to recreate his 1872-1874 count, and he was stunned to see what he believed to be about one million fewer seals than before.²⁴⁶ The man who had declared “now or never!” after his first trip to the seal islands would be singing a different tune after his second visit and for the remainder of his life.²⁴⁷

In 1890, the new owners purchased the Factory Islands infrastructure from the ACC for \$67,264.82. The new lease began on March 12, in time for the NACC to send its ships to the Pribilofs before the seals landed. The terms remained mostly the same, but the annual rent was raised from \$50,000 to \$60,000, the tax per skin from \$2 to \$9.25, and the quota from 100,000 to x—with x representing whatever sum lower than 100,000 the government decided was

²⁴⁴ Anton Chekhov wrote of the telegraph office in Sakhalin in 1890: “The telegraph operators cannot read or write, and the principle of confidentiality of telegraphic messages is not observed. I did not receive one single telegram which had not been distorted in the most barbarous manner, and when once, by some change, a fragment of somebody else’s telegram had got into mine, and in order to re-establish the sense of both telegrams, I went to ask for the blunder to be rectified, I was told that the only way this could be done was at my own expense.” See Anton Chekhov, *Sakhalin Island*, trans. Brian Reeve (Surrey, United Kingdom: Alma Classics, 2019), 281.

²⁴⁵ Cumings, *Dominion from Sea to Sea*, 156.

²⁴⁶ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 431.

²⁴⁷ Elliott, *The Seal-Islands of Alaska*, 157.

sustainable each year.²⁴⁸ This reflects a brewing concern that the seal herd was not, in fact, going to survive long-term.

The available seal catch declined with time. The ACC, according to its own records, harvested 2,006,136 seal pelts during its twenty-year lease. The NACC, in comparison, took 359,462 in the same number of years, a reduction of more than seventy-five percent.²⁴⁹ It was not because the NACC was less ambitious or poorer equipped; whatever the precise number of seals when the Pribilofs became American, the herd was visibly thinning out. The situation became so dire that the Aleut wage per skin—given via credit in the NACC store—was barely enough to survive on. Then, the NACC stopped giving credit and instead gave the Aleuts *relief*, in the form of direct food and clothing allotments. The Aleuts' already limited buying choices were severely curtailed as the seal population faltered. One agent wrote that St. Paul had become a “virtual almshouse.”²⁵⁰ The declining herd did not affect company profits immediately, because as supply decreased, demand remained steady and even increased. The value of each skin rose. The sealskin coat became extremely popular in the 1870s and remained so in the 1890s, each one fetching \$150-200 in the 1880s.²⁵¹ Despite the growing value of each pelt, Aleut workers quickly saw their quality of life diminish when Pribilof overseers became fully aware of the seal decline. The NACC profited from only 359,462 skins in its twenty-year lease period, while pelagic sealers took approximately 659,875 seals from the eastern side of the North Pacific in the same twenty years.²⁵²

²⁴⁸ Busch, *The War against the Seals*, 124-125.

²⁴⁹ Busch, 127.

²⁵⁰ Busch, 126.

²⁵¹ Busch, 128.

²⁵² Roppel and Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” 454.

In 1903, the U.S. government created a new Department of Commerce and Labor, to which jurisdiction over the collection district of Alaska transferred from the Treasury Department. In 1909, another shift occurred, and Alaska was shuffled into the Bureau of Fisheries within the Department of Commerce and Labor.²⁵³ Despite some bureaucratic juggling, little changed in American operations throughout the NACC lease. What remained consistent in early American policy toward Alaska was that its role was to generate revenue for the government. With each passing year, and with reports of how fewer seals were killed than the previous season, authorities better understood that the Pribilofs would not continue to generate revenue in perpetuity. When the NACC lease ended on April 30, 1910, the U.S. government prohibited seal hunting on the rookeries of Alaska with An Act to Protect the Seal Fisheries of Alaska, and for Other Purposes.²⁵⁴

“Muscovitic Delight”²⁵⁵

When Elliott published his 1881 report, he was worried about Russia—the islands’ former owner—taking advantage of American seals from afar. He wrote:

²⁵³ Alaska Fisheries Science Center Historical Corner, “Northern Fur Seal Research & Management, 1900-39,” National Oceanic and Atmospheric Administration Fisheries, accessed August 14, 2019, https://www.afsc.noaa.gov/History/research/fur_seals2.htm.

²⁵⁴ Charles Nagel, Regulations for the Protection of Fur-Bearing Animals in Alaska, Department of Commerce and Labor, Bureau of Fisheries, Office of the Secretary, June 2, 1910, Washington, D.C., Department Circular No. 206, Folder 1326: Legal Papers, Fur Regulations and Sea Otter Hunting, 1910-1911, Box 139: Legal Papers – Photographs 1869-1929, San Francisco, California, Alaska Commercial Company Records, 1868-1913, USUAF3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska; and Camp Fire Club of America, “A Square Deal for the Fur Seal—An Open Letter and Exhibits from the Camp Fire Club of America to the American People,” July 6, 1910, in Committee on Expenditures in the Department of Commerce and Labor, Hearings before the Committee on Expenditures in the Department of Commerce and Labor: House of Representatives on House Resolution No. 73 to Investigate the Fur-Seal Industry of Alaska, May 31 and June 2, 1911, No. 1 (Washington, D.C.: Government Printing Office, 1911), 242. Significantly, this act also prohibited American citizens from hunting seals on the Asian side of the North Pacific.

²⁵⁵ Elliott, *The Seal-Islands of Alaska*, 157.

Every fur-seal playing in the waters of Bering sea around about the Pribylov islands, no matter if found so doing one hundred miles away from those rookeries, belongs there, has been begotten and born thereon, and is the animal that the explicit shield of the law protects; no legal sophism or quibble can cloud the whole truth of my statement. Construe the law otherwise, then a marine license of hunting beyond a marine league (3 miles) from the shores of the Pribylov islands, would soon raise up such a multitudinous fleet that its cruising could not fail, in a few short years, in so harassing and irritating the breeding-seals as to cause their withdrawal from the Alaskan rookeries, and probable retreat to those of Russia—a source of undoubted Muscovitic delight and emolument, and of corresponding shame and loss to us.²⁵⁶

Elliott worried about “Muscovitic delight” in stealing American seals and argued for a new information-gathering campaign on the Commander Islands.²⁵⁷ It will be clear in the next chapter that American concerns about Russia were well-founded, but not because Russians were singing a siren song for American seals. Seal migration mattered, but not in the direction that Elliott imagined. While it is true that seals migrate great distances with little resort to land, they do not migrate on a lateral trajectory, east to west. As most migrating animals do, they move along a north-south corridor, heading to warmer climes before winter sets in near the poles. There is no reason why the seals could not travel the 700 miles between the Pribilofs and the Commanders, but there is also no reason why they would. Elliott either did not know of the tendency of animals to migrate north to south, or he wanted to stir up government fear of the Russians with false scientific information. Unable to control seal movement without some kind of massive environmental intervention, he could only attempt to control American foreign policy through harsh—but ultimately impotent—language such as that quoted above.²⁵⁸ Elliott found seal migration quite distressing; would that he could compel the animals to stay in Alaska year-

²⁵⁶ Elliott, *The Seal-Islands of Alaska*, 157.

²⁵⁷ Elliott, *The Seal-Islands of Alaska*, 69.

²⁵⁸ Lieutenant Washburn Maynard of the US navy also regretted that seal movement could not be controlled, lamenting: “Our protection of them can only be partial; that is to say, we can limit the number to be killed when they are within our reach.” The use of the term “protection” in both American and Russian discussions of sealing is comically tragic. See Maynard, Synopsis of Lieut. Maynard’s Investigations, November 30, 1874, in Elliott, *The Seal-Islands of Alaska*, 105.

round! But to attempt to change the nature of an animal species would be such a huge undertaking that none of the North Pacific-bordering nations would try. Instead, by 1911, all of them would decide to change *human* behavior instead.

The ACC on the Russian Side

“Now this is the Law of the Muscovite, that he proves with shot and steel,
When ye come by his isles in the Smoky Sea ye must not take the seal,
Where the gray sea goes nakedly between the weed-hung shelves,
And the little blue fox he is bred for his skin and the seal they breed for themselves”²⁵⁹

As indicated here by Kipling, Russia had its own—rarely discussed in English—seal islands after the transfer of Alaska. In political terms, the Aleutian Islands are part of Alaska and thus, since 1867, have been American. But the furthest west—geologically—Aleutian island is actually Bering Island, one of Russia’s Commander islands, with a vibrant fur seal rookery. In the 1870s, Bering Island had about six wooden houses, a defunct schoolhouse, an Orthodox church, and a small Norwegian fishing village.²⁶⁰ The Russians never exploited the Commander seal fisheries as energetically as they had the Alaskan ones. Aside from the fact that the Pribilofs host many more seals, the Russian government saw Alaska as a peripheral, othered space—from which resources could be extracted with a clean conscience. On the Commander Islands, on the other hand, Russia desperately sought to protect its own homegrown seals from both Russian and foreign predation. After the sale of the Alaska seal fishery, Russia decided to make some money off of its local seals, and it chose to do this by granting a lease to an American company: the ACC. Over the course of the lease, the Russian navy in the Far East would become obsessed with the foreign “pirates” in its midst.

²⁵⁹ Kipling, “The Rhyme of the Three Sealers” (1893), in *The Seven Seas*, 57-58.

²⁶⁰ Professor Nordenskiöld, *The Russian Seal-Islands, Bering and Copper, or the Commander Group*, trans. Captain G. Niebaum, in Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 111. The Norwegian fishing village is beyond the scope of this dissertation and may be a subject for further study.

The ACC signed a hunting lease with the Russian Ministry of Internal Affairs in 1871, the year after it contracted with the U.S. government on the Pribilofs.²⁶¹ The Commanders quickly began to look like the Pribilofs, with Americans bringing back to Russia the Russian infrastructure first built in Alaska, such as salt houses and employee homes.²⁶² The company paid 5,000 rubles (about \$4,000) to the Russian government annually for the rights and two rubles (about \$1.50) per hide. The Russian government granted that indigenous Aleuts working for the company could earn fifty kopecks per skin.²⁶³ The ACC first tested the Russian waters under the name Hutchinson, Kohl, Maksutov and Company—Prince Dmitrii Petrovich Maksutov being the last governor of Russian Alaska.²⁶⁴ Russian law required that a Russian citizen sign on to an enterprise for it to operate on Russian territory.²⁶⁵ This new enterprise quickly turned over operations to the affiliated ACC, giving that company a near monopoly over the entire northern fur seal industry.²⁶⁶

On the two Commander Islands, ACC foremen employed Aleut laborers to hunt Russian seals in Russian waters, using methods co-constituted by Russians and Aleuts and then transferred from the Aleuts to the Americans. Patterns of labor circulated among these groups, crafting a surprisingly homogenous maritime culture across vast expanses of space. In 1879, the

²⁶¹ The collection of incoming letters to the ACC held at the University of Alaska Fairbanks' Elmer E. Rasmuson Library's Alaska and Polar Regions Collections include a large share of both English and Russian letters. While this is a purely anecdotal observation, it suggests that Russians (or Creoles) and the Russian language continued to be important in Alaska in the early post-transfer period.

²⁶² "On the Importance of a Proper Count: Lessons from History," Commander Island State Natural Biosphere Reserve, March 5, 2018, komandorsky.ru/o-важности-корректных-оценок-численности.-уроки-истории.html (February 26, 2020).

²⁶³ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 3 ob. There are 100 kopecks in a ruble.

²⁶⁴ Maksutov's wife was buried in Sitka, and there remains in Sitka a Maksoutoff Street.

²⁶⁵ Busch, *The War against the Seals*, 114. Before long, in 1874, the company was renamed again, to Hutchinson, Kohl, Philippeus Company.

²⁶⁶ An exception to this monopoly were the southerly Kuril Islands—further south than Seattle—on which were relatively small rookeries. The Kurils have been alternately Russian- and Japanese-controlled. In 1875, Russia traded the Kurils to Japan in exchange for the southern half of Sakhalin. See Busch, *The War against the Seals*, 114, 134-135.

ACC trading post on Bering Island had about 300 inhabitants.²⁶⁷ Over twenty years, from 1871 to 1891, the ACC harvested 769,893 seals on the two Russian Islands.²⁶⁸ Although the U.S. government did not renew its contract with the ACC, the Russian government did. Thus, the ACC legally hunted Russian seals on the Commander Islands until 1911.²⁶⁹ The U.S. Treasury even gathered tax money from the ACC's operations in Russia, to the tune of \$550,000 over twenty years.²⁷⁰

Predation was already a problem a year after the start of the lease with the Americans, according to Ovchinnikov. The ACC was on the Russian islands legally, but in his view, the “capitalists” routinely overstepped their bounds. Ovchinnikov did not blame the American government, but rather the owners of the ACC.²⁷¹ The ACC hunted on the Commander islands with just a few Russian officers deployed to “watch over the interests of the Russian government and to maintain order.”²⁷² The Russian Imperial government tended to deploy Cossacks to the Far East as officers, as in Figure 1.9. Cossacks are coethnics and or colinguals originally from southwestern Russia and Ukraine who served in special military units at the behest of the Russian Imperial government.²⁷³

²⁶⁷ Nordenskiöld, *The Russian Seal-Islands, Bering and Copper, or the Commander Group*, in Elliott, *The Seal-Islands of Alaska*, 109.

²⁶⁸ Busch, *The War against the Seals*, 114.

²⁶⁹ Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 4.

²⁷⁰ Busch, *The War against the Seals*, 111.

²⁷¹ Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 5.

²⁷² Nordenskiöld, *The Russian Seal-Islands, Bering and Copper, or the Commander Group*, in Elliott, *The Seal-Islands of Alaska*, 110.

²⁷³ “Cossack,” Merriam-Webster Dictionary, accessed September 24, 2019, <https://www.merriam-webster.com/dictionary/Cossack>.



Figure 1.9: American sailors and naval officers gather around a Cossack in East Cape (now Cape Dezhnev), Siberia; an indigenous man—most likely Chukchi—stands at a distance, circa 1914-1927. Cape Dezhnev is the easternmost point on continental Asia. Source: From the collection of the commanding officer of the United States Revenue Cutter *Bear*, Cochran Collection: B1981.164.7, Anchorage Museum Library and Archives, Anchorage, Alaska.

Unlike on the American seal islands, the ACC did not have a total monopoly on the Russian seal islands. In 1890, the Russian government granted a ten-year lease to a company called the Russian Sealing Industry Partnership (*Russkoe Tovarishchestvo kotikovikh* "promislov"). The lease gave the company the right to hunt Arctic foxes and beavers, plus fur seals. Company employees would hunt on the Commander and Robben Islands from ships flying the Russian flag. When that lease expired in February 1901, a group called the Kamchatka Commercial-Industrial Society took it over for another twenty years.²⁷⁴ Jordan wrote of the Russian seal situation that "the interest of Russia lies solely in the revenue which she should derive from the taking of seal skins on her islands. Her citizens are not to any extent engaged in the sale and manufacture of the garments made from the skins."²⁷⁵ The Russian seal fishery had a

²⁷⁴ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 4 – 4 ob.

²⁷⁵ Jordan, *The Fur Seals and Fur-Seal Islands of the North Pacific Ocean*, 174.

much smaller scale than the American one. In selling Alaska, the Russian government had already determined that the seal hunt was not an imperial priority. In the post-sale years, Russia was pulled back into the seal industry it had abandoned to a great extent because of American interest in spreading the hunt widely.

From 1871 to 1911, Russia followed the American example of 1870-1910: granting sealing contracts for twenty-year periods. The United States and Russia saw these leases end in 1910 and 1911, respectively. This positioned both countries to lobby for a new normal in North Pacific sealing relations in 1911, which will be the topic of the last chapter of this dissertation.

Conclusion: Legacies of Biopolitics

As Americans embarked on their fur seal ownership experiment, and Canadians joined them in exploiting seals swimming pelagically, few non-Native people knew how fur seals actually *worked*—how their reproductive cycles functioned and what their natural histories and migration patterns were. In the second half of the nineteenth century, writes Williams, each country employed its own “patriotic biology to justify [its] actions.”²⁷⁶ Fur seal biopower projects prevailed on the rookeries of the U.S., Russia, and Japan to varying degrees, with the U.S. having the most seals and, thus, the most to lose if seal lives were not managed properly. In my view, the infrastructures of biopolitical control were mostly unavailable to rookery-less Canada with its purely extractive, as opposed to productive, role among the fur seals.

Elliott was at the forefront of America’s patriotic biology program on the Pribilofs. The Smithsonian naturalist was a critical mediator in the U.S. government’s management of its new Alaska territory. Richards asserts that understanding a new imperial claim requires obsessive censusing and documentation of both human and nonhuman life. Cataloging a new space

²⁷⁶ Williams, *The Bering Sea Fur Seal Dispute*, 6.

promoted a fantasy of complete knowability and, thus, control over an alien space. Richards notes, “The narratives of the late nineteenth century are full of fantasies about an empire united not by force but by information.”²⁷⁷ He mocks the effort to know everything, drily noting that the British Empire “made vast lists of birds.”²⁷⁸ I contend that Elliott’s mandate came from that broader European and American impulse to make human and animal life knowable to governments. In the case of the Pribilof Islands, the seal and Native populations’ knowability was intended to ensure that the seal commodity would never disappear. Although extermination was a key outcome of early American settlement in Alaska, Elliott’s project was one of population maintenance rather than of extermination.

The U.S. Treasury required frequent Alaska reports in order to maintain knowledge of the seal and Aleut populations. The reports were episodic until 1884, when the government of the District of Alaska was better formalized under the First Organic Act, and territorial governors appointed by the president began producing them every year.²⁷⁹ Many of them are strikingly repetitive from year to year. But that is precisely the point: now the state knew what it knew. If the details changed little over the years, an illusion of stability gave comfort to the government functionaries that all was well in the north.²⁸⁰ Elliott expressed well how Aleuts contributed to the biopolitical program in his 1881 report: under American control, he wrote, Aleuts “may be reasonably expected...to...hold their own, even though they do not increase to any remarkable degree. Perhaps it is better that they should not. But it is exceedingly fortunate that they do

²⁷⁷ Richards, *The Imperial Archive*, 1.

²⁷⁸ Richards, 3.

²⁷⁹ Abigail Focht, Archival Assistant, Alaska State Archives, Juneau, Alaska, Email to Amanda Bosworth, January 14, 2020; and Farrow, *Seward’s Folly*, 174.

²⁸⁰ A Report Upon the Condition of Affairs in the Territory of Alaska, 1875 (Washington, D.C.: Government Printing Office, 1875), 6, Alaska State Archives, Juneau, Alaska. In the 1875 report, two of nine chapters were devoted entirely to the fur seal.

sustain themselves so as to be, as it were, *a prosperous corporate factor*.”²⁸¹ Aleut bodies were valuable insofar as they enhanced corporate expansion.

I argue that Elliott’s biopolitical project initially appeared successful, though not sustainable long-term. It was successful to the extent that the U.S. government and the ACC made handsome profits on Alaska. In the view of one historian, investing in seals was a great idea: “The risk was small, the labor force immobile, the market assured, and monopoly enforced at law: even in the age of the ‘robber barons’ this was success to end all successes.”²⁸² Yet since the seal population was rapidly declining throughout that forty-year period, and stakeholders constantly fretted about the obvious decline, it can hardly be called a management success. While the Alaskan seal islands paid back many times over the treasury’s investment in Alaska, it was a losing biopower project. Richards shows that in nineteenth-century European fiction, the “archival subject who worked to attain comprehensive knowledge tended to break down under the pressure of information.”²⁸³ The fiction of controlling nature through knowledge—or rather through a disparate collection of facts that may not add up to meaningful knowledge—also failed in Alaska. The American biopower project in Alaska failed just as the Russian one had.

The biopolitical efforts of Elliott came under fire in his own time, but not for the same reasons that they might after Foucault. Elliott was both the most knowledgeable naturalist on the fur seal and entirely self-taught. Professional naturalist David Starr Jordan expressed contempt for Elliott in a period in which the biological sciences and many other fields were professionalizing. Biology was shifting from the purview of amateur societies to the university—

²⁸¹ Elliott, *The Seal-Islands of Alaska*, 21. Italics mine.

²⁸² Busch, *The War against the Seals*, 114.

²⁸³ Richards, *The Imperial Archive*, 22.

from simple classification and observation to “process and function.”²⁸⁴ In 1898, Jordan published a four-volume set on the fur seal, noting at length the scientific errors in Elliott’s report, especially as regards counting.²⁸⁵ Jordan slandered Elliott not for collaborating with the government’s biopolitical project of regulating human and animal bodies, but for his failure to abide by the shifting markers of authority at play in the era of the institutionalization of professional norms. Jordan’s derision of Elliott is consistent with the changing ways in which “professional biologists sought international credibility by distinguishing themselves from amateurs, establishing advanced degrees as credentials.”²⁸⁶ In his own words, Elliott’s authority came from his being the “only white man who [had] ever traversed the entire coast-line of both islands.”²⁸⁷ He was also popular in the American press. By the time of the 1911 convention, one American historian notes, “Few people had ever seen a seal in the wild, but thanks to Elliott...and Jordan the seals were more popular than most diplomats.”²⁸⁸ Starting with Elliott’s sketches, watercolors, and essays, an aura of sentimentality would steadily coalesce around the seals that made continuing to massacre them unthinkable.

Historians have traditionally dated the decades-long Anglo-American Bering Sea fur seal controversy to the 1880s, but I argue that this is misguided. The controversy can only be fully understood as an Anglo-American-Russian-Japanese crisis. This perspective allows for the dating of the conflict to the transfer of Alaska and its fur seal interest in 1867 and the beginning

²⁸⁴ Susan Leigh Star and James R. Griesemer, “Institutional Ecology, ‘Translations’ and Boundary Objects: Amateurs and Professionals in Berkeley’s Museum of Vertebrate Zoology, 1907-39,” *Social Studies of Science* 19, no. 3 (August 1989): 393-394.

²⁸⁵ Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), 126-127. It should be noted that Jordan not only critiqued Elliott’s counting methods, but those of others as well.

²⁸⁶ Susan Leigh Star and James R. Griesemer, “Institutional Ecology, ‘Translations’ and Boundary Objects: Amateurs and Professionals in Berkeley’s Museum of Vertebrate Zoology, 1907-39,” *Social Studies of Science* 19, no. 3 (August 1989): 393.

²⁸⁷ Elliott, *The Seal-Islands of Alaska*, 18.

²⁸⁸ Dorsey, *The Dawn of Conservation Diplomacy*, 163.

of the Alaska Commercial Company leases with the American and Russian governments in 1870 and 1871. The controversy involved two separate, but interconnected elements, which I treat as equally valid in understanding this crisis in foreign relations: rookery-based sealing and pelagic sealing. This chapter has focused on rookery sealing with its territorial leases, whereas the next chapter will focus on the open sea. Historian Kurkpatrick Dorsey writes that pelagic sealing first “became an international problem in 1882.” That was the first year in which the number of pelts sold out of London exceeded 20,000.²⁸⁹ Yet it is unclear how increasing pelt quantity automatically signals an “international problem.” Elliott wrote that, in 1886, “several Canadian vessels (and ours, too) entered Bering Sea *for the first time*.”²⁹⁰ In truth, the 1886 season was the first time that Congress authorized the president to take decisive action against foreign pelagic sealers. Canadian seal hunters were there earlier in the decade, but since U.S. government ships did not apprehend them, Elliott may not have known about it.²⁹¹ In 1886, a U.S. revenue cutter seized three Canadian ships, and Elliott argued that “This [was] the act which at once stirred up that question, and one which has agitated ever since: ‘How shall we save our fur-seal herd?’”²⁹² Dorsey thus credits the pelagic events of 1886 as initiating the road to 1911, fitting the fur seal controversy into a very neat twenty-five-year package.²⁹³ This is a useful periodization in the

²⁸⁹ Dorsey, *The Dawn of Conservation Diplomacy*, 116.

²⁹⁰ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 429. Italics in original.

²⁹¹ Williams, *The Bering Sea Fur Seal Dispute*, 12. See also MacGillivray, *Captain Alex MacLean*, 34.

²⁹² Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 429. Nineteenth-century coastal Americans knew well what revenue cutters were. Though it might sound to the twenty-first-century ear like a way to *decrease* revenue, the revenue cutter service was actually engaged in customs enforcement, and it was renamed the United States Coast Guard in 1915. See “Department of the Treasury, Revenue Cutter Service, 7/31/1894-1915, Organization Authority Record,” National Archives Catalog, accessed August 24, 2019, <https://catalog.archives.gov/id/10529519>. This page intriguingly summarizes the history of the service: “In addition to its customs and tonnage responsibilities, RCS acted to suppress smuggling, piracy, and the slave trade; assisted ships; removed navigation hazards; enforced quarantine regulations, neutrality laws, and laws prohibiting the importation of Chinese coolie labor; and, after 1867, enforced regulations in Alaska concerning the unauthorized killing of fur-bearing animals, fishery protection, and the firearms, ammunition, and liquor traffic. RCS merged with Life Saving Service to form the USCG in 1915.”

²⁹³ Dorsey, *The Dawn of Conservation Diplomacy*, 106.

broader story of U.S.-Canada relations on the open ocean—but not for the fur seal convention, and not for the broader problem of conserving the species for commercial or other purposes. Indeed, Dorsey notes in his epilogue that this twenty-five-year framing arose because “American diplomats...worked on [the seal issue] frantically for twenty-five years.”²⁹⁴ It ignores the broader transnational context. Williams dates the fur seal crisis to “approximately 1880,” not clarifying what happened around that year.²⁹⁵ Only from the perspective of American diplomats was this a twenty-five journey; for the seals and the hunters and the Natives of the North Pacific, it was a much longer struggle. The commercial near extinction of the northern fur seal began from the moment the first Russian saw the first seal. The diplomatic struggle, though, began with the transfer of Alaska, when Russia lost its internal Bering Sea and the seals became a truly transnational matter.

This chapter has established the new conditions around which foreign relations would (begin to) be organized after 1867. The shift from Russian to American control of the Pribilof Island seal fishery marked a critical juncture in interactions across the Pacific arc. It took three years after the transfer for this shift to be actuated, for the new normal to slowly become apparent. In the next chapter, the continuing story exposes transnational conflict on the other side of the Pacific arc—on the Russian seal islands. The boundaries of a new foreign relations would be severely tested. In fact, sea boundaries had never been adequately defined, and this lack of clarity became glaringly obvious in 1892, after a bilateral conservation decision impacted a third country. The conflict described in Chapter 2 was not the first such conflict in the North Pacific after the Alaska transfer, but it involved the most ships and sailors and shows how relations

²⁹⁴ Dorsey, *The Dawn of Conservation Diplomacy*, 243.

²⁹⁵ Williams, *The Bering Sea Fur Seal Dispute*, 5.

surrounding the seals had deteriorated by 1892. We now turn from coasts and islands to the open sea.

Chapter 2: “You Came Here to Steal Seals”:

“Piratical Schooners” Invade Russian Waters, The 1892 Season²⁹⁶

The 1892 North Pacific fur seal hunting season dawned as many had before it. Hired Canadian and American men slowly gathered on schooners—two-masted sailing vessels most commonly used in sealing and fishing—to set sail from Victoria or San Francisco. While British government officials called these schooners “British,” they were Canadian—owned by Victoria businessmen, crewed mostly by British Columbians, and registered, outfitted, and launched from Victoria. One hundred twenty-four (124) sealing schooners of American and Canadian vintage circulated the North Pacific in 1892, more than any other season before or after.²⁹⁷ Sixty-five of these vessels were Canadian.²⁹⁸ There were more Canadian schooners than American in Russian waters because the Americans controlled their own rich Alaskan sealing grounds. Most of the seal hunters headed to Russia for the 1892 season.

²⁹⁶ B. de Levron, captain, Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 4th November, 1892, Inclosure 2 in No. 39, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 73, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts; and Extract from the “Official Gazette” (non-official part), St. Petersburg, of December 18(30), 1892 (copied from the “Vladivostock”), Inclosure in No. 50, Translation, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 87, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

²⁹⁷ Briton Cooper Busch, *The War against the Seals: A History of the North American Seal Fishery* (Kingston, Ontario: McGill-Queen’s University Press, 1985), 137. Busch believes that 1892 was the peak year both in terms of number of North American sealing schooners (124) and number of seals killed (142,000). See page 154. Sir Julian Pauncefote, British judge and diplomat, wrote in early 1892 that “The number of sealers is reported to be larger than ever.” See Sir J. Pauncefote to the Marquis of Salisbury, February 25, 1892, Washington, D.C., No. 6, telegraph, in Telegraphic Correspondence Respecting Seal Fishing in Behring’s Sea During the Season of 1892, United States, No. 1 (1892) (London: Harrison and Sons, 1892), 2-3, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

²⁹⁸ 65 Canadian schooners out in 1892, *The Toronto Empire*, October 25, 1892, in *Twenty-Fifth Annual Report of the Department of Marine and Fisheries for the Fiscal Year Ended 30th June 1892* (Ottawa: S. E. Dawson, Printer to the Queen’s Most Excellent Majesty, 1893), 60.

From 1882, the Russian government had demanded permits from foreign vessels engaged in hunting, fishing, and trading in Russian waters. Vessels had to first obtain permits in Vladivostok before fulfilling their mandate, meaning that sealing crews had to ignore any seals they encountered until after they had stopped in at Vladivostok.²⁹⁹ Grotius argued in 1609 that permitting systems for foreign fishermen were unnatural at sea, placing the sea in “servitude,” and it “cannot serve.”³⁰⁰ One of the main stated reasons for the 1882 Russian edict was that hunting was abusive to indigenous islanders, whose own livelihoods via hunting and fishing were disrupted by more technologically advanced commercial operations.³⁰¹ A decade later, in the summer of 1892, the Russian navy decided that foreign sealing, whether licensed or not, had gotten out of hand. The North Pacific pelagic sealing season began each year as early as mid-January, so it is unlikely that any Canadian or American sealships left their home ports with knowledge of the evolving Russian campaign against foreign hunting.

Partway through the 1892 season, familiar waters turned murky. Several North American schooners swirling around the Russian side of the North Pacific semicircle caught sight of Russian war cruisers barreling toward them. In a seeming rampage, naval man-of-war steamship and revenue cruiser *Zabiiaka* and Russian Fur Company steamship *Kotik*—meaning *Bully* or *Hothead*, and *Kitten*, respectively—seized one American and three Canadian schooners between July 15 and 28. The Russian navy confiscated all sealskins aboard these ships. Ironically, the *Zabiiaka* had been built in the United States in 1878, at the Charles H. Cramp shipyards in

²⁹⁹ Letter from Giers, Ministry of Foreign Affairs, Asian Department, to Mr. W. Hoffman, Chargé d’Affaires, May 8, 1882, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1199, list 243. Original document in French.

³⁰⁰ Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), 31-32.

³⁰¹ Letter from M. de Giers to Mr. Hoffman, Chargé d’Affaires, May 8/20, 1882, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, list 103. The 1882 regulation is from the Code of Laws, vol. 12, Part 2, Article 560. Original document in French.

Philadelphia. The Russian navy bought several American passenger vessels and converted them to naval cruisers throughout the 1870s.³⁰²

Argument and Historiography

The summer of 1892 witnessed a messy contest over marine resources, mobile ocean water, and who controls it. In the late nineteenth century, norms governing ocean boundaries were shifting, and uncertainty about these norms fostered chaotic human interactions. American and Canadian mariners were not new to Russian waters in 1892; nor were arrests and confiscations new. It was the sheer quantity of Canadian and American sealing schooners on the western side of the North Pacific rim in 1892 that appalled the Russian Pacific Fleet and inspired it to test the tenuous boundaries of international maritime law. *The New York Times* reported that it was the “sort” of “capture and confiscation of sealing-schooners by Russia” that was new, creating the “indignation now manifested.” The treatment of the crews and the apparent claiming of a “closed sea” put the *Times* on guard.³⁰³ Although the Russian navy rounded up several American and Canadian schooners in the second half of the 1892 hunt, this chapter will focus on a handful of illustrative examples: the *C.H. White* from the United States and the *Willie McGowan*, *Rosie Olsen*, and *Ariel* from Canada. This chapter argues that the Russian detentions and confiscations of foreign ships in 1892 marked a rupture that starkly highlighted why a regional agreement to save the seal population was necessary to preserve diplomatic relations among North Pacific countries. That season prompted a shift in thinking about how to manage fur seals and the transnational relations they mediated.

³⁰² Norman E. Saul, *Concord and Conflict: The United States and Russia: 1867-1914* (Lawrence, Kansas: University Press of Kansas, 1996), 125. Cramp continued building warships for Russia in 1898. See pages 441-442.

³⁰³ “The Zabraka’s Seizures,” *The New York Times*, September 6, 1892, 4. It took some time for Americans to become familiar with the *Zabiiaka*. On September 6, *The New York Times* called it *Zabraka*. On September 16, it was the *Zadiaka*. See “More Russian Seizures,” *The New York Times*, September 16, 1892, 8.

In truth, North American sealers were shocked by Russian behavior in 1892 because they did not anticipate the consequences of their *own* bilateral agreement on a third, seemingly uninvolved, party. This chapter explores the processes by which the *Modus Vivendi* Respecting the Fur-Seal Fisheries in Behring Sea (1891) and the Behring Sea Treaty of Arbitration (1892) between the United States and Great Britain drove foreign sealers into Russian waters, and the ways in which Russia asserted its power over murky international maritime boundaries. American and Canadian concern over the commercial sustainability of the fur seal population in one part of the North Pacific launched a crisis when the problem shifted to another part of the region and a third country necessarily became involved. When the British and American governments reached a *modus vivendi* in 1892 to cancel fur sealing in British Columbian and Alaskan waters until further notice, existing seal hunters and their ships did not just give up and look for new work. Successful industries tend to expand or at least stay at a static level of production—not contract. When their hunting grounds closed down, American and Canadian seal hunters veered westward into Russian waters. The Russian navy scrambled to understand what this meant and why it had not been consulted before foreign ships flooded in. The archives documenting this wild summer show that the Russian government’s key concern in the Far East was how to protect and exercise its maritime sovereignty. The summer of 1892 forced Great Britain, the United States, and Russia to codify maritime boundaries that had been too fluid for too long.

A few amateur and professional historians have written about the northern seal crisis as a British-American problem, but this chapter uses Russian sources to show that Russia is essential to the narrative. This chapter centers Russian action, rather than Canadian or American action, and reveals the consequences of British and American diplomatic choices. In the early 1890s,

British and American policy-makers decided to save the seals without consulting Russia, and many histories follow that story in excluding Russia from the conversation. For example, Briton Cooper Busch's *The War against the Seals: A History of the North American Seal Fishery* (1985) is only interested in Americans and Canadians who went "a-sealing" because they "made enough impact on a world-wide scale to merit special attention."³⁰⁴ To be fair, the subtitle to Busch's monograph indicates that he is writing a North American history. Yet I argue that the narrative of the fur seal crisis and its resolution cannot be told without Russia. Busch mentions Canadian and American sealers' difficulties with Russia in the 1890s, but only to state in one sentence that they visited Russian ports "involuntarily, when a boat was seized by a patrol vessel."³⁰⁵ Norman E. Saul, historian of Russian-American relations, believes that the reason for the Russian gap in the literature on fur seals is that Commander Island seals had poorer quality fur than Pribilof seals. He concludes, "This is why the sealing controversy centered on Alaska and the United States rather than on Russia, though Russia was an interested observer."³⁰⁶ I have not found this claim about quality in any other source, and readers will soon understand that Russia was much more than an "interested observer." In Dorsey's "Conflict in the Bering Sea" chapter, extending from 1886 to 1899, the potentially dangerous encounters between the Russian navy and foreign civilians in 1892 are not mentioned.³⁰⁷ There is thus very little English-language literature with which to engage in this chapter.

³⁰⁴ Busch, *The War against the Seals*, xiv.

³⁰⁵ Busch, 134. The next sentence briefly involves Japan: "Similar problems could arise in Japanese waters, especially when the Japanese organized their own pelagic sealing industry." See Chapter 4 of this dissertation for that narrative.

³⁰⁶ Saul, *Concord and Conflict*, 306. Saul's source is "The Alaska Fur Seal," *The Plain Dealer*, February 7, 1892, 4. Saul notes that Elliott was from Cleveland, so the newspaper reported on his activities.

³⁰⁷ Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), 108-132.

The English-language literature written by Russianists likewise leaves out histories of seal protection in the late imperial period. The closest match is Ryan Tucker Jones' *Empire of Extinction: Russians and the North Pacific's Strange Beasts of the Sea, 1741-1867* (2014). Since Russia controlled Alaska during the period covered by Jones' book, this monograph discusses all of the seal islands that interest us in the present project. Jones ends his study of Russian America and the Bering Sea in 1867, as Russianists tend to do. The current dissertation picks up where Jones leaves off; combined, Jones' work and this dissertation tell the narrative of North Pacific seals from the start of the hunt by the Russians to the end of the pelagic (offshore) hunt by four countries, from 1741 to 1911. Other maritime histories of Russia tend to focus on Peter the Great's era and the creation of the first Russian navy in the early 1700s.³⁰⁸ The leading scholar of Russian environmental history in English is Douglas R. Weiner, whose *Models of Nature: Ecology, Conservation, and Cultural Revolution in Soviet Russia* and *A Little Corner of Freedom: Russian Nature Protection from Stalin to Gorbachev* created the subfield of Russian environmental history. *Models of Nature* begins in the late 1800s and proceeds to 1933, providing a partial environmental history of the late imperial period. Weiner shows that the intelligentsia became interested in environmental protection in the mid- to late nineteenth century, arguing that the Soviet Union was actually on the cutting edge of environmental protection up to the 1930s.³⁰⁹ He discusses the Bering expeditions through which Alaska became knowable to the Russians in the 1700s, paving the way for Russia's sealing industry and colonization of the region. Weiner reminds us that Steller's sea cow, a marine mammal similar to

³⁰⁸ Edward J. Phillips, *The Founding of Russia's Navy: Peter the Great and the Azov Fleet, 1688-1714* (Westport, Connecticut: Greenwood Press, 1995); and Lindsey Hughes, *Russia in the Age of Peter the Great* (New Haven, Connecticut: Yale University Press, 1998).

³⁰⁹ Douglas R. Weiner, *Models of Nature: Ecology, Conservation, and Cultural Revolution in Soviet Russia* (Bloomington, Indiana: Indiana University Press, 1988), x, 7.

the northern fur seal, went extinct following a “thirty-year orgy” of killing; it is one of the briefest periods between discovery and extinction of an animal species.³¹⁰ He briefly mentions the 1911 fur seal convention.³¹¹ A later edited volume, *An Environmental History of Russia*, is mostly about the Soviet period. Importantly, it employs archival documents unavailable during that period.³¹²

The next two chapters make liberal use of published compilations of letters and reports published in London in 1892, 1893, and 1895. They have proven invaluable in understanding the British perspective. French was the *lingua franca* of nineteenth-century diplomacy, but the compilers of these special volumes included English translations without fail. Though the Dominion of Canada had a degree of autonomy in the latter half of the nineteenth century, its foreign relations were managed by Great Britain, which held stakes in helping its colony avoid international incident. This volume was anthologized and published without comment, intended for use by parliament members in making decisions about a part of the British Empire that they were unlikely to ever see. Since this document collection is a product of the government of the British Empire, it should be read with the understanding that the Russian and American points of view may be downplayed, distorted, or misrepresented by omission, either intentionally or not. Further, the unknown compiler may have selected documents for inclusion that make British diplomats look better or Canadian colonial subjects look worse. This publication, along with similar ones from the United States and internal correspondence from Russia, allow us to reconstruct the complex relations between hunters, owners, and diplomats.

³¹⁰ Weiner, *Models of Nature*, 9.

³¹¹ Weiner, 10.

³¹² Paul Josephson, Nicolai Dronin, Ruben Mnatsakanian, Aleh Cherp, Dmitry Efremenko, and Vladislav Larin, *An Environmental History of Russia* (New York: Cambridge University Press, 2013).



Figure 2.1: Ivan Konstantinovich Aivazovsky (1817-1900), *Korabl' pomoshchi* [*The Help Ship*], 1892, oil on canvas, 18¼ x 30 inches, Private Collection, Pennsylvania. The American flagship is landing in St. Petersburg. Source: Public domain image from Wikimedia Commons, https://ru.wikipedia.org/wiki/%D0%A4%D0%B0%D0%B9%D0%BB:Ship_of_help.jpg.

The broader context of the summer of 1892, beyond the north, was that relations between the United States and Russia remained friendly. While they argued over seals, Russia endured an intense bread famine—largely prompted by the imperial government’s decision to export grain for profit.³¹³ Russia’s most famous and talented painter of water, Ivan Aivazovsky, observed firsthand as American ships sailed into the Baltic Sea loaded with grain relief. He painted what he saw. The Russian government begrudgingly accepted it. In the U.S., “the relief campaign was easily the greatest humanitarian effort to date and set a standard for the future.”³¹⁴ In *The Help Ship* (Figure 2.1) and *Distribution of Food* (Figure 2.2), viewers see American flags and delighted Russians cheering and saluting them. *Distribution of Food* combines the American and

³¹³ The famine was, according to Saul, connected to the abolition of serfdom in 1881 and the loss of a sense of responsibility of landlords toward their emancipated workers. The first American relief ship arrived in Libau (now in Latvia), a few months before the sealing confiscations began in earnest on the other side of the Russian Empire. See Saul, *Concord and Conflict*, 337, 345.

³¹⁴ Saul, 355.

Russian flags in a sublime, rural Russian fantasy that positions the United States as savior riding in on a *troika*. Aivazovsky brought the two paintings to the U.S. in 1893, donating them to the Corcoran Gallery in Washington, D.C. They hung in the White House during the Cuban Missile Crisis, in First Lady Jacqueline Kennedy's gesture of "quiet diplomacy." The paintings were sold at Sotheby's in New York in 1979, and the Sotheby's lot description points out: "It is estimated that tens of thousands of Russian peasants would not have survived the winter and spring of 1892 if not for American support."³¹⁵ Though these two paintings by Russia's most famous marine painter are now in private hands and have been largely forgotten in both the U.S. and Russia, they remind us that the Bering Sea conflict was but one element of broader Russian-American relations. Those relations were generally positive throughout the nineteenth century.



Figure 2.2: Ivan Konstantinovich Aivazovsky (1817-1900), *Razdacha prodovol'stviia* [*Distribution of Food*], 1892, oil on canvas, 18¼ x 30 inches, Private Collection, Pennsylvania. Source: Public domain image from Wikimedia Commons, https://ru.m.wikipedia.org/wiki/%D0%A4%D0%B0%D0%B9%D0%BB:Distribution_of_Food.jpeg.

³¹⁵ Sotheby's, "Lot 36: Ivan Konstantinovich Aivazovsky, Russian, *Distributing Supplies and The Relief Ship: A Pair*, 1892," accessed June 28, 2019, <http://www.sothebys.com/en/auctions/ecatalogue/2008/russian-art-n08428/lot.36.html>. The lot sold for approximately \$2.4 million in 1979.

A debate unfolds on the following pages over what constitutes “Russian waters,” the “Bering Sea,” and the “Pacific Ocean.” Citizens of both North America and Asian Russia relied on and idealized the maps they had aboard ship, which gave them their only stable sense of place while cruising the sea. The problem was that the labels and boundaries on these seemingly impartial representations of fact did not match between the Russians and North Americans. Residents of either continent picked up on land their own geographic assumptions about how oceanic space should be organized. These divergent assumptions about maps, jurisdiction, and how to assert it were at issue in the summer of 1892.

An Unusual 1892 Season

On July 15, the Swedish-born captain of the American sealship *C.H. White* watched as naval cruiser *Zabiiaka* approached at uncomfortably close range. Lars Magnus Fuhrman, who went by Lawrence M. Furman in the United States, reported that his ship was detained at 54°18’N latitude, 167°19’E longitude. But the Russian captain argued that it was 54°30’N latitude—closer to Russian land. On a document telling the American version of what happened, someone Russian hand-scribbled in a comically enormous question mark next to the coordinates. The Americans claimed to be eighty miles away from land at the moment of seizure, but the Russians claimed it was only twenty-three.³¹⁶ Captain Furman insisted that his latitude calculation of eighty miles away from Russia was correct based on U.S. Coast Survey Chart Number 900, printed in 1890.³¹⁷ After a discussion, however, the *C.H. White* captain realized that there was a mistake on the chart, which would place the schooner twenty-three miles from

³¹⁶ Prepared by Johan H.C. Prien, President; Charles W. Preis, Vice President; Charles W. Wagner, Secretary; Louis Schmidt, Director; and Lawrence M. Furman, Captain; CAS No. 3, C.H. White, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, listy 5, 11. Original document in French.

³¹⁷ Deposition, Lawrence Magnus Furman, August 31, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, list 73. Original document in English.

Copper Island rather than eighty at the moment of seizure.³¹⁸ Captain of the 2nd rank Baron Boris Karlovich De-Livron “arrested [Furman] and put [him] under a guard of four marines armed, and ordered [him] to be kept separate from the crew and not to be allowed to speak to anybody.”³¹⁹

The entire *C.H. White* crew, except for Furman and his first mate, were forced onto the *Zabiiaka*.

The Russian cruiser towed the American schooner for twelve hours to the nearest land, Bering Island. The Russian officer asked Furman to sign a document written in Russian. Furman later recounted:

I refused to sign what I did not comprehend and protested against this injustice. Captain Deleveron told me I could have my choice, either to sign the paper or go to Vladivostock and be court-martialed and sent to Siberia as I would have no one to defend me. I then signed the paper, under protest, which I was given to understand was an acknowledgment on my part that I had been sealing in Russian waters.³²⁰

After a thorough questioning, Furman was allowed to retrieve his personal effects from his ship, whereupon he found that his private quarters had been robbed.

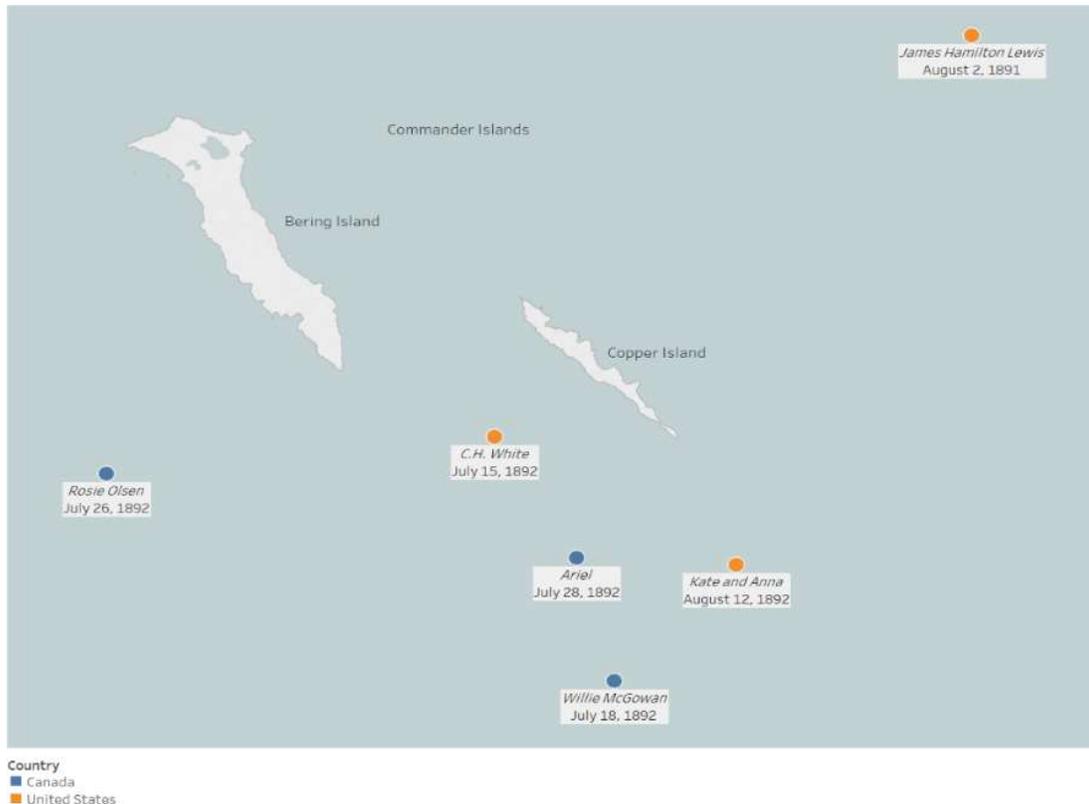
As a relatively small island on the edge of empire, Bering Island was only a temporary holding place for a wayward ship. Maps 2.1 and 2.2 show the location of the *C.H. White* when detained, as well as the locations of other detained American and Canadian ships relative to the Commander Islands. On July 18, the Russians and Americans headed together to Petropavlovsk-Kamchatskii on the Kamchatka Peninsula, arriving two days later. En route, Captain Furman

³¹⁸ Third Case, The *C.H. White*, September 12, 1900, Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 355, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

³¹⁹ Russian documents tend to spell the *Zabiiaka* captain’s name De-Livron (Де-Ливрон), or sometimes de-Livron (де-Ливрон). Although the Russian Wikipedia page spells his last name as De Livron (Де Ливрон), he authored his memoirs as De-Livron (Де-Ливрон), so I employ that spelling. He signed his name in English in schooners’ logbooks using two different spellings: de Leveron and de Levron. The Americans and British spelled his name alternately as de Leveron, de Levron, and de Livron.

³²⁰ Protest Letter, L.M. Furman, Andrews Romney, and Niels Wolfgang, September 1, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, list 53. Original document in English.

reported suffering from near death due to “exposure, lack of food, brutal treatment and lack of medicine.”³²¹ On arrival, Furman found the governor and registered a marine protest against whatever it was that he had agreed to in Russian. He found an interpreter, and the governor signed acknowledgement of the protest.³²² The *C.H. White* crew sat bored and miserable in the small Russian outpost, but it was not long before many of their colinguals joined them.



Map 2.1: Selected Canadian and American Vessels Detained by the Russian Navy, 1891-1892, Generated by Amanda Bosworth, using Tableau Desktop Professional Edition, 2019.

³²¹ Memorial of Lawrence Magnus Furman to the Department of State, January 24, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1202, listy 79-80. Original document in English.

³²² Protest Letter, L.M. Furman, Andrews Romney, and Niels Wolfgang, September 1, 1892, AVPRI f. 148, op. 487, d. 1202, l. 53. Original document in English. If the foreign captains did not lodge a “marine protest,” the Russian navy used that to say they were guilty. But if they did lodge one, the Russians threatened them with a lifetime sentence to “the mines” in Siberia.



Map 2.2: Selected Canadian and American Vessels Detained by the Russian Navy, 1892-1893, microform. White circles represent Canadian and American ships arrested in 1892; black circles represent Canadian and American ships arrested in 1893. Source: Bering Sea Maps, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 1149, list 468.

De-Livron did not escort the *C.H. White* crew to Petropavlovsk, because on the same day that that journey began, the Russian commander found a Canadian crew also engaged in seal hunting. Captain John Daley heard a shot fired near his ship, the *Willie McGowan*, at 5:40 pm. It was a blank, shot from a gun made for nine-pound cannon balls, and was followed up by a second blank. Daley ordered his crew to escape the area immediately by raising more sail, but an escape attempt confirmed the schooner's guilt in De-Livron's view.³²³ When the Russian steamer was still about fifty yards away, a Russian officer yelled at the Canadians to lower their sails to

³²³ Vice Admiral Pavel Petrovich Tyrtov, Copy of a Telegram from the Chief of the Pacific Squadron, from Vladivostok, September 20, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 35. In British maritime parlance, assuming that a ship in territorial waters is doing something illegal and then pursuing it extra-territorially for arrest is called "hovering." See Russia's Responsibility, Case No. 2, The "James Hamilton Lewis," undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna,"* Appendix I (Washington, D.C.: Government Printing Office, 1903), 110, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

slow down. Daley looked on in shock with his twenty-three crewmembers as De-Livron seized the schooner about 103 miles from the nearest Russian island.³²⁴ Three Russian naval officers and about fifteen sailors boarded the *Willie McGowan*. In broken English, Captain De-Livron ordered Captain Daley to turn over the ship's documents and board the *Zabiaka*—which Daley and his crew did at gunpoint, with nothing but the clothes on their backs. Russians searched them for knives and matches. If they moved too slowly, they were “pushed over the vessel's rail in a rough manner by the marines, who were armed with rifles, bayonets, and revolvers.”³²⁵ When the Canadians climbed belowdecks in the *Zabiaka*, they encountered the crew of the *C.H. White*, who gave them the only food they ate that night. The next day, breakfast consisted of “hard rye bread and weak coffee,” lunch was “soup, with grease stewed in it, salt beef, and hard tack,” and dinner “a sort of porridge...which none of us could eat.” The porridge was probably buckwheat, a fairly common Russian meal, which nonetheless strikes many foreigners as incredibly bland.³²⁶

³²⁴ Lord Stanley of Preston to the Marquis of Ripon, Received September 9, 1892, Inclosure 3 in No. 5, telegraph, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 3, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts; and T.W. Tizard, assistant hydrographer, Memorandum, September 13, 1892, British Admiralty, Inclosure 6 in No. 5, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 4, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. *Willie McGowan* coordinates when seized: 53°50'N latitude, 167°50'E longitude. See Jas. Gaudin and J.C. Cox to the Collector of Customs, September 8, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 22, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³²⁵ Thomas F.B. Moore, mate, In the matter of the seizure of the schooner “Willie McGowan,” Affidavit, September 8, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 30, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts; and Charles H. White, sealer, In the matter of the seizure of the schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 6, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 38, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³²⁶ Charles H. White, In the matter of the seizure of the schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 6, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 39, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

This sequence of events repeated a few more times in the summer of 1892. On July 26, the *Kotik*, an unarmed Russian fur ship, confiscated Victoria sealship *Rosie Olsen*. The Russian commander, Nikolai Aleksandrovich Grebnitskii, was also the district governor of Bering Island and managing director of the ACC's seal hunt on the Commanders.³²⁷ This time, the Russians caught Canadian sealers in the act, with sealboats out. The *Kotik* steamed around the area, picking up each small boat and its crew. A sealboat crew usually consisted of three men: boatsteerer, boatpuller, and hunter.³²⁸ Legally, a sealboat was an “appendage” of the mothership; the mothership typically had six to eight such appendages.³²⁹

A pelagic seal hunt, described in the cases above, differs substantially from a land drive, described in Chapter 1. Pelagic hunters employed shotguns and “bamboo spears” from a boat.³³⁰ A drive on land was more strenuous for the animals, a hunt at sea more strenuous for the men. When Russian naval officers saw seals on ships with heads bashed in, they concluded that the seals had been clubbed on rookeries, rather than shot at sea—suggesting that the sealers had been killing on Russian coasts.³³¹ The navy concluded that such battered seal bodies must have just

³²⁷ Vice Admiral Pavel Petrovich Tyrto, Excerpt from a Telegram from the Chief of the Pacific Squadron, September 1, 1892, Due, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 8; and “On the Importance of a Proper Count: Lessons from History,” Commander Island State Natural Biosphere Reserve, March 5, 2018, komandorsky.ru/o-важности-корректных-оценок-численности.-уроки-истории.html (February 26, 2020). Grebnitskii's name was anglicized as both Grebnitzky and Griminski.

³²⁸ Affidavit of Clarence N. Cox, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 107. Original document in English.

³²⁹ M. Chichkine to Sir R. Morier, May 29/June 10, 1893, St. Petersburg, Inclosure 1, Translation, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 5, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³³⁰ Russia's Responsibility, Case No. 2, The “James Hamilton Lewis,” undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 112, Library NW 998.21 U58, BC Archives. Rifles were not used because, as Jack London writes in his novel based on real seal hunting experience: “A seal shot at long range with a rifle invariably sank before a boat could reach it.” See Jack London, *The Sea-Wolf*, vol. 2, 1904 (Reprint, Leipzig, Germany: Bernhard Tauchnitz, 1912), 62.

³³¹ Second Report of Special Commission, Inclosure 3, Translation, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 14, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

been killed, because skins needed to be removed from the body and salted quickly after death to retain their quality and avoid shedding. If the Russian navy detained the sealers for too long, the recent kills would go to waste. From his vantage point at the ocean surface, the first mate of the *Rosie Olsen*, John James Campbell, recalled:

We lowered our boats about 10 a.m. to go hunting seals. About 2 p.m., being on one of the boats, I saw the colours flying on the schooner, by which I knew that all hands were wanted on board. Before getting to the schooner I saw the steamer “Kotik,” a Russian vessel steaming towards the schooner from the land. I got to the schooner before the steamer got close by... We then lowered a boat, got on board, the “Kotik” lowered a boat, which went out to meet a canoe which was ours, and took it to the “Kotik,” and afterwards those on board the boat boarded us, among whom was the Governor of Behring Island, of the name of Griminski.³³²

“Griminski” (Grebnskii) took Campbell into the hold and asked if any of the seals were “fresh,” but Campbell did not tell us the result of that inquiry. If the pelts were still fresh—having not yet been skinned onboard—they would reveal what logbooks might not. Unlike on land, where pelts were stripped immediately, at sea the bodies could only be stacked in the sealboat and held in a transitional state until the boat was raised onto the deck of the mothership.

Pelagic seal hunting violated basic sustainability practices that demanded females of reproductive age should not be considered prey. Most of the seals intercepted at sea were females, whereas all of the rookery seals were “surplus” (nonreproducing) males. U.S. government representatives estimated that, in the waters south of the Pribilof Islands, seventy to ninety percent of pelagic slaughters were of females.³³³ This was devastating for the sustainability of the herd. Every fall, females swam away from the rookeries earlier than the

³³² John James Campbell, mate, In the matter of the seizure of the schooner “Rosie Olsen,” by the Russian steamer “Kotik,” September 5, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 46, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³³³ Proposition, United States, October 25, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 12, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907. Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

males and went further and returned later in the summer. During the brief summer breeding season, females went to sea as far as 200 miles away in search of food, while breeding males and pups stayed on the rookeries. When they all returned, “it was as though a great city ha[d] risen from the sea.”³³⁴ Females would be out for ten to fourteen days each time.³³⁵ Jordan argued that it was extremely difficult to distinguish between male and female at sea, in rocking boats.³³⁶ Since the full-grown male of the species is six times larger than the female, this claim seems specious at first blush; however, juvenile males look similar to females, especially at a distance and in the foggy weather endemic to the North Pacific. The problem at the core of pelagic sealing was that females were easy prey, but “it is widely accepted in game management that killing young females is the best way to destroy a species.”³³⁷ One Russian estimate put the female share of pelagic kills at between eighty and ninety-three percent.³³⁸ Males, both bulls and bachelors, fast for two to three months in the summer, but pups depend on their mother’s milk to survive the first few months of life. Females killed pelagically while searching for food for themselves resulted in three deaths: the mother, her already-gestating next pup, and her newborn pup on the rookery—as well as ruining the reproductive futures of all three of them.

³³⁴ David Starr Jordan, *The Tale of Matka: A Tale of the Mist-Islands*, 1897 (Reprint, San Francisco: Whitaker & Ray-Wiggin Co., 1910), 51.

³³⁵ Camp Fire Club of America, “A Square Deal for the Fur Seal—An Open Letter and Exhibits from the Camp Fire Club of America to the American People,” July 6, 1910, in Committee on Expenditures in the Department of Commerce and Labor, Hearings before the Committee on Expenditures in the Department of Commerce and Labor: House of Representatives on House Resolution No. 73 to Investigate the Fur-Seal Industry of Alaska, May 31 and June 2, 1911, No. 1 (Washington, D.C.: Government Printing Office, 1911), 242.

³³⁶ David Starr Jordan, October 25, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 17, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907. Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

³³⁷ Dorsey, *The Dawn of Conservation Diplomacy*, 111.

³³⁸ Ivan Aleksandrovich Ovchinnikov, Arbitration in the Matter of the Seizure of American Schooners by Russian Cruisers, 1905, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Marine Headquarters), opis’ 1, delo 3485, listy 5 ob.-6.

On July 28, the *Zabiiaka* hunted down seal hunters again, this time the Canadian schooner *Ariel*, its captain John McLeod, and twenty-four crewmen about twenty-five miles off the southern coast of Copper Island.³³⁹ The capture of the men and their ship followed a similar pattern as described above. De-Livron ordered the Canadian captain to sign a document written in Russian but read aloud in English, arguing that, if he protested, he would be sent to the “Siberian mines.”³⁴⁰ Kipling referenced this punishment in his poem, *The Rhyme of the Three Sealers*:

And loss it is that is sad as death to lose both trip and ship
And lie for a rotting contraband on Vladivostock slip...
For life it is that is worse than death, by force of Russian law
To work in the mines of mercury that loose the teeth in your jaw...³⁴¹

McLeod refused to sign, instead writing a protest letter.³⁴² At 4:30 in the morning, the crew were “turned out of their berths,” wearing only pajamas, “by armed marines with fixed bayonets and ordered into the boat of the cruiser.”³⁴³ The *Ariel* went to Vladivostok, its crew to Petropavlovsk.

³³⁹ *Ariel* coordinates when seized: 54°10'N latitude, 167°40'E longitude. See Lord Stanley of Preston to the Marquis of Ripon, Received September 9, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 3, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁴⁰ Telegram from Lord Rosebery to Mr. Howard, September 4/16, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 2 ob. Original document in English. Jack London writes about Russian confiscations and the threat of the Siberian mines in his 1904 novel *The Sea-Wolf*. The characters are seal hunting, and they see smoke. “Maybe it’s a Russian,” one sailor says. The captain, Wolf Larsen, replies: “We’re dead safe...No salt mines this time, Smoke.” See London, *The Sea-Wolf*, 49.

³⁴¹ Rudyard Kipling, “The Rhyme of the Three Sealers” (1893), in *The Seven Seas* (New York: D. Appleton and Company, 1900), 59-60.

³⁴² Protocol drawn up on the Cruiser of the 2nd Class “Zabiaka,” on the 16th July, 1892, Translation, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 23, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. Signed by: de Leveron, Captain, 2nd class; Nazonov, Lieutenant; Lichteen, Lieutenant; Bezkrorny [lit. “Bloodless”], Lieutenant; Arnoutov, Lieutenant; and, John McLeod, master.

³⁴³ John McLeod, captain, In the matter of the seizure of the schooner “Ariel,” Note of Protest, September 6, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 20, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

It was a two-day journey by naval steamer from the Commander Islands to Petropavlovsk.³⁴⁴ The foreigners' first view of the town may have looked something like Figures 2.3 and 2.4. Once they landed on Russia's continental shores as prisoners, the four North American crews were left on the beach in whatever dirty and tattered clothing they wore at the moment of capture. The crews of all four schooners met each other in Petropavlovsk. Thirty-eight of the men slept in a jail cell granted them for the purpose, measuring ten by eighteen feet. It had no furniture but plenty of lice, a leaky roof, and broken windows. Two cesspool-bathrooms reeked. It being July and August, the weather was foggy and rainy on Kamchatka, but not overly cold. Most of the men chose to sleep in the open air rather than in a fetid jail cell with no beds.³⁴⁵ According to John G. Cox, president of the British Columbia Sealers' Association—representing 1,300 sealers in 1892—Petropavlovsk was “a remote part entirely removed from ordinary routes of mercantile vessels, and so far north as to have a climate of Arctic severity.”³⁴⁶

³⁴⁴ John Daley, captain, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 33, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁴⁵ Memorial of Lawrence Magnus Furman to the Department of State, January 24, 1893, AVPRI f. 148, op. 487, d. 1202, ll. 79-80. Original document in English; and Daley, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 34, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁴⁶ British Columbia Sealers' Association to Mr. Tupper, John G. Cox, president of the British Columbia Sealers' Association, September 10, 1892, Victoria, Inclosure 5 in No. 30, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 55, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.



Figure 2.3: Petropavlovsk, circa 1912. Source: Views of Petropavlovsk-Kamchatskii, Photograph 36, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond R-2241 (De-Tranze Nikolai Aleksandrovich, Polar Researcher [1886-1960]), opis' 1, delo 15, list 7. Note that this photograph was taken approximately twenty years after our foreign sealers landed on this shore.

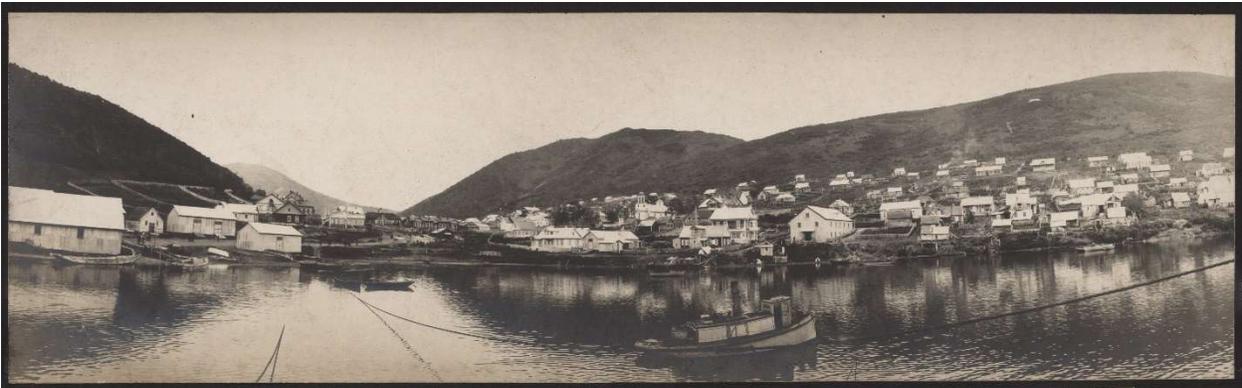


Figure 2.4: Petropavlovsk, circa 1912. Source: Views of Petropavlovsk-Kamchatskii, Photograph 38, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond R-2241 (De-Tranze Nikolai Aleksandrovich, Polar Researcher [1886-1960]), opis' 1, delo 15, list 7. Note that this photograph was taken approximately twenty years after our foreign sealers landed on this shore.

The marooned crews found a few supporters in Petropavlovsk. One was a local businessman, a former Victoria resident named Malvansky, who lobbied the Russian navy to secure for the sealers a “prison allowance” of about fifteen kopecks per day, or eight cents.³⁴⁷ That sum could purchase about a loaf of bread per day. The men reported having to beg to

³⁴⁷ John McLeod, captain, In the matter of the seizure of the schooner “Ariel” on the 28th July, 1892, by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 26, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts; and Daley, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean, Russia No. 2 (1893), 34, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

supplement their daily bread.³⁴⁸ One Canadian officer found temporary employment earning eighty cents a day, enough to buy a pathetic amount of food for his crew.³⁴⁹ A special Russian commission later admitted that conditions in Petropavlovsk were extremely poor and attributed them to the “insufficiency of the local resources and not from any intention to treat the aforementioned persons as criminals.”³⁵⁰ One might suspect, though, that the Russian navy in the Far East would have considered in advance the utter lack of resources to accommodate an infusion of nearly 100 new residents at once in a town of only 300.³⁵¹

A total of 124 American and Canadian sealing ships circulated Russian waters in the summer of 1892. Many of them were detained multiple times and released without losses, while others were detained and released with losses of sealskins and hunting instruments. Canadian and American sealship owners brought cases against the Russian government for a total of fourteen confiscations and/or detainments; eleven were Canadian and three American.

³⁴⁸ Protest Letter, L.M. Furman, Andrews Romney, and Niels Wolfgang, September 1, 1892, AVPRI f. 148, op. 487, d. 1202, l. 54. Original document in English; Prepared by Johan H.C. Prien, President; Charles W. Preis, Vice President; Charles W. Wagner, Secretary; Louis Schmidt, Director; and Lawrence M. Furman, Captain; CAS No. 3, C.H. White, AVPRI f. 148, op. 487, d. 1202, l. 8. Original document in English; and Statement of the Case, Case No. 3, The “C.H. White,” undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 212, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

³⁴⁹ Moore, In the matter of the seizure of the schooner “Willie McGowan,” Affidavit, September 8, 1892, in *Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893)*, 31, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives. That officer was Thomas F.B. Moore, mate of the *Willie McGowan*.

³⁵⁰ Objections Concerning the Basis of the Affair, Third Case, Detention and confiscation of the American schooner C.H. White, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 310, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

³⁵¹ Report of Special Commission, Inclosure 2, Translation, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 7, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

Conditions in the Hydrarchy

These surprise confiscations provoked a flurry of telegraphic correspondence between the Russian Far East, the American West, the Canadian West, St. Petersburg, Washington, D.C., Ottawa, and London. The crews were nominally free in Petropavlovsk but lacked access to their ships or any conceivable way of getting back home. It was not as if a passenger steamer would pull around the Kamchatka bend bearing hundreds of passengers bound for the North American continent. One Canadian was told to “swim to British Columbia.”³⁵² In the event of a diplomatic emergency, the first point of contact in Russia was Nikolai Pavlovich Shishkin, Comrade/Acting Minister of Foreign Affairs.³⁵³ Though the Russian navy absconded with the first Canadian schooner on July 18, Shishkin did not reply on the matter to British authorities until September 20 on the Western calendar. Both amusingly and troublingly, the British Foreign Office seemed to be working off of a *New York Times* article in generating its reaction to the developing crisis. Several subsequent pieces of British correspondence refer back to *The New York Times* in the absence of clear information from the Russian navy in Petropavlovsk. According to the newspaper, “The capture and confiscation of sealing-schooners by Russia are not new, but they have not hitherto, we believe, been of a sort to create the indignation now manifested.”³⁵⁴ Yet St. Petersburg seemed to know nothing about it: when Shishkin checked in with the Earl of

³⁵² Mr. Howard to the Earl of Rosebery, September 17, 1892, Received September 30, 1892, St. Petersburg, No. 15, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 9, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁵³ The title “comrade minister” (*tovarishch ministra*, lit. companion of the minister) shows continuity between the imperial and Soviet periods. The use of “comrade” does not imply any connection to communism whatsoever and was simply the Russian word for the apolitical English word “companion.” Note that Nikolai Pavlovich Shishkin is called Chichkine in English-language documents of the time, but Shishkin is the proper transliteration. Saul describes Shishkin as “little-respected.” See Saul, *Concord and Conflict*, 422.

³⁵⁴ Extract from the “New York Times,” Inclosure in No. 13, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 7, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

Rosebery in the British Foreign Office on September 20, all Shishkin had to say was that “he had received no information with regard to the seizure of Canadian sealing-boats in the Behring Sea.”³⁵⁵

Are we to believe that this official and the Russian government in St. Petersburg had no knowledge of incidents taking place in their own country two months after the fact, albeit far from the centers of power? Shishkin and Rosebery had probably never seen the region of the world over which they were battling. The trapped Canadian sealers complained that the people of both Canada and Great Britain were “far away from the scene of action” and could not possibly understand what they were going through.³⁵⁶ When the Russian government refused to allow the U.S. to establish a consulate in Vladivostok in 1874, owing to the fact that the city was mostly a naval outpost, the U.S. put an unrecognized consulate in Petropavlovsk instead. The unofficial consul was an American merchant, H.G.O. Chase. He abandoned the post in 1878, so there was no U.S. government representation in the Far East until 1898, when the Vladivostok consulate finally opened.³⁵⁷ The captures prompted Sir Robert Morier, British ambassador to Russia, to inquire as to whether a telegraph cable even extended to Petropavlovsk. It did not. During this affair, the Russian Interim Director of the Marine Ministry wrote to Shishkin that, due to the lack of a telegraph cable in Petropavlovsk, there was no sense in trying to send any orders to naval

³⁵⁵ The Earl of Rosebery to Sir R. Morier, September 20, 1892, Foreign Office, No. 9, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 5, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁵⁶ Letter from E.B. Marvin and Co. et al., November 30, 1892, Victoria, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893) (London: Harrison and Sons, 1893), 3, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. Eight different sealship owners/companies signed this letter: E.B. Marvin and Co.; Hall, Gospel, and Co.; C.J. Kelley; Elford E. Smith; A.D. Laing; W. Walker; D. Urquhart; and Brown Bros.

³⁵⁷ Saul, *Concord and Conflict*, 155. Many American businesses operated in Vladivostok and sold supplies to Russian sailors, despite the lack of official American representation.

officers there.³⁵⁸ The nearest telegraphic link was Sakhalin Island, a whopping 690 miles away.³⁵⁹ Marine news *sans* telegraph traveled unpredictably via whatever ship happened to be in port at a given time, and moved in whatever direction that ship was headed. Thus, any among *The New York Times* or the Russian government or the Canadian colonial government or the British queen or the American government, or anyone else, might get the scoop first. News circulated faster across the North Pacific arc than across the entire Eurasian continent to the Russian capital. The communiqués of British and Canadian officials reflected their complete lack of knowledge as to whether and where any of their sailor-citizens were presently marooned. As the seriousness of Russia’s new North Pacific surveillance regime dawned on British authorities, the Earl of Rosebery noted with concern that few nonsealing British or Canadian ships frequented any of the Russian Pacific ports. The earl proposed sending someone—anyone—posthaste to Petropavlovsk to see if it was an acceptable place for British subjects to be stranded.

I argue that ignorance of events in the North Pacific in St. Petersburg in late September is unlikely. A telegram from Vice Admiral Pavel Petrovich Tyrtov in Due on Sakhalin Island, dated September 13 on the Western calendar, revealed that “there are many predatory schooners” in the area, but that “all [was] well” at the moment with naval ships *Zabiiaka* and *Yakut*.³⁶⁰ The *Yakut* appears in Figure 2.5. It is certainly possible that Shishkin knew of the confiscations that

³⁵⁸ Letter from the Interim Director of the Marine Ministry to N.P. Shishkin, September 17, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, list 27. A further statement in this letter reveals the assumptions that had to be made in an era before the invention of the telephone: “I do not think that the cruiser *Leander* has met with any difficulties from our authorities.” No news was considered good news until further notice.

³⁵⁹ Sir R. Morier to the Earl of Rosebery, September 23, 1892, Received September 30, 1892, St. Petersburg, No. 16, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 9, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶⁰ Tyrtov, Excerpt from a Telegram from the Chief of the Pacific Squadron, September 1, 1892, AVPRI f. 148, op. 487, d. 1183, l. 8. The Far East town of Due is spelled Дуэ in Russian and pronounced “Doo-eh.” When novelist Anton Chekhov wrote a nonfiction account of his visit to Sakhalin Island in 1890, he described Due as a “dreadful, hideous place, wretched in every respect.” See Anton Chekhov, *Sakhalin Island*, trans. Brian Reeve (Surrey, United Kingdom: Alma Classics, 2019), 123.

had occurred in July but pretended to have no knowledge of them in order to buy time to gather more information. He could then make a stronger case in support of his naval officers when he had all of the facts. Rosebery wrote on September 15, “Her Majesty’s Government do not doubt that [the Russian government] will at once set the vessels and crews at liberty, and that compensation will be offered.”³⁶¹ By October 18—hardly “at once”—the Russian government had still not rectified the situation. Rosebery wrote that Morier had “too much confidence in the equity and humanity of the Russian Government not to suppose that the Government will offer immediate and adequate reparation.”³⁶² It was a surprisingly hopeful tone and would prove far too optimistic.



Figure 2.5: Russian Gunboat *Yakut*, Teller, Alaska, 1917. This off-center photograph suggests a ship in motion, slowly exiting the frame to the right. Source: Fred Henton Collection: B1965.018, Box 1, Folder B65.18.100-149, Anchorage Museum Library and Archives, Anchorage, Alaska.

³⁶¹ The Earl of Rosebery to Mr. Howard, September 15, 1892, Foreign Office, No. 6, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 4, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶² The Earl of Rosebery to Sir R. Morier, October 18, 1892, Foreign Office, No. 27, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 48, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

The Russian government did not accept the Canadian accounts of poor treatment aboard ship and in Petropavlovsk. Once the government in St. Petersburg finally acknowledged the maelstrom brewing in the Pacific—by the end of September—Shishkin sent Morier a letter that made the Russian position clear: the reports of Vice Admiral Tyrtoov “entirely contradict the untruthful accounts given by the crews of the captured schooners.”³⁶³ He noted that Russian kindness and courtesy shown to the captured Canadian crews had been repaid by “ugliness, drunkenness, violence, insulting the local inhabitants and even the officers.” Further, Daley and Keefe “used such abusive language” to De-Livron, and their conduct was “scandalous.”³⁶⁴ The crews, as reported to Shishkin, used the small allowance given them to purchase alcohol, becoming violently intoxicated. A small outpost of empire situated on the remote Pacific coast was suddenly overrun by about thirty percent more bodies than usual. Tyrtoov admitted in an internal memorandum that Petropavlovsk had a weak and “negligible police force” of only fourteen Cossacks.³⁶⁵ De-Livron had to be pulled on land to restore order, employing, oxymoronically, “extreme moderation” to “repress disorder and violence” wrought by the Canadians and Americans.³⁶⁶ Morier did not buy it and concluded that “Whilst fully

³⁶³ Letter from the Director of the Ministry of the Navy to N.P. Shishkin, September 6, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, list 7; and M. Chichkine to Sir R. Morier, October 3/15, 1892, Ministry of Foreign Affairs, St. Petersburg, Translation, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 49, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶⁴ Report of Special Commission, Inclosure 2, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893), 8, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives; Tyrtoov, Copy of a Telegram from the Chief of the Pacific Squadron, September 20, 1892, AVPRI f. 148, op. 487, d. 1183, ll. 36-36 ob.; and Sir R. Morier to the Earl of Rosebery, October 16, 1892, Received October 19, No. 28, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 48, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶⁵ Tyrtoov, Excerpt from a Telegram from the Chief of the Pacific Squadron, September 1, 1892, AVPRI f. 148, op. 487, d. 1183, l. 8.

³⁶⁶ Letter from the Director of the Ministry of the Navy to N.P. Shishkin, September 14, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, list 18 ob.

understanding the irritation caused by [British] statements derogatory to the Russian national honour,” there was an “irreconcilable contradiction” between the statements of both sides.³⁶⁷ The British ambassador accused Russian officers of “barbarism and inhumanity” toward British subjects, but Marine Minister Nikolai Matveevich Chikhachev indignantly repudiated the thought.³⁶⁸ Chikhachev could not assure Morier that he would tell Russian naval personnel to change their behavior, as that would imply that Chikhachev believed Russian authorities were behaving badly. The October 9/21 issue of the Vladivostok newspaper *Pravitel'stvenny Vestnik* [*Government Messenger*] reported on the “flagrant violation of international law supposed to have been committed by us, and various revolting details.” The newspaper emphasized that the foreign officers came from “the lowest classes of society.” It was common for members of the British and American navies to scoff at common sailors—even to the death, as when members of the Royal Navy caught in the Arctic refused to accept what could have been lifesaving insights from experienced whalers.³⁶⁹ Members of the Russian navy similarly derided lowly maritime laborers. A sealing captain might have the highest social status in the microcosm of the ship he controlled, but among noble naval captains or in the imperial metropolises, his identity shifted. I have observed throughout the literature on maritime labor that eighteenth- and nineteenth-

³⁶⁷ Sir R. Morier to the Earl of Rosebery, November 17/29, 1892, St. Petersburg, Inclosure in No. 40, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 76, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶⁸ Sir R. Morier to M. Chichkine, September 11/23, 1892, St. Petersburg, Inclosure 2 in No. 16, Translation, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 12, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁶⁹ Perhaps the most famous example is Sir John Franklin, rear admiral in the Royal Navy, who died in the Arctic in 1847. When an American notary public, William F. Caswell, interviewed multiple whaling captains in 1893 about the case of the *Cape Horn Pigeon*, the oral history/transcript of the interview suggests an attitude of respect for the expertise of the whalers. See Interviews with Captain George O. Baker, Captain Benjamin D. Cleveland, and Captain Ezra B. Lapham, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1199, listy 77-87. Original document in English.

century naval captains—often from aristocratic or wealthy families—disdained sealing and whaling captains.

The captain of any ship is at the top of the *hydrarchy*. Historians Peter Linebaugh and Marcus Rediker popularized the term hydrarchy to show how hierarchy operates differently in the strange universe of the ship than it does on land. It is both a highly regulated system of organization exerted on sailors from above and a loose system of cultural mores exerted by sailors upon each other. The term is not original to Linebaugh or Rediker, but they brought it to the attention of maritime historians in *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Richard Braithwaite, an upper-class Englishman in the seventeenth century, seems to have coined the term in reference to English mariners: “Necessary instruments are they, and agents of main importance in that Hydrarchy wherein they live; for the walls of the State could not subsist without them.”³⁷⁰ For Linebaugh and Rediker, the concept operates in two seemingly contradictory ways: first, to indicate the top-down organization of the seagoing vessel as an extension of the nation-state or empire’s fiction of control and, second, to indicate the ways in which mariners organized and ranked themselves apart from government interference. Governments applied many rules to ships in an elusive attempt to symbolically regulate something completely outside of their command—what Richards calls the “fictive thought of imperial control.”³⁷¹ Yet mariners commonly crafted a microcosm of society more to their liking in the liminal space of the far-flung ship.³⁷² Average sailors’ bottom-up hydrarchy was a zone of agency, although one’s rank in the landlubbing

³⁷⁰ Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 143. The quotation comes from *Whimzies* (London, 1631), which is quoted in Christopher Lloyd, *The British Seaman, 1200-1860: A Social Survey* (Rutherford, New Jersey: Fairleigh Dickinson University Press, 1970), 74.

³⁷¹ Thomas Richards, *The Imperial Archive: Knowledge and the Fantasy of Empire* (New York: Verso, 1993), 2.

³⁷² Linebaugh and Rediker, *The Many-Headed Hydra*, 144, 156.

hierarchy still influenced one's authority in the localized hydrarchy. As in hierarchy on land, the hydrarchy was socially contingent—but usually with less importance attached to characteristics like race, socioeconomic class, and formal education. A nonwhite man could become captain on a European, American, or Canadian ship, while his options on land were in much lower positions.

In the present entangled, transnational narrative, a Russian naval officer requisitioned a civilian American ship to transport primarily British subjects home to Canada. After two to three weeks in port, the first four detained crews boarded the American bark *Majestic* on Russian orders and at bayonet- and rifle-point to head home. The *Majestic* had been delivering cargo and taking on ballast when it found itself bent suddenly to the purposes of the Russian navy. In fact, one of the marooned officers had been earning money digging solid ballast for the *Majestic*.³⁷³ Cossack soldiers shoved the foreigners onto the new prison ship. *Majestic* Captain N.C. Lorentzen imposed a \$10 fee per person on a total of eighty-seven men.³⁷⁴ Before heading out across the North Pacific arc, the *Majestic* captain clearly defined the terms of the voyage and what he was prepared to offer the stranded Canadians and Americans: “The said master of the barque ‘Majestic’ does not agree to furnish said passengers with any other accommodation than as may be found in the hold of said barque, nor with any provisions, water, or other stores, except such as have been or shall yet be put on board by said passengers.”³⁷⁵ One might wonder

³⁷³ Moore, In the matter of the seizure of the schooner “Willie McGowan,” Affidavit, September 8, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 31, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁷⁴ Tyrto, Excerpt from a Telegram from the Chief of the Pacific Squadron, September 1, 1892, AVPRI f. 148, op. 487, d. 1183, l. 8.

³⁷⁵ N.C. Lorentzen, captain, Exhibit “C” to the declaration of John Daley, taken before me at the city of Victoria, British Columbia, this 5th day of September, A.D. 1892, Port of Petropavlovsk, Kamchatka, Russia, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 37, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

why Lorentzen had so many requirements for his stranded countrymen, but most of his unwelcome guests were British subjects. A climate of animosity prevailed between Great Britain and the United States at the time, both in the North Pacific and beyond. Lorentzen stipulated that all supplies onboard would be shared in common. Any dispute would be handled by a “board of three” consisting of Lorentzen and two officers from among the sealers. The board’s decision would hold in the hydrarchy—without recourse to any land-based court. While Lorentzen promised almost nothing to the crews he accepted—including allowing for the possibility that uncooperative passengers could be marooned abroad—he demanded that they bind themselves to him as a condition of coming aboard. He needed to be prepared for mutiny by crewmembers—especially Canadian—who had never intended to sign on with the *Majestic*.³⁷⁶ Desertion, strike, mutiny, and piracy were the most overt expressions of personal and group agency practiced by sailors in the hydrarchy, and Lorentzen wanted to prevent all of those happening by sailors who felt no loyalty or responsibility to him.

It was an uncomfortable journey home on the *Majestic*. The now-jobless English officers aboard the *Majestic* estimated that the journey from Petropavlovsk to Victoria would take forty-five days under sail, and they requested provisions from the Russian navy for that stretch for almost ninety men. This estimate was based on American merchant marine regulations.³⁷⁷ The Russian navy reduced it to thirty days.³⁷⁸ Both Americans and Canadians complained that

³⁷⁶ Lorentzen, Exhibit “C” to the declaration of John Daley, this 5th day of September, A.D. 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 37, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁷⁷ Report of Special Commission, Inclosure 2, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893), 8, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives.

³⁷⁸ Daley, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 34, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

provisions for the journey home were scarce. In truth, the journey from Petropavlovsk to Port Townsend, Washington, only took twenty-three days.³⁷⁹ Cramped conditions were so unsafe on the *Majestic* that one *Ariel* officer “broke two ribs by falling down an open ballast hatch.”³⁸⁰ He wrote with surprising calm of his injuries: “I can only add that I am at present suffering from them, and am still under medical treatment, and will be so for some time to come.”³⁸¹ American Captain Furman reported suffering from exposure on the voyage back, and his doctor suspected that the effects would last a lifetime.³⁸² In mid-September, the bark landed at Royal Roads roadstead near Esquimalt Harbour in Victoria, freeing the Canadian crewmen.³⁸³ At that point, American Captain Lorentzen decreed that all Canadian-owned supplies aboard became the property of the *Majestic*. The booty included eight sealboats, two canoes, two stoves, and any uneaten food. Beyond these prizes, the captain hoped to secure recompense from the British government for his trouble. Whether that reimbursement check ever came or not, the *Majestic* made a handsome profit off of its unplanned rescue.³⁸⁴

³⁷⁹ Memorial of Lawrence Magnus Furman to the Department of State, January 24, 1893, AVPRI f. 148, op. 487, d. 1202, l. 81. Original document in English. The journey occurred from August 8 to 31, 1892.

³⁸⁰ McLeod, In the matter of the seizure of the schooner “Ariel” on the 28th July, 1892, by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 26, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁸¹ James Campbell Stratford, mate, September 7, 1892, In the matter of the seizure of the schooner “Ariel” by the Russian cruiser “Zabiaka” on the 28th July, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 27, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁸² Memorial of Lawrence Magnus Furman to the Department of State, January 24, 1893, AVPRI f. 148, op. 487, d. 1202, l. 81. Original document in English.

³⁸³ Telegram from Lord Rosebery to Mr. Howard, September 4/16, 1892, AVPRI f. 148, op. 487, d. 1183, l. 2 ob. Original document in English.

³⁸⁴ McLeod, In the matter of the seizure of the schooner “Ariel,” Note of Protest, September 6, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 21, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

“1,000 Miles if Necessary”³⁸⁵

The diplomatic correspondence flying within and between Russian, Canadian, British, and American government offices and telegraph offices in the late summer and fall of 1892 suggests a western North Pacific teeming with sealing schooners. Russian steamers seemed to be shooting from west to east across the map to apprehend *khishchnicheskie shkhuny*—predatory schooners. The sudden deluge of foreign ships may have seemed like a veritable invasion of Russia. Shishkin wrote to Morier that Canadian and American “poachers, being interfered with on the American side, have clearly fallen back upon our waters” with their numerous “depredations by sea.”³⁸⁶ Consul Anton Antonovich Artsimovich in San Francisco coined a hybridism to describe the foreign activity in his reports, borrowing the English word “poacher” to make his own noun, “poacher’stvo.”³⁸⁷

American and British authorities’ confusion at Russian action was immediate. Puzzlement sprang especially from a debate over the distance from land at which pelagic hunters were allowed to garner seals. Standard Western marine practice dictated, unofficially, that national jurisdiction prevailed over waters within three miles of shore. Only local industries could hunt and kill marine animals in what has been called since 1982 the three-mile “exclusive economic zone,” or EEZ.³⁸⁸ This three-mile standard first emerged when it was the distance of a

³⁸⁵ Sir R. Morier to M. Chichkine, November 17/29, 1892, St. Petersburg, Inclosure in No. 40, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 78, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁸⁶ M. Chichkine to Sir R. Morier, October 3/15, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 50, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁸⁷ Letter from the Imperial Russian Consulate in San Francisco to the Asian Department, September 25/October 7, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, list 40. The consul spelled the word using a combination of English and Russian letters: “poacher’stvo.” Russian has a native term for “poaching” (“*brakon’erstvo*”), which is itself a hybridism of French (“*braconnier*”) and the Russian noun suffix “-stvo.”

³⁸⁸ See United Nations Convention on the Law of the Sea (New York: Nova Science Publishers, 2009).

typical cannon shot from a large (three-or-more-masted) ship to land. Over time, the measure of precisely three miles solidified into standard practice since improved technology made “cannon-ball length” an ever lengthening and unreliable metric. The Russian government would accurately assert during arbitration over the American confiscations that this three-mile formulation never had anything to do with animals.³⁸⁹ It was an instrument of war, not a measure relevant to the natural history and habits of the fur seal or any other sea animal. Nor was it responsive to the local vagaries of a given coastline. The usefulness of the three-mile concept was in doubt, but it was also the only normative standard with which diplomats had to work at the time.

After the confiscations, American diplomats dug up an 1875 Russian Hydrographic Department report stating that resource extraction by foreigners could not take place less than three miles from shore.³⁹⁰ It ran in the New Bedford *Whalemen's List* on December 7, 1875, and it is mentioned so often in whalers' journals and papers that I suspect every whaler setting sail from San Francisco after that date knew about it. Sealers and whalers encountered each other routinely in San Francisco, though New Bedford, Massachusetts, was the epicenter of global nineteenth-century whaling. In 1882, The Hague codified the three-mile territorial zone for the

³⁸⁹ Objections to the Grounds of the Case, Second Case, Seizure and confiscation of the schooner James Hamilton Lewis, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 300, Library NW 998.21 U58, BC Archives, Victoria, British Columbia. See also “Bering Sea Claims to be Arbitrated,” *The Morning Mercury* (October 25, 1899), Copy, Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 9: Ship's Papers: Cape Horn Pigeon (Bark), Folder 73: Bering Sea Claims to be Arbitrated (Fur seal controversy), Summary and news clippings, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

³⁹⁰ Vice-Admiral Wewel of Kruger, Report of the Director of the Hydrographic Department, for the year 1875, page 91, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1202, list 40. Original document in French; and Copied from New Bedford *Whalemen's Shipping List* of December 7, 1875, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1199, list 222. Original document in English.

fisheries, though as international law it could not be forced upon any nation that did not agree to be bound by it.³⁹¹ Based on both the Russian announcement in the *Whalemen's List* and The Hague decision, American and Canadian sealers in 1892 naturally understood that hunting at least three miles away from the Russian shore would give them immunity.³⁹²

When sealers at sea realized the Russian navy was no longer operating on a three-mile standard—in their own words—they all proposed different ideas for what distance the Russians did, or should, care about. Morier complained to Shishkin after the first three British schooners were captured at distances of 25, 33, and 103 miles from shore that those random distances required an explanation.³⁹³ Captain Keefe of the *Rosie Olsen* asserted: “At no time during the voyage was my vessel within 15 miles of Russian territory, nor when my boats were out engaged in sealing was my vessel within 20 miles of Russian territory.” If it made any difference, Keefe argued that, when sealboats were out killing seals, he always positioned the schooner between the hunting zone and the nearest shore.³⁹⁴ It was a technical detail that he hoped would support his innocence: even if the Russians thought they saw his big schooner and raced toward it, the schooner itself was never actually guilty of killing seals. The small sealboats were a few miles further away from shore than the parent schooner was. Captain Daley thought twenty or thirty miles was the crucial distance that the Russian navy cared about. He wrote: “At no time during the whole voyage was my vessel nearer to Russian territory than 30 miles, nor at any time (on

³⁹¹ Poul Holm, “World War II and the ‘Great Acceleration’ of North Atlantic Fisheries,” *Global Environment* 10 (2012): 87.

³⁹² The Earl of Rosebery to Sir R. Morier, October 18, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 48, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁹³ Letter from Sir R. Morier to M. Chichkine, October 4/16, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 51 ob. Original document in English.

³⁹⁴ Michael Keefe, captain, In the matter of the seizure of the schooner “Rosie Olsen” by the Russian steamer “Kotik,” September 6, 1892, Victoria in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 45, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

the day of seizure or otherwise) did I myself or my men or any of them engage in sealing or attempt to do so within 20 miles of any Russian territory.”³⁹⁵ Everyone desperately tried to figure out which distance mattered to the Russians and then prove their adherence to it. It began to seem to the foreigners as if the actual distance were immaterial. International standards that applied equally to battle maneuvers and to all marine wildlife made little sense in the context of the northern fur seal’s particular habits. Here human needs and the realities of animal biology were a mismatch that guaranteed that the requirements of seal sustainability would not be achieved.

The accuracy of civilian chronometers for measuring longitude was also in doubt. Canadian Captain Sprott Balcam of the *Maria* claimed that he was nine and a half miles away from the Russian coast, but Grebnitskii reported that the *Maria*’s chronometer had an error of at least fifteen miles when he inspected it. The Russian Bering Sea special commission, established in 1893, personified the *Rosie Olsen*’s chronometer as “nervous” and characterized the captain’s testimony as to his whereabouts as “completely arbitrary and later provided via guesswork.”³⁹⁶ Canada’s *Carmolite* had intentionally sailed closer to Copper Island, “thinking that the vessel’s chronometer was out” and wanting to verify the fact. Sidling up to Copper Island at a distance of twelve miles to get a cross bearing, the chronometer’s being out was confirmed, and the Russian navy immediately sighted it.³⁹⁷ Rear admiral and commander of the port of Vladivostok Fedor

³⁹⁵ Daley, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 35, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

³⁹⁶ Log, Commission for the Consideration of the Claims of the British Government in the Matter of the Arrest in the Bering Sea of Canadian Commercial Schooners, January 21, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, listy 183-183 ob.

³⁹⁷ Hedley Hughes, captain, Declaration of H. Hughes, November 7, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 93, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

Petrovich Enegel'm believed that military cruisers would always have more accurate astronomical observation instruments compared to the constantly "going out" chronometers of private vessels. He believed that Russian authorities should always insist on fidelity to the military measurement over foreigners' reports as to their whereabouts.³⁹⁸ No matter what, in Enegel'm's view, if a mariner set off from land in a boat, it was his responsibility to have accurate tools and charts and to know where he was at all times. Ignorance of local law or practice was not an excuse.

One intangible factor mussing up the chronometers and making life on both sides of the North Pacific generally unpleasant was perpetual fog. When the weather was amenable to seal hunting in summer, it was also amenable to fog; in summer and early fall the Commander Islands were blanketed in fog.³⁹⁹ If one's cheap chronometer was out and the fog was out, one could easily end up close to Russian land—even running aground in the shallows. The British Colonial Office complained that "the prevalence of fogs and currents in the seas in question" placed an undue burden on the foreigners to prove that they were hunting acceptably far away.⁴⁰⁰ On August 21, Balcam believed the *Maria* to be eighteen miles away from shore, but he could not know for sure since the schooner had been "for the past three days enveloped in a dense fog." At one o'clock in the afternoon, "the fog having cleared up somewhat," Balcam realized that the current had been pushing the ship in the wrong direction and throwing "the vessel out of

³⁹⁸ Log, Commission for the Consideration of the Claims of the British Government in the Matter of the Arrest in the Bering Sea of Canadian Commercial Schooners, January 21, 1893, AVPRI f. 148, op. 487, d. 1183, l. 182 ob.; and Counter Admiral Fedor Petrovich Enegel'm, Dissenting Opinion, January 25, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1183, list 147 ob.

³⁹⁹ Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 9.

⁴⁰⁰ Colonial Office to Foreign Office, December 29, 1894, No. 61, in Correspondence Respecting the Agreement with Russia Relative to the Seal Fishery in the North Pacific, Russia No. 1 (1895) (London: Harrison and Sons, 1895), 42, Folder L4.05 Russia No. 1 (1895), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

reckoning.” They were eleven miles from land, not eighteen.⁴⁰¹ Enegel’ m viewed the fog as a boon to the foreigners, who could sneak up unseen on the Commander rookeries for a surprise attack. According to the foreigners, it instead made them feel completely lost. Captain Daley wrote in the *McGowan* log that he saw Copper Island and fog on the same day. The Russian special commission took that as evidence that the vessel had been hunting in Russian territorial waters.⁴⁰²

Whatever impact cheap chronometers and fog may have had, it was clear that the Russian navy was not observing a previously acknowledged standard of three miles. When *Kotik* overtook *Maria*, the Russian second officer told the Canadian vessel’s cook that “Russia claimed jurisdiction over the coast within 200 miles.”⁴⁰³ International maritime practice had no precedent for a 200-mile zone. In my estimation, 200 miles was the most relevant summertime distance for fur seal culture, since that is the range within which a female who had just given birth might search for food before returning to feed her pup. It is unclear, however, if the Russian navy possessed this information. The Russians wanted to emphasize that the seals belonged to them even if they spent time on the open sea or on Japanese islands—which still did not make them Japanese property in the Russian view.⁴⁰⁴ Americans argued the same regarding seals that

⁴⁰¹ Sprott Balcam, Declaration of S. Balcam, November 5, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 94, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁰² Log, Report of Special Commission, May 9, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, list 206 ob.

⁴⁰³ John J. McGee, clerk of the Privy Council, Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 16th December, 1892, Inclosure 2 in No. 52, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 91, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁰⁴ The Russian sea agent in Washington, D.C., noted that Americans killed 139,693 pelagic seals on the western side of the Pacific arc in the 1894 season. Though they killed those seals in Japanese waters, the sea agent claimed that 88,110, or sixty-four percent, were Russian seals. See Report and Memorandum from the Sea Agent in Washington, D.C., to the Main Naval Staff, November 10, 1894, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 1180, list 185. Original document in English.

repaired to the Pribilofs for a few weeks to a few months a year.⁴⁰⁵ As if a 200-mile declaration were not enough, Captain De-Livron told multiple foreign crews that he had the right to seize sealing ships “at any and every distance from the shore,” even “at *1,000 miles* if necessary.”⁴⁰⁶ The number 1,000 can be thought of as a rhetorical tool signifying the extreme, perhaps implying infinity. Russia felt so threatened by foreign hunters in 1892 that the latter’s mere existence anywhere close to “Russian waters” was a threat to Russia’s sovereignty. Captain De-Livron told *Ariel* Captain McLeod, “The Americans claim one side of the line of demarcation, we claim the other.” De-Livron seemed to extend Russian maritime sovereignty as far as the International Date Line, creating a protective bubble against the outside world. Grebnitskii told *Rosie Olsen* Captain Keefe “that there was no North Pacific Ocean there, that it was all Russian waters.”⁴⁰⁷ Throughout the entire incident and after, Keefe and his fellow sealers wanted to know: what exactly were Russian waters?

The 1892 seal hunting season exposed the flaccidity of the Western three-mile standard, in my view. It was not law, but tradition. International law is flimsy and unenforceable—what lawyer Michael Bhargava calls “soft law.” The American, Canadian, and British governments at minimum expected the Russian Empire to adhere to its own 1875 decree. Yet, in Bhargava’s terms, soft law approaches “do not necessarily create obligations that are enforceable against states.” Rather, they traffic in creating “‘aspirational goals’ for nations.” Needless to say, aspirational goals work better as self-help strategies than as a way for nations to cooperatively

⁴⁰⁵ Saul, *Concord and Conflict*, 381, 384.

⁴⁰⁶ Sir R. Morier to M. Chichkine, November 17/29, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 78, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives. Italics mine.

⁴⁰⁷ Keefe, In the matter of the seizure of the schooner “Rosie Olsen” by the Russian steamer “Kotik,” September 6, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 44-45, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

share the earth's resources. Even when soft law hardens into agreements between participating nations, Bhargava writes, they are still, at best, only "potentially enforceable."⁴⁰⁸ The paradox at the center of the 1892 dispute is that Russia could have officially claimed a protected zone larger than three miles at any point, and the foreigners would have likely obliged. But it did not. A similar paradox is at the heart of all international law. The basic global assumption in the modern nation-state system is that all states are simultaneously the highest global authorities. On such a globe, free universal navigation is both necessary and totally unenforceable. Many governments cooperate with international norms simply to avoid war. In 1892, the Russian government violated its own *modus operandi*; there was one very good reason for this.

Why the North Americans Went West

That summer, all of the arrested schooners' logbooks included handwritten warnings from the British and/or American navies about not doing any seal hunting in North American waters. This means that all of the arrested schooners had already been detained before their encounter with the Russian navy. Some of the vessels "had been boarded so often that their logbooks were veritable collections of autographs of American commanders."⁴⁰⁹ The Russian navy seized all of these autograph books and never returned them. The warnings from North American commanders stated that ships would be captured if caught hunting on the eastern side of the Bering Sea, in American or Canadian waters. *Rosie Olsen* Captain Keefe encountered American warning cruiser *Adams*, which lieutenant said "there was no danger of seizure by the Russians."⁴¹⁰ *Willie McGowan* Captain Daley told De-Livron that he attempted escape because

⁴⁰⁸ Michael Bhargava, "Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific," *Ecology* 32 (2005): 967.

⁴⁰⁹ Robley D. Evans, *A Sailor's Log: Recollections of Forty Years of Naval Life* (New York: D. Appleton and Company, 1901), 317-318.

⁴¹⁰ Michael Keefe, captain, In the matter of the seizure of the schooner "Rosie Olsen," Affidavit, September 6, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruisers in the North

“[he] thought an *American* cruizer was after [him].”⁴¹¹ On June 21, British naval ship *HMS Daphne* had warned Daley against seal hunting on the eastern side of the Bering arc. The *Daphne*’s warning, handwritten in the logbook still held by the Russian State Archive of the Navy (RGAVMF) and pictured in Figure 2.6, reads:

Warning!

HMS “Daphne”

21st June 1892

Sir,

In accordance with Her Britannic Majesty’s Order in Council of 9 May 1892, and a Convention between the United States and Great Britain, dated 18 April 1892 – authorising the Behring Sea Seal Fishery Act of 1891 to be continued; together with Instructions from the Lords Commissioners of the Admiralty to the Commander in Chief of Her Majesty’s Ships on the Pacific Station – you are hereby warned against entering the waters of the Behring Sea for the purpose of catching seals.

You will be shown a chart with the prohibited waters defined.⁴¹²

Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 40, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴¹¹ Protocol drawn up on the 6th July, 1892, on board the Cruizer “Zabiaka,” Exhibit A to the declaration of John Daley, September 5, 1892, Victoria, Translation, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 35, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. The protocol was signed by Lieutenant Nasonoff, Lieutenant Lakhtin, Lieutenant Bezкровny [lit. “Bloodless”], Lieutenant Arnantoff, Captain (2nd Class) de Levron, and John Daley. Italics mine.

⁴¹² Warning! HMS Daphne, June 21, 1892, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 991, list 33. Original document in English.

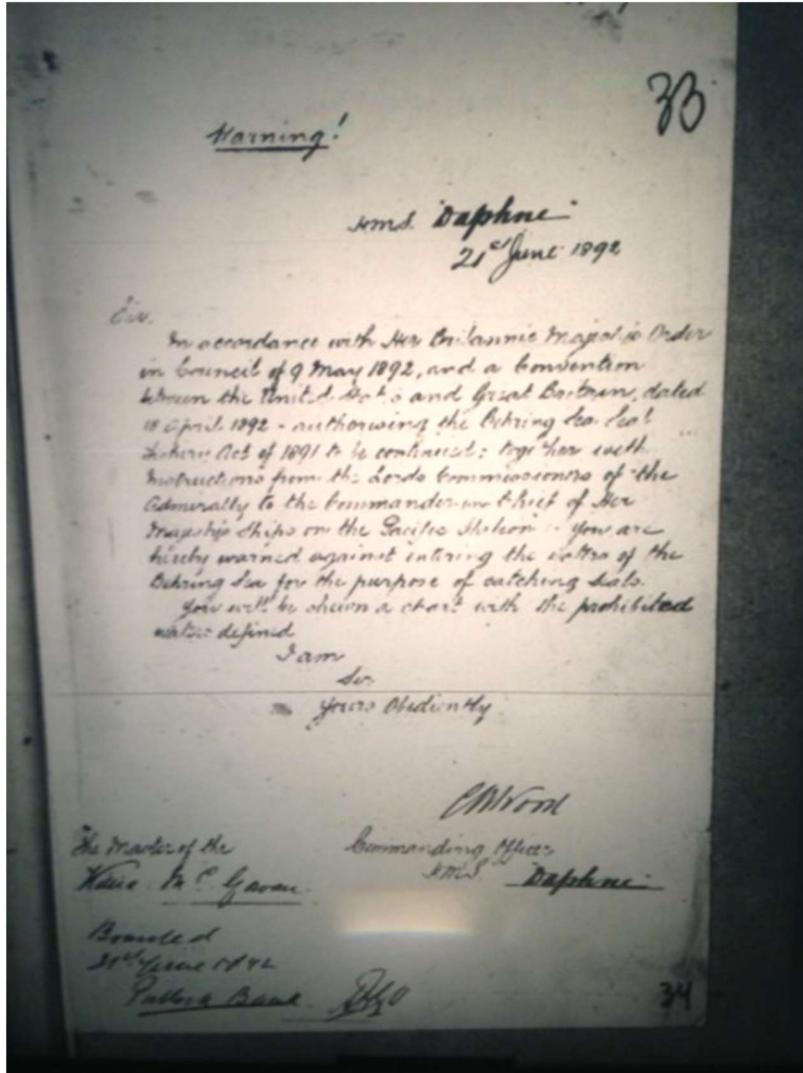


Figure 2.6: Warning from *HMS Daphne* to *Willie McGowan*, June 21, 1892. Source: Warning! *HMS Daphne*, June 21, 1892, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 991, list 33.

The chart that the British officer had shown Daley depicted the “jurisdiction of the *American* Government in Behring Sea.”⁴¹³ Daley used the *Daphne* maps to defend his hunting spot to De-Livron, pointing to the oversized words “Pacific Ocean” to identify where they stood—

⁴¹³ Daley, In the matter of the seizure of the British schooner “Willie McGowan” by the Russian cruiser “Zabiaka,” September 5, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 32, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives. Italics mine.

care” of the Aleuts.⁴¹⁵ The American and Canadian governments invited Russia to participate in the 1891 meetings, but the Russians declined.⁴¹⁶ After the 1891 meetings, Prime Minister Lord Salisbury of England correctly anticipated the fiasco that would be 1892. He aptly pointed out that “if seal-hunting be prohibited on one side of a purely imaginary line drawn in the open ocean, while it is permitted on the other side of the line, it will be impossible in many cases to prove unlawful sealing, or to infer it from the possession of skins or fishing tackle.”⁴¹⁷ The chaos was predictable, but the warning went ignored.

The 1891 *modus vivendi* was followed up quickly by an 1892 tribunal of arbitration. The Russian government was not invited this time. The tribunal concluded on May 9, at a time when sealers out at sea assumed they could start hunting seals in North American waters based on the previous year’s *modus vivendi* having expired. The Behring Sea Treaty of Arbitration of 1892, also known as the Paris tribunal, forbade all American and British citizens from killing pelagic fur seals from May 1 to July 31 in the “Pacific Ocean”—which definition included, importantly,

⁴¹⁵ 1891, Modus Vivendi Respecting the Fur-Seal Fisheries in Behring Sea, in William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers: 1776-1909*, vol. 1 (Washington, D.C.: Government Printing Office, 1910), 743. See also Behring Sea Arbitration, Papers Relating to the Tribunal of Arbitration Constituted Under Article I of the Treaty Concluded at Washington on the 29th February, 1892, Between Her Britannic Majesty and the United States of America (London: Harrison and Sons, 1893), 79, Folder L4.05 United States No. 11 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴¹⁶ “Foxy Russia,” *Boston Journal* (January 12, 1902), Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 9: Ship’s Papers: Cape Horn Pigeon (Bark), Folder 73: Bering Sea Claims to be Arbitrated (Fur seal controversy), Summary and news clippings, New Bedford Whaling Museum Archives, New Bedford, Massachusetts; and Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I* (Washington, D.C.: Government Printing Office, 1903), 319, Library NW 998.21 U58, BC Archives, Victoria, British Columbia. Despite declining the invitation, the Russians would try to jump on the *modus vivendi* bandwagon and use its agreements to their own benefit.

⁴¹⁷ Sir J. Pauncefoot to the Marquis of Salisbury, March 8, 1892, in *Telegraphic Correspondence Respecting Seal Fishing in Behring’s Sea During the Season of 1892*, United States, No. 1 (1892), 6, New Bedford Whaling Museum Archives.

the Bering Sea north of 35°N latitude and broadly east of 180° longitude.⁴¹⁸ See Map 0.1, where 180° longitude broadly follows the International Date Line and indicates that North American sealers could not hunt in North American waters. The period from May 1 to July 31 was the warmest and most amenable period of every hunting season, but hunters could not avail themselves of the good weather. A partially closed season allowed females to reach their native rookeries in early summer and give birth, only to be killed in August while temporarily leaving to search for food.⁴¹⁹ The obvious outcome of the Paris tribunal was that American and Canadian sealers would hunt in North American waters through April, in Russian waters from May to July, and come back around to Alaska and British Columbia from August until about October, when the weather “commence[d] to be very rugged” and the season ended.⁴²⁰ It was that May to July period that distressed the Russian navy. May 1 had already passed by the time the treaty was publicized on land, so British and American naval cruisers like *Daphne* and *Adams* had to retroactively tell sailors at sea that they had violated an agreement they had not known to exist. The tribunal ordered that this arrangement should be active until October 31, 1893, expecting that the time limits would allow North American seals to replenish somewhat over most of the

⁴¹⁸ 1892, Convention Relating to Fur-Seals in Behring Sea, in William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers: 1776-1909*, vol. 1 (Washington, D.C.: Government Printing Office, 1910), 754.

⁴¹⁹ Alton Y. Roppel and Stuart P. Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” *The Journal of Wildlife Management* 29, no. 3 (July 1965): 455.

⁴²⁰ Interview with Captain George O. Baker, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1199, list 77. Original document in English. By rugged, Baker meant “we have continuous gales,” making it “practically useless” (in the words of his interlocutor) to continue hunting for whales. Baker, who did not sail on the *Cape Horn Pigeon* but nonetheless knew the North Pacific whale fishery well, told his interlocutor that October 9 was the latest day he had ever heard of a whaleship successfully taking a whale in the Sea of Okhotsk and environs. See page 78. A cursory review of the *Cape Horn Pigeon* logbook shows that the obligatory weather reports were quite boring until October, confirming the ruggedness that picks up in October.

1892 season and all of the 1893 season.⁴²¹ The American and British governments would revisit the agreement every five years.⁴²²

The *raison d'être* for the tribunal of arbitration was to force the United States to accept financial responsibility for twenty Canadian ships it confiscated between 1886 and 1890. The list included, ironically, *Ariel* and *W.P. Sayward*—both soon to be confiscated again, by Russian authorities.⁴²³ Punishing the American government for the seizure of Canadian schooners was even more complex because some of them were actually owned by American citizens.⁴²⁴ Busch writes in *The War against the Seals* that the Paris tribunal “failed to harmonize the peculiar habits of the fur seals with international law.”⁴²⁵ It was a step in the right direction, but the seals would have to wait until 1911 for the real deal. The much-lauded agreement reached between the United States and Great Britain proved to be a Potemkin village for northern seals. The agreement had little impact on net seal deaths, simply shifting the problem of sustainability into Russian waters and making it a Russian, as well as a North American, problem.

The Russian navy engaged in mass detainment and confiscation in the summer of 1892 because its maritime sovereignty was directly threatened by an Anglo-American decision that it was not informed of. That summer turned into a debate over what the Pacific Ocean was, what the Bering Sea was, and to what extent states were allowed to determine their own maritime

⁴²¹ 1892, Convention for the Renewal of the Existing Modus Vivendi in Behring Sea, in William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers: 1776-1909*, vol. 1 (Washington, D.C.: Government Printing Office, 1910), 762.

⁴²² 1892, Convention Relating to Fur-Seals in Behring Sea, in Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers*, 755.

⁴²³ 1892, Convention Relating to Fur-Seals in Behring Sea, in Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers*, 758.

⁴²⁴ Behring Sea Arbitration, Papers Relating to the Tribunal of Arbitration Constituted Under Article I of the Treaty Concluded at Washington on the 29th February, 1892, 49, Folder L4.05 United States No. 11 (1893), New Bedford Whaling Museum Archives.

⁴²⁵ Busch, *The War against the Seals*, 150.

sovereignty. Was the western side of the Bering Sea a “closed sea,” as *The New York Times* suggested in its report on the “*Zabiaka* controversy” in September 1892?⁴²⁶

Mare Liberum or Mare Clausum?

Western nations have been arguing about jurisdiction at sea since Westerners first left their terrestrial homes to explore the beyond in boats. Our modern understanding of what is permitted by representatives of different nations in the “unstated” space of the sea derives much from Grotius. Benton argues that the conversation begun by Grotius at the beginning of the seventeenth century continued until the nineteenth century, the period under consideration here. The ascension of the British navy to global dominance in the nineteenth century, along with a more clearly defined “interstate order” than the world had seen prior, allowed state navies to collectively manage piracy better and begin to work out ways of standardizing global jurisdiction over marine space. Piracy had fostered interimperial diplomatic strain for centuries, promoting a “discourse about the authority of the law of nations” that foregrounded the oceanic realm in foreign relations.⁴²⁷ By arguing that the sea was a free space governed by natural law and natural order, rather than by tribal or national power, European jurists like Grotius posited that the sea was a “privileged arena within the global order.” Yet Benton asserts that practice did not catch up to theory until the nineteenth century, when “the interstate order finally became sufficiently powerful to restrain non-state violence.”⁴²⁸ Within this context, the Grotian concepts that vaguely informed Western maritime law since the seventeenth century made their way in full force to the geographic zone of the North Pacific much later. I argue that the profitability of the seals forced

⁴²⁶ Extract from the “New York Times,” in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 8, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

⁴²⁷ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (New York: Cambridge University Press, 2010), 110-111.

⁴²⁸ Benton, *A Search for Sovereignty*, 120-121.

the Grotian idea into that space at that time. Ideas that had long ago been worked out in the Mediterranean Sea, for example—because of its smallness and the constant contact between traders of many nations—took longer to become practices in the North Pacific. Not only is this northern sea much vaster than the Mediterranean, but it was also, critically, an internal, domestic, Russian sea until the transfer of Alaska. The transfer slowly forced Mediterranean-like interactions between representatives of multiple nation-states bearing conflicting interests with them into the far north (for Americans) and the far east (for Russians).

I situate De-Livron and Grebnitskii in *this* nineteenth century, as they worked to ensure that Russian waters were respected and wrote off violators as “pirates.” When Russian territory had extended across the Bering Sea in the form of Russian Alaska, the surrounding sea was a *de facto mare clausum*. But in the middle of the nineteenth century, when the United States acquired Alaska, the delimitation of multinational sea space became much more confusing. Without mapping an official boundary for Russian waters, De-Livron and his government gave themselves maximum freedom against any schooners perceived to offend. On August 10, De-Livron told one foreign captain, “Never mind limits. No seal catch. You can navigate these waters, but no seal catch. You came here to steal seals.”⁴²⁹ By referring to navigation, De-Livron rearticulated the Grotian concept of *mare liberum*. Extending from natural law, all human beings in De-Livron’s sea were allowed to exist and move. The sea only became a *mare clausum* when a sailor released a net to catch fish or pointed a gun at a seal. By this definition, even a ship passing through and hunting a few fish to stave off hunger or scurvy would find itself in a closed

⁴²⁹ De Levron, Report of a Committee of the Honourable the Privy Council, 4th November, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 73, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives; and Extract from the “Official Gazette,” December 18(30), 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 87, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

sea, surrounded by Russian cruisers. Here is a *mare liberum* and a *mare clausum* coexisting in the same time and place.⁴³⁰ To the North American hunters, knowing the “territorial limit” from the Russian coast was a crucial data point. But De-Livron’s “1,000 miles” showed that no territorial limit gave Russia a sense of security.

Sealskins on the Move

In the immediate aftermath of the confiscations, seal companies based in San Francisco and Victoria lobbied to see what compensation they could get from the Russian navy for the loss of ships, sealskins obtained through their employees’ labor, and other supplies aboard. The Eagle Fishing Company of San Francisco, owner of the *C.H. White*, demanded \$100,000 from the Russian government in November 1892. Nine years later, that total had skyrocketed with interest to \$182,608.80.⁴³¹ The British estimated the lost value of the *Willie McGowan* and its cargo at \$24,041.50. This included seventy-three sealskins onboard, appraised at \$12 each. The schooner’s owner estimated that his men would have caught 827 sealskins during the remainder of the season, valued at \$12 each, for a total of \$9,924 in lost revenue.⁴³² The idea of future lost revenue due to hypothetical lost sealing time would prove untenable to the Russians during the next decade of arbitration in these cases. The *Rosie Olsen* had 377 skins confiscated, valued at

⁴³⁰ De Levron, Report of a Committee of the Honourable the Privy Council, 4th November, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893), 73, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives.

⁴³¹ Johan H.C. Prien, President of the Eagle Fishing Company, to the Department of State of the United States, November 1, 1892, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1202, list 67. Original document in English; and Prepared by Johan H.C. Prien, President; Charles W. Preis, Vice President; Charles W. Wagner, Secretary; Louis Schmidt, Director; and Lawrence M. Furman, Captain; CAS No. 3, C.H. White, AVPRI f. 148, op. 487, d. 1202, l. 38. Original document in French.

⁴³² R. Seabrook, vice president, agent for owners, Amended Claim, Particulars of claim made by the owners of the schooner “Willie MacGowan,” of Shelbourne, Nova Scotia, November 2, 1892, Victoria, For R.P. Rithet and Co. (Limited), in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 102, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

\$14 each, for a total loss of \$18,916.⁴³³ Captain McLeod valued the *Ariel* and its lost cargo at \$18,746.50, including 207 sealskins at \$14 each.⁴³⁴ The Russian special commission later argued that there was no proof that sealskins were worth \$12 or \$14 in 1892, as the North Americans claimed. Rather, the Russian contact at the London market asserted that the value ranged from \$8 to \$9.50 that season.⁴³⁵ The Russians sold the abundant sealskins with which they were suddenly flush in London, siphoning Canadian and American labor to benefit the imperial government. The commodity of one country became the commodity of another, exchanging North American labor for Russian profit. The owner of the *Maria* threatened serious consequences to the Russian navy if his vessel were not returned by January 1, 1893, by which time it would be too late to purchase another one for the upcoming season.⁴³⁶ That hope, along with many others involved in this crisis, would go unfulfilled.

Conclusion: Navigating Fluid Boundaries

Despite the causal link between the 1891 and 1892 Anglo-American agreements and the Russian reaction, North American newspapers tended to blame De-Livron as a rogue actor. On December 14, 1892, the *Victoria Daily Colonist* ran a surprising story: “Captain De Levron, of

⁴³³ Michael Keefe, captain, Particulars of Claim by the Owners of the Schooner “Rosie Olsen,” of Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 43, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. This total does not include hypothetical lost revenue.

⁴³⁴ John McLeod, captain, (A.) Particulars of Claim, Schooner “Ariel,” 74 tons register, of Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 22, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. This total does not include hypothetical lost revenue.

⁴³⁵ Amount of Indemnity, Fourth Case, Confiscation of sealskins from the American schooner *Kate and Anna*, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 315, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁴³⁶ John G. Cox, manager, and Sprott Balcum, master, Particulars of claim of schooner “*Maria*” and owners, 94 tons register, of Maitland, Nova Scotia, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 103, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

the cruiser *Zabiaka*, the vessel which made nearly all of the seizures on the Russian coast this year, had been declared insane and relieved of his commission.”⁴³⁷ It appeared that De-Livron went wild, gathering ships for his collection. I found no order from the navy to undertake these confiscations, though De-Livron told Captain Copp of the *Vancouver Belle*: “My instructions from my Admiral are to seize all vessels found sealing” outside of “a line drawn from 3 miles...but I use my own discretion.”⁴³⁸ Whether the admiral gave such an instruction remains a mystery, though noble Russian commanders generally had the right to protect Russian sovereignty as they saw fit in the moment. The San Francisco correspondent of the *New York Fur Trade Review*, having just met De-Livron in San Francisco, insisted that the Russian captain was not insane. De-Livron told the correspondent that he was betrayed by the navy because he had not seized *enough* foreign vessels while he had the chance.⁴³⁹ Nonetheless, the Russian navy allowed him to continue commanding Russian ships for years to come. British ambassador Morier wrote in June 1893, “I have ascertained beyond a doubt that Captain de Livron is a straightforward sailor and an honourable gentleman, quite incapable of the brutalities imputed to him by the [Canadian] captains.”⁴⁴⁰ It was easier for the foreigners to make De-Livron appear insane than to admit to any wrongdoing.

The events of 1892 unfolded in three distinct steps. First, *action*: delegates from the United States and Great Britain agreed to put a stop to seal hunting in the waters under their

⁴³⁷ “De Levron’s Offending,” *Daily Colonist*, December 14, 1892, 5.

⁴³⁸ Captain Copp, (A.) In the matter of the seizure of the Canadian sealing-schooner “*Vancouver Belle*” by the Russian cruiser “*Zabiaka*,” Statement by Captain Copp, of the “*Vancouver Belle*,” in his own words, February 13, 1892, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 107, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴³⁹ “De Levron’s Offending,” *Daily Colonist*, 5.

⁴⁴⁰ Sir R. Morier to the Earl of Rosebery, June 12, 1893, St. Petersburg, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 1, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

jurisdiction. Second, *reaction*: seal hunters resorted to Russian waters to continue practicing their craft, since established capitalist enterprises are tenacious.⁴⁴¹ Third, *counterreaction*: Russia tightened control of its invaded space through arrest and seizure measures.

Just as each nation had to rethink its North Pacific policy after Alaska and its waters transferred from Russian to American control, the Russian navy tried fitfully to work out its spatial policy in 1892. In my assessment, it was policy making through action—policy formation through a performance or exercise of dominance. The Russian navy engaged in a spectacle of victim creation, with Russian sovereignty playing the victim rather than seals. The detainments were important as attempts to establish Russia’s place in both the post-transfer Pacific rim and in a broader world of sovereign nation-states. The action that incarnated sovereignty was confiscation: to confiscate a ship and its crew, and especially to tear them asunder and send them to two different towns, was a manifestation of power. The practice of detainment and seizure gave the Russian navy a sense of protection at a time when the behavior of other North Pacific states seemed arbitrary and capricious. The act of appropriation created the state of securement of national sovereignty. Russia was certainly not alone in its pursuit of geopolitical clarity after 1867. The U.S. navy targeted Canadian ships in the 1880s for violating the Pribilof rookeries. Japan’s efforts to secure its marine sovereignty came later in this period, as will be explored in Chapter 4. All of these northern maritime nations had to face the new normal stirred up by the sheer profitability of the fur seal industry. Instead of diplomacy, the Russian navy opted for the violence of arrest. Rather than diplomats, naval officers did the grunt work of asserting nations’ sovereignty at the level of daily life on the Bering Sea. But I argue that Russia was not alone in using these tactics and should, thus, not be judged too harshly.

⁴⁴¹ There is a long history of threatened industries simply shifting geographically. See Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 5.

Furthermore, the Anglo-Americans failed to recognize the consequences of their actions in late 1891 and early 1892. This is a key conclusion missing from histories that only tell a North American story. My research finds that American and Canadian schooners outfitting for the 1892 season understood that they were supposed to work west of 180° longitude—a choice that fit the logic of the bilateral agreement, but not the logic of the entire North Pacific arc. It shows us that the bilateral agreement cannot exist in isolation; it must be publicized among the broader community of nations, since its consequences may reverberate beyond two nations. Two or a few states may have good reasons for keeping their agreements secret, but such agreements may affect others with unintended consequences.

In this chapter, we have seen the early death throes of an unsustainable industry, with action, reaction, and counterreaction attending. In the next chapter, we will see how these cases of arrest and seizure were arbitrated and how the Russian government was punished, though Russian officials insisted that their counterreaction was justified. The contours of international marine boundaries will become clearer in the next chapter, as new bilateral and multilateral agreements are solidified.

Chapter 3: Hunting for Peace:

Bilateral Agreements and Redefinitions of North Pacific Space, 1892-1903

In 1893, the Russian government established a Bering Sea special commission to deal with the fallout from the previous seal hunting season. In the notes from one of the commission's early meetings, one of the appointed members wrote poignantly, "It is not legally possible to prove whether the schooners were engaged in unlawful hunting close to the Russian shore."⁴⁴² Russian naval officers in the Far East had created tremendous problems for officials back in St. Petersburg who had to clean up the mess and decide how to make *de facto* practices *de jure*. One of the commissioners wrote that the group still needed to find out exactly what marine jurisdiction Russia had and to be sure to communicate that clearly to the British government, so that the British could once again trust the "impartiality of our court."⁴⁴³ The British government and the American government—which, along with a Hague arbitrator, spent the next decade figuring out how to assign blame to Russia for four confiscation cases—would, of course, never see this internal Russian memorandum. It is a note that shows just how confused Russian officials in the imperial capital were about what had happened out on the Pacific rim.

On April 15, 1893, the U.S. and Great Britain agreed to establish an enormous sixty-mile no-go zone around the Pribilof Islands, restricting all pelagic seal hunting, even by Americans.⁴⁴⁴

⁴⁴² Letter from the St. Petersburg Educational District to Shishkin, January 27, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1183, listy 143 ob.-144.

⁴⁴³ Log. Report of Special Commission, May 9, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1183, listy 206 ob.-207.

⁴⁴⁴ Objections Concerning the Basis of the Affair, Third Case, Detention and confiscation of the American schooner C.H. White, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna," Appendix I (Washington, D.C.: Government Printing Office, 1903), 309, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

Some Russian officials wanted to emplace a similar regime to restrict access to its seal islands, with one sea agent asserting that Russia's seals were "governed by the same natural laws that govern the American seals."⁴⁴⁵ But there was one key difference in approach: the North Americans wanted *all* sealing banned around the Pribilofs, whereas Russians wanted *foreign* sealing banned around the Commanders. This suggests that North Americans wanted to protect fur seal lives, while Russians sought to protect fur seal profits. In truth, both groups wanted to preserve profits for their own economies.

Argument and Historiography

The present chapter explores three distinct disputes, along with their resolutions that would redefine North Pacific space. The first, a conflict between Russia and Canada (Great Britain) over ship seizures, was worked out between the two nations. The second, Russia v. the United States, was resolved through third-party arbitration at The Hague. The third, a long-standing boundary dispute between Canada (Great Britain) and the United States—which historians call the Alaska Boundary Dispute—was resolved in 1903, by bilateral agreement. This third dispute harkened back to the Russian America period and the failure of Russia and Great Britain to define their borders; the United States purchased this boundary dispute along with Alaska. These three distinct disputes reveal the complexity of trilateral relations at the end of the nineteenth century. States and their citizens addressed boundary disagreements with a range of practices from rogue ship seizures to bilateral agreements to international arbitration. Though this narrative is mostly structured around seals, the American government brought the case of a

⁴⁴⁵ Report and Memorandum from the Sea Agent in Washington, D.C., 10 November 1894, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 1180, listy 187-188. Original document in English. Sea agents were Russian government officials who managed logistics for ships in port, such as ensuring that the necessary tugboats met the ship to guide it safely into harbor and organizing unloading and loading.

single American whaleship—the *Cape Horn Pigeon*—before The Hague along with three American sealship cases. This shows how the sealing and whaling industries occupied similar geographies—determined by seals and whales, who occupied similar geographies. Though the *Pigeon* was never hunting seals, the Russian navy suspected the whaleship of doing as much, and its crew was unwittingly sucked into the maelstrom surrounding the seal hunt in 1892. Straightening out ill-conceived confiscations from that busy summer would prove time-consuming, especially in the American case, and would place a huge strain on relations between the two states that had transferred Alaska a quarter century before. The Grotian thread winds through this chapter as well, as I refer back to his writing to make sense of assumptions about marine space at the turn of the twentieth century. Even as these border disputes were legally resolved, the settlements of the late nineteenth and early twentieth centuries were only partial measures that kicked the problem down the road, for another generation of diplomats to solve. The seals were dying out fast, and the agreements outlined in this chapter were simply steps on the path to a complete pelagic sealing ban in 1911. From the 1896 season to the 1897 season, the yield on the Pribilof Islands decreased by twenty-eight percent, from 10,198 to 7,307—compared to a 100,000-seal quota in the 1870s.⁴⁴⁶

As already mentioned, English-language scholars have written almost single-mindedly of the Bering Sea fur seal crisis, saying nothing or next to nothing of the Russian role in a seemingly British-American conflict. In a fifty-page 2005 article summarizing the decline of marine mammal populations in the North Pacific, Bhargava writes, “The United States and Great

⁴⁴⁶ Joint Statement, 1897, London, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1132, list 102. Original document in English.

Britain finally agreed to an international arbitration in 1893.”⁴⁴⁷ This sentence is the article’s entire summary of the relationship between seal hunters and seals in the North Pacific at the end of the nineteenth century. It is neither preceded nor followed by any mention of Russia at all, implying that that country had nothing whatsoever to do with the need for seal arbitration in the 1890s. The first two conflicts discussed in this chapter, those between Russia and Canada (Great Britain) and between Russia and the United States, do not appear in other English-language histories of the sealing industry. This is because the chaotic 1892 season is completely absent from most other histories. There is also little recent literature that covers the third boundary dispute, though it does feature as a chapter in *This Kindred People: Canadian-American Relations and the Anglo-Saxon Idea: 1895-1903* (2004).⁴⁴⁸

Andrew Dickson White provides a contemporary American perspective on Russia’s role in the fur seal conflict. White was the U.S. ambassador to Russia from 1892 to 1894, as well as cofounder and first president of Cornell University. He is pictured on Cornell’s campus in Figure 3.1. White wrote of his ambassadorial tenure in his autobiography: “The most important question with which I had to deal was that which had arisen in the Behring Sea.” On White’s list of seven central issues during his tenure in Russia, the top two concerned the North Pacific: 1. The Bering Sea seal fishery problem, and 2. “Questions arising out of Russian religious relations with Alaska and the islands of the Northern Pacific.”⁴⁴⁹ White believed that the Americans on the Pribilofs

⁴⁴⁷ Michael Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” *Ecology* 32 (2005): 957. The year 1893 refers to the 1892 Paris tribunal discussed in the previous chapter; the following year is often used because that is the year in which the United States actually paid up.

⁴⁴⁸ Edward P. Kohn, “The Defeat (and Triumph) of North American Anglo-Saxonism: The Alaska Boundary Tribunal,” in *This Kindred People: Canadian-American Relations and the Anglo-Saxon Idea: 1895-1903* (Montréal: McGill-Queen’s University Press, 2004), 167-195.

⁴⁴⁹ Andrew Dickson White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2 (New York: The Century Co., 1906), 13-14, 51. The religious question involved the intense popularity among Alaska Natives of the “heathen” Russian Orthodox Church, a branch of Christianity whose popularity only increased in Alaska as a result of the territory being taken over by Protestant America. Protestants, especially Presbyterians who flooded into Alaska post-purchase, considered Orthodoxy a heathen, or hell bound, religion, rather than an alternate path to the Christian god.

handled the seal industry admirably; it was the Canadians and the Russians who were causing the seal problem. He wrote that, “The United States possessed there a great and flourishing fur-seal industry, which was managed with care and was a source of large revenue to our government.” White contended that it “was not at all cruel, and was so conducted that the seal herd was fully maintained rather than diminished.”⁴⁵⁰ His certainty on this point was based, I believe, on overconfident reports without personal experience on the seal islands. In regard to the Alaska territory as a whole, White did not have such confidence: he bemoaned, in 1906, “our halting and unsatisfactory administration of that region thus far.”⁴⁵¹ For him, the seal industry was the best part of American administration of Alaska.

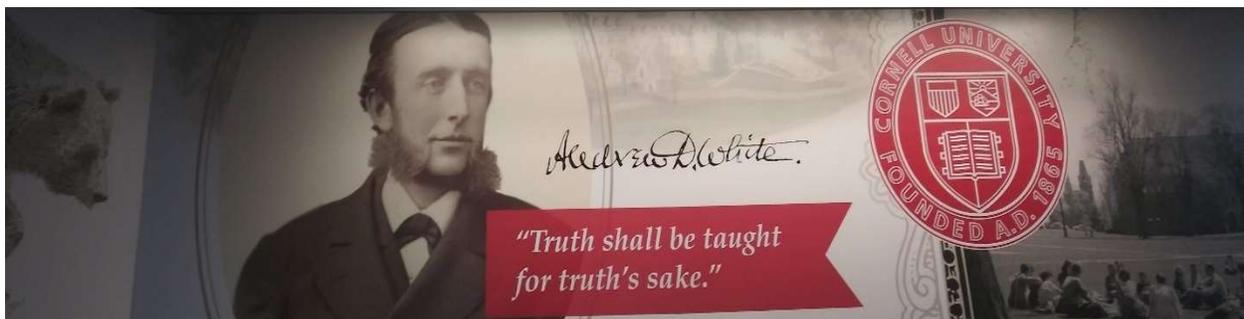


Figure 3.1: Andrew Dickson White, as he appears in The Cornell Store on campus in Ithaca, New York. Source: Amanda Bosworth, October 25, 2018.

In 1892, when White met Tsar Alexander III for the first time, the diplomat focused their conversation on the problem of the Bering Sea seal fishery. Alexander III was in power until 1894, when he died and was replaced by his son Nicholas II, the last Romanov tsar. White

The reasons for this are worth exploring but beyond the scope of this study. The other five key issues during White’s ambassadorship were: 1. The Buchanan treaty of 1832 and the rights of Americans to own businesses and property in Russia, 2. Russian participation in Chicago’s World’s Columbian Exposition (a world’s fair) in 1893, 3. Protection of “American citizens of Russian birth” in Russia, especially Jews, 4. American life insurance business operations in Russia, and 5. An extradition treaty that would be applied to political prisoners and others.

⁴⁵⁰ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 13-14. *Appletons’ Hand-Book of American Travel: Western Tour* disagreed with White in 1872, the first year in which it included Alaska in its guide, saying: “Its fur-trade is all that has ever made Alaska commercially important, and the value of this has been decreasing rapidly since the country came under the sway of the United States.” See page 309.

⁴⁵¹ Andrew Dickson White, *Autobiography of Andrew Dickson White with Portraits*, vol. 1 (New York: The Century Co., 1906), 450.

assured Alexander III that “Russian and American interests in that question were identical.” He found the tsar friendly and in full support of the American position. White wrote after this meeting that “the Russian fur-seal islands...also suffered to a considerable extent from similar marauders.”⁴⁵² The Commander and Pribilof islands were as mirrors across the International Date Line, harassed equally by the wily Canadians. White’s meeting with the tsar was amicable, but when he discussed management of the seal fisheries with Shishkin and Count Dmitrii Alekseevich Kapnist—head of the Asian Department of the Ministry of Foreign Affairs and a member of the Bering Sea special commission—White found that the two men “pursu[ed] a policy of their own, totally distinct from the interests of the empire.” White averred that Peter the Great, builder of St. Petersburg and crafter of Russia’s first navy, “would have beheaded both of them.”⁴⁵³

White had a rather dim view of Russian-American relations in his era. In his autobiography, he summarized a view common among Americans during late imperialism in Russia: the tsar was horrible and represented everything that was anathema to liberalism. He wrote that Russia, “powerful as she seems when viewed from the outside, is anything but strong when viewed from the inside. To say nothing of the thousand evident weaknesses resulting from autocracy,—the theory that one man, and he, generally, not one of the most highly endowed, can do the thinking for a hundred millions of people.”⁴⁵⁴ One of White’s more salty comments about Russia came from the mouth of Tsar Alexander II himself, when White served as an unpaid attaché in St. Petersburg during the Crimean War. In reference to a random German traveler

⁴⁵² White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 8, 14.

⁴⁵³ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 33. Norman E. Saul describes Kapnist as “seldom available.” See Norman E. Saul, *Concord and Conflict: The United States and Russia, 1867-1914* (Lawrence, Kansas: University Press of Kansas, 1996), 422.

⁴⁵⁴ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 1, 465.

being conscripted as a replacement Siberian prisoner when one of them escaped, the tsar said, “Such a thing as this can happen only in Russia.”⁴⁵⁵ White was often gloomy about the vast empire. In a more depressed moment he wrote, “A thoughtful American must condemn much of what he sees in Russia.”⁴⁵⁶ He observed that:

Despite the frivolity dominant among the upper class and the fetishism controlling the lower classes, there was, especially in that period of calamity, a deep undertone of melancholy. Melancholy, indeed, is a marked characteristic of Russia, and, above all, of the peasantry. They seem sad, even in their sports; their songs, almost without exception, are in the minor key; the whole atmosphere is apparently charged with vague dread of some calamity.⁴⁵⁷

In White’s view, state-to-state relations between the U.S. and Russia were “exceedingly vexatious” for the vital reason that Imperial Russian law was labyrinthine and internally contradictory.⁴⁵⁸ He lamented that statesmen the world over could not trust Russia, because the empire had a history of not adhering to its treaties.⁴⁵⁹ This is the context in which multilateral relations at the turn of the twentieth century can be understood.

The three settlements that make up this chapter were critical steps on the road to resolving the foreign relations crisis caused by the fur seals’ profitability. The region regained a sense of nervous equilibrium once these three issues were settled, just in time for the Russo-Japanese War to begin in 1904 and turn things upside down once again. This chapter argues that, given these boundary disputes’ forms as instruments to satisfy multinational conflicts—not to quench conservationist impulses—they would prove only temporarily satisfactory in saving the industry. By 1911, the three empires battling over seals—plus Japan—would finally admit that a

⁴⁵⁵ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 281.

⁴⁵⁶ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 27, 39.

⁴⁵⁷ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 1, 464, 465.

⁴⁵⁸ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 52. White wrote humorously that, “In the body of Russian law there are “ukases [decrees] and counter-ukases ; imperial directions and counter-directions ; ministerial orders and counter-orders ; police regulations and counter-regulations,” with no end to the exceptions to all of the above.

⁴⁵⁹ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 52-53.

treaty expressly intended for the salvation of seal lives and sweeping across the entire North Pacific could no longer be avoided.

Boundary Dispute #1: Russia v. Canada: “Patience on the Part of England”⁴⁶⁰

Although Canada and the United States had similar claims against the Russian navy after the summer of 1892, standard diplomatic practice required that the conflicts be settled separately. Discussions between the Russians and the British moved forward much faster than with the Americans. The first pressing question the commission had to confront when it convened on January 17 was how to handle the imminent 1893 season. With nothing resolved from the prior season, it was still unclear to Russian officers how they should approach foreign sealing vessels. Eight Victoria shipowners had asked in November 1892, on behalf of their many constituents, a very basic question about mobility and labor: “In short, we wish to know where we can go, and where we cannot go, as at present there is great uncertainty on those points.”⁴⁶¹ It was already a bit late to tell Canadian hunters what they could and could not do, as some had already left Victoria. Owners began hiring crews and outfitting ships for the coming season in late November and early December, though a few were still finishing up this process in port in mid-to-late January. Even while outfitting ships, Canadian sealers knew that their salaries were not guaranteed. It all depended on whether they could hunt in Russian waters, since they knew they could not hunt in North American waters. Some owners still did not have their confiscated ships back from Russia from the prior season. The Russian commission asked in January why *Priz* (*Prize*)—the schooner formerly known as *Rosie Olsen*—was in Victoria after transporting

⁴⁶⁰ Counter Admiral Fedor Petrovich Enegel’m, Dissenting Opinion, January 25, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1183, list 147.

⁴⁶¹ Letter from E.B. Marvin and Co. et al., November 30, 1892, Victoria, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893) (London: Harrison and Sons, 1893), 3, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. Eight different sealship owners/companies signed this letter: E.B. Marvin and Co.; Hall, Gospel, and Co.; C.J. Kelley; Elford E. Smith; A.D. Laing; W. Walker; D. Urquhart; and Brown Bros.

forlorn sealers, instead of being back “home” in Petropavlovsk. Since the captain, owner, and government of the *Rosie Olsen* all considered Russian action to be illegal, they were in no hurry to send “*Priz*” back across the Pacific.⁴⁶²

The gears of diplomacy turn slowly, so the confusion of 1892 bled into the 1893 season, though the foreigners knew to beware the second time. Canadian shipowners appealed to their government to allow economic reason to prevail in its dealings with the Russians; sealers desperately feared having to completely abandon the industry, with the attendant “loss of capital, income, material and commercial connections to the owners and...the loss of even their daily bread to the captains and crews, not to speak of their families and dependents.”⁴⁶³ The seal hunters were well aware of how the Victorian-era upper class looked down on them as poor savages, predators, “adventurers engaged in an illegal pursuit.”⁴⁶⁴ Most of the men who were engaged in the messy, marine extractive industries of sealing, whaling, and fishing—including the captains—were drawn from the poorest families.⁴⁶⁵ According to the British Columbia Sealers’ Association, its constituents were not predators but peace-loving, law-abiding, orderly citizens who wanted to work hard for their money and respect the maritime laws of Great Britain, the United States, Russia, and the broader international community. Landlubbers who could not comprehend the freewheeling nature of sailor lives imagined them as pirates who

⁴⁶² Log, Commission for the Consideration of the Claims of the British Government in the Matter of the Arrest in the Bering Sea of Canadian Commercial Schooners, January 21, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1183, list 183 ob.

⁴⁶³ Letter from E.B. Marvin and Co. et al., November 30, 1892, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893), 2, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives.

⁴⁶⁴ John G. Cox, President, British Columbia Sealers’ Association, Appendix I, January 3, 1893, Victoria, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893) (London: Harrison and Sons, 1893), 7, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁶⁵ See the body of work of Marcus Rediker describing sailors in the Atlantic, especially *Outlaws of the Atlantic: Sailors, Pirates, and Motley Crews in the Age of Sail* (Boston: Beacon Press, 2015); and *Villians of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004).

engaged in all manner of vices. Mariners' seemingly unbounded lives upset the domesticated model of hearth and home. But quite often, their voyage salaries came home to families, rather than being spent on the portside entertainments with which sailors are typically imputed.

The seal hunters were unsure how to move forward in their careers. In early 1893, not knowing whether their constituents had the right to work or not, the sealers' association wrote, "we have no alternative but to proceed to the Japanese and Russian side of the sea."⁴⁶⁶ No alternative? With no other job and no other mandate, the schooners headed out to sea to hunt seals as they always had. The low-wage sealers were hostages to the vicissitudes of international politics; not knowing what else to do, they went north to get paid. Since neither Russian nor British authorities could clarify with certainty what the seal hunters were allowed to do, they set out for the 1893 season with great anxiety. Having their ship stolen and their lives upended was just a risk that these low-wage laborers had to take on. This transnational conflict between industry and government shows the reluctance of capitalist forms to contract, even when it is in their best interest. Institutional inertia is so great—in both successful companies and solvent governments—that downsizing is often overlooked as a viable path forward. By the 1890s sealing had become both commercially unsustainable and diplomatically dangerous, but momentum propelled the industry forward.

In an effort to guarantee some protection to British Columbian hunters, the sealers' association begged the British government for "naval protection in the exercise of [their] rights."⁴⁶⁷ They requested that protection in the form of armed patrollers. Their pleading

⁴⁶⁶ Cox, Appendix I, January 3, 1893, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893), 7, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives.

⁴⁶⁷ Cox, Appendix I, January 3, 1893, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893), 7, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives.

telegram to London suggests that Canadians found themselves in an inferior position relative to the imperial center, from whence both permission to hunt and safety in so doing were requested.⁴⁶⁸ The relationship between Canada and Great Britain shifted during this period, partly due to the seal crisis. Williams writes that it was during the fur seal conflict and the Alaska Boundary Dispute—discussed later in this chapter—that “Canadian statesmanship began to move out of its own colonial background and to assume the place which it so unquestionably occupies today. It was also during this period that the Canadian economy began to prosper independently of the United States and Great Britain.”⁴⁶⁹ Shishkin proposed stationing one British war cruiser at Vladivostok or Petropavlovsk to manage future conflicts with the Canadians. He said that it would be a ridiculous waste of time for Russian vessels to convey violators all the way to Victoria when a single British agent could be stationed there to manage the logistics.⁴⁷⁰ With only one British ship in mind, Shishkin must have been optimistic that British sealers would obey orders.

In St. Petersburg, Kapnist believed that his government needed to create a new law governing marine jurisdiction that was both immediate *and* temporary. Another anonymous official in St. Petersburg was not so hopeful that a new way of operating could be implemented immediately in the Pacific, sighing, “All that could have been hoped to be achieved before the

⁴⁶⁸ For example, the shipowners wrote, “We therefore beg that you will endeavour to obtain definitions of limits,” and “We are deeply conscious that, in making this request, we are asking a good deal.” See Letter from E.B. Marvin and Co. et al., November 30, 1892, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893), 3, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives.

⁴⁶⁹ Gerald O. Williams, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska* (Alaska Maritime Publications: Eugene, Oregon, 1984), i.

⁴⁷⁰ M. Chichkine to Sir R. Morier, April 6/18, 1893, Inclosure 1 in No. 17, Translation, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893) (London: Harrison and Sons, 1893), 22, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

opening of the next season would be patience on the part of England.”⁴⁷¹ Asking for patience may not sound like a great diplomatic strategy, but sometimes asking other nations for more time is the best option. In his essay on the July Crisis that initiated World War I, Stephen Kern shows how time compressed leading up to the declarations of war, with each minute—and the speed and accuracy of telegraphic communication—bearing great significance.⁴⁷² He argues that new technologies enabled diplomacy to happen too fast. With the telegraph in wide use in 1893, it may have already been too late for diplomats to expect much patience from countries with which they were in conflict. Kern contends that patience and measured decision-making are essential diplomatic tools to avoid catastrophic global outcomes.

Enegel’*m* was the principal appointee to the Russian special commission, and he floated the idea of entirely closing off to foreigners the strait between the Kamchatka Peninsula and the Commander Islands. Presumably, this would create a *mare clausum* that would be closed to *both* hunting and navigation. Even calling it a strait is employing a bit of creative license, as the northern tip of Bering Island forms a single point opposing the Kamchatka Peninsula, not an extensive coastline. The spot is unnamed because it does not qualify as a strait—as a place!—by geographers. Enegel’*m* further proposed, around all rookeries, a huge protective zone of 120 miles “to properly protect the seals from total extermination.”⁴⁷³ He argued that “civilized nations” were in the habit of cordoning off large swathes of water space for their “exclusive use” and then listed four such places familiar to the British. The Newfoundland Bank in the North Atlantic extended 300 miles from the coast and served as an exclusive fishing space for the

⁴⁷¹ Enegel’*m*, Dissenting Opinion, January 25, 1893, AVPRI f. 148, op. 487, d. 1183, l. 147.

⁴⁷² Stephen Kern, “Temporality of the July Crisis,” in *The Culture of Time and Space, 1880-1918* (Cambridge, Massachusetts: Harvard University Press, 1983), 278. Kern uses the terms “temporal compression” and “simultaneity.” To better describe the ways in which telegrams cross each other in Kern’s piece, cancelling out the messages of other, simultaneous telegrams, I suggest “a polyphony of temporalities.”

⁴⁷³ Enegel’*m*, Dissenting Opinion, January 25, 1893, AVPRI f. 148, op. 487, d. 1183, ll. 145-146 ob.

“English” and “French”—whom we now simply call “Canadians.” Conception Bay off Newfoundland was also protected. Only residents of surrounding England, France, and Holland could fish in the Dogger Bank in the North Sea, *née* German Sea; this bank extended 240 miles out. In the Irish Sea, the strait between Ireland and Great Britain ranged from forty to 125 miles wide, and no foreigners were welcome to hunt there. It was no accident that Enegel’*m* used four examples relevant to the English to argue for the creation of marine exclusive spaces. He was emphasizing that all of these spaces were formed or co-formed by the British without consulting foreign powers. On this basis, he argued, to establish a protected zone between Kamchatka and the Commanders “[did] not constitute a particularly transnational fact.”⁴⁷⁴ He meant that it was Russian business—not something that might be up for debate among the sealing countries. It seems that the British could not argue with this targeted logic, and the unnamed “strait” went into the eventual agreement between the two powers as a protected, Russian space.

On July 4, 1893, the British and Russians reached an agreement on what to do about the future, while punishing Russia for the past remained for another day. The essence of the Seal Fishery (North Pacific) Act, 1893, was that from signing day until January 1, 1894—the remainder of the 1893 season, with the anticipation of annual renewal—British seal hunting was forbidden in a ten-nautical-mile zone “following the sinuosities of Russian coasts which border on the Bering Sea and any other part of the North Pacific Ocean.”⁴⁷⁵ The Earl of Rosebery feared that this new rule meant Canadians could not even purchase supplies in Vladivostok and would have to resupply in Japanese ports.⁴⁷⁶ However, the Russians declared a commitment to free

⁴⁷⁴ Enegel’*m*, Dissenting Opinion, January 25, 1893, AVPRI f. 148, op. 487, d. 1183, ll. 147 ob.-148.

⁴⁷⁵ “Sealing Interests: Correspondence between England and Russia Made Public,” *Los Angeles Times*, June 3, 1893, 1.

⁴⁷⁶ The Earl of Rosebery to Mr. de Bunsen, March 10, 1893, Foreign Office, No. 12, telegraph, in Correspondence Respecting an Agreement for the Protection of Russian Sealing Interests in the North Pacific during the Year 1893, Russia No. 1 (1893) (London: Harrison and Sons, 1893), 13, Folder L4.05 Russia No. 1 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

navigation, just not to free hunting privileges. The agreement stipulated a thirty-mile protective zone around the rookery-laced Commander Islands and Robben Island, a significantly smaller zone than the 120 miles Enegle's proposed, and half the size of the new protective zone around the Pribilofs.⁴⁷⁷

The new agreement revealed a strong level of trust between the two governments. Under the new formulation, Russian naval ships would hand off confiscated British schooners to British naval ships to deal with. The Russian navy needed to furnish its commanders with precise instructions as to when and why it would be appropriate to stop, search, and seize foreign ships. British cruisers would patrol in stronger numbers than Shishkin's suggested one British ship. These seal patrol cruisers would send an offending Canadian ship to Yokohama or Hakodate, Japan, or Shanghai, China—British ports with courts. British commanders had a strong incentive to “seize and detain any ship” contravening the new act: the British navy guaranteed them a portion of the proceeds from the sale of a captured ship. In turn, owners had a strong incentive to press their captains to act conservatively and obsequiously toward both the British and Russian navies. If a British cruiser were not in sight at the very moment needed, the Russian commander was to order the Canadian schooner to proceed independently to the nearest British-controlled port bearing a certificate—presumably stamped indelibly into the logbook—stating as much.⁴⁷⁸ Any other ship intercepting the schooner would naturally see this logbook insertion. The penalty for violating the new Russian boundaries—whether sailors already at sea on July 4, 1893, knew

⁴⁷⁷ C.L. Peel, Order in Council, dated July 4, 1893, At the Court at Windsor, Inclosure in No. 4, in *Correspondence Respecting the Agreement with Russia Relative to the Seal Fishery in the North Pacific* (London: Harrison and Sons, 1895), 3, Folder L4.05 Russia No. 1 (1895), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁷⁸ Admiralty to Rear-Admiral Sir E. Fremantle, July 4, 1893, Inclosure 1 in No. 7, telegraph, in *Correspondence Respecting the Agreement with Russia Relative to the Seal Fishery in the North Pacific* (London: Harrison and Sons, 1895), 4, Folder L4.05 Russia No. 1 (1895), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

about them or not—was imprisonment for two to sixteen months, along with confiscation of killing implements, sealskins, and the vessel itself—essentially, everything short of the crew’s personal effects.⁴⁷⁹ The agreement empowered the District Court of Vladivostok to exercise jurisdiction over all criminal and civil cases related to suspected illegal sealing, but most Canadian sealers would be sent directly to their own government for prosecution. With this enforcement mechanism in place, Russian and British diplomats expressed their trust in each other to enforce the ten- and thirty-mile boundaries.

The British government brought complaints on behalf of a total of eleven Canadian shipowners against the Russian government. The Russian special commission argued that most of the arrests were “altogether in conformity with the principles of international law,” except for the seizures of both the *Willie McGowan* and *Ariel*, which were “doubtful.”⁴⁸⁰ The commission wrote that although “the schooners were arrested 21 miles from the coast, their boats were not caught in territorial waters—as was the case in the other instances of arrest, and it [was] not legally possible to prove whether the schooners were engaged in fishing near the Russian coast.”⁴⁸¹ The two schooners were not apprehended together, and the *Willie McGowan* claimed to have been 103 miles from Russian land at the time of arrest. Nonetheless, the Russian commission was prepared to admit some wrongdoing.

The question of distance was central to the conversation. To prepare for discussions with the Russians, secretary to the British legation at St. Petersburg, Sir Henry Howard, told Shishkin

⁴⁷⁹ Extract from the “Bulletin des Lois” of July 16(28), 1893, Inclosure 1 in No. 17, Translation, in Correspondence Respecting the Agreement with Russia Relative to the Seal Fishery in the North Pacific (London: Harrison and Sons, 1895), 15-16, Folder L4.05 Russia No. 1 (1895), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁸⁰ Second Report of Special Commission, Inclosure 3, Translation, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 12-15, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁴⁸¹ Log, Report of Special Commission, May 9, 1893, AVPRI f. 148, op. 487, d. 1183, l. 206 ob.

that the ships' distances from land in the Russian telling were quite different from the distances on English nautical charts. Howard asked for copies of Russian charts to see if they could be synchronized. He suspected that Russian maps might be oriented around the Pulkovo line. The Pulkovo line was a meridian positioned thirty degrees of latitude to the east of the Greenwich meridian, for the purpose of subverting Western European hegemony over global time and orienting the world around St. Petersburg.⁴⁸² It did not catch on outside of Russia and was eventually abandoned. Whether this alternative orientation influenced Russian naval maps or not, it is clear from documents at the Archive of the Foreign Policy of the Russian Empire (AVPRI) that even the special commission, looking at Russian charts, was not convinced that the Canadians had done wrong. Not knowing this, Howard told Shishkin, "It is likewise more than probable that the chart used by the Commission is more complete than those in our possession."⁴⁸³ For example, the small island of Aria, near which the *Rosie Olsen* was apprehended, was completely unknown to Howard and the Canadians. Jones identifies part of the problem in "Running into Whales: The History of the North Pacific from below the Waves": "Sealers considered this world their own, free from the dictates of any imperial state, and they developed their own toponymy for important sealing locales, often in haughty contravention of official maps."⁴⁸⁴ Conceding that British maps may have been inadequate demonstrates Howard's willingness to cooperate with the Russian government, but this admission could have

⁴⁸² Milan Hauner, *What is Asia to Us?: Russia's Asian Heartland Yesterday and Today* (New York: Routledge, 1992), 158. In any case, the idea of standardizing and naming meridians only dated back nine years to the International Meridian Conference of 1884, which established the International Date Line.

⁴⁸³ Letter from Henry Howard to Shishkin, June 23/July 5, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1183, list 247 ob. Original document in English; and Letter from Henry Howard to Shishkin, July 14/26, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1183, list 255. Original document in English.

⁴⁸⁴ Ryan Tucker Jones, "Running into Whales: The History of the North Pacific from below the Waves," *American Historical Review* 118, no. 2 (April 2013): 372.

been exploited to great length by the Russians. Perhaps Howard only wrote it to stroke Shishkin's ego so that he would give maps to the British secretary—which he did a few weeks later.⁴⁸⁵ I argue that both sets of nautical charts were ultimately props in a performance of knowledge creation, serving to reveal that there were many different Pacific oceans and many different Bering seas. No one—including the opposing officers who were there—was absolutely certain where the naval and commercial ships had actually encountered one another. The maps were ambiguous, the chronometers questionable, and the sea left no tracks.⁴⁸⁶

Based on paltry evidence as to what really happened, and perhaps lack of interest on the part of the British government, most of the Canadian complaints faded into obscurity, the owners forever uncompensated for their losses of sealskin profits and, in some cases, ships. While the British and Russians worked out an amicable policy for the 1893 season and beyond, as well as determining who was to blame for each 1892 confiscation, the matter of compensation by the Russian government loomed large and long. The likelihood of compensation grew dimmer with each passing season. In 1897, the *Victoria Daily Colonist* called the plea for compensation a “highly important though a monotonous task.” Only the *Willie McGowan* and the *Ariel* were compensated, as the special commission could not scare up any proof that those crews had violated a law. Russia remunerated the two owners in consultation with Consul Artsimovich in San Francisco, who estimated damages commensurate with industry standards.⁴⁸⁷ A brief arbitration occurred in Halifax, Nova Scotia, beginning in August 1897.⁴⁸⁸ On November 25,

⁴⁸⁵ Letter from Henry Howard to Shishkin, June 23/July 5, 1893, AVPRI f. 148, op. 487, d. 1183, l. 247 ob. Original document in English; and Letter from Henry Howard to Shishkin, July 14/26, 1893, AVPRI f. 148, op. 487, d. 1183, l. 255. Original document in English.

⁴⁸⁶ See poem, Derek Walcott, “The Sea is History,” in *Selected Poems*, ed. Edward Baugh (New York: Farrar, Straus and Giroux, 2007), 137-139.

⁴⁸⁷ Log, Report of Special Commission, May 9, 1893, AVPRI f. 148, op. 487, d. 1183, l. 206 ob.

⁴⁸⁸ “Money for Sealers,” *Daily Colonist*, July 4, 1897, 8.

1897, the *Daily Colonist* reported that Russia would pay \$40,000 of the \$60,000 originally requested in damages for the two schooners.⁴⁸⁹

This boundary dispute redefined both space and relations by establishing a ten-nautical-mile zone around the Russian coast, within which specifically British flagships could not hunt seals, and a thirty-nautical-mile zone around the Commanders and Robben Island. It clarified where and by whom British violators would be punished. Russian-British relations improved as a result of this clarification of boundaries and enforcement, but the diplomatic solution would do little to enhance the sustainability of the seal population.

Boundary Dispute #2: Russia v. America: “The United States Goes Even Further”⁴⁹⁰

It took longer for Russia to negotiate terms for future seasons with the Americans, though the outcome was an agreement almost identical to that with the British. Unlike the British, when the American government came to the aid of four wronged shipowners, they took the cases to The Hague for arbitration. This helped to ensure that the Russian government would pay out damages in a timely fashion, but the entire process took much longer than in the British case. To summarize the difference between working with the British and the Americans over the Bering Sea issue, Ovchinnikov wrote, “Misunderstandings with Great Britain resulting from this action were settled by diplomatic means. As for American courts, the dispute over three sealing schooners and one whaling bark was delayed until 1900, when both powers...decided to transfer the dispute [to] an international tribunal of arbitration.”⁴⁹¹ This was the first dispute that Russia had ever brought before a tribunal, according to Ovchinnikov, who complained that England and

⁴⁸⁹ “Forty Thousand Cash,” *Daily Colonist*, November 25, 1897, 5.

⁴⁹⁰ Enegel'm, Dissenting Opinion, January 25, 1893, AVPRI f. 148, op. 487, d. 1183, ll. 148-148 ob.

⁴⁹¹ Ivan Aleksandrovich Ovchinnikov, Arbitration in the Matter of the Seizure of American Schooners by Russian Cruisers, 1905, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 3485, list 14. American and Russian diplomats exchanged notes in September 1900 to begin the arbitration process. See Don MacGillivray, *Captain Alex MacLean: Jack London's Sea Wolf* (Vancouver: UBC Press, 2008), 157.

the United States made repeated use of the instrument. The naval professor suggested that Imperial Russia would soon have to resort to taking more marine matters to arbitration because, of late, “international maritime relations ha[d] the ability to spawn a great diversity of clashes.”⁴⁹² In Ovchinnikov’s telling, the United States did not even think about asking for an arbitrator until well into 1893, after American public opinion was incited by the amount Americans had to pay in damages for confiscating Canadian schooners in the 1880s. This debt inspired thoughts of what the Russians owed the U.S. as a way of, possibly, breaking even in the North Pacific. Ovchinnikov felt that the American government was a bit too responsive to public opinion. Of course, the land of the tsars had little in the way of public opinion to speak of, though this was certainly changing in the year in which Ovchinnikov wrote, 1905.⁴⁹³ For its part, *The New York Times* recommended tremendous restraint by the United States in its approach to foreign relations. On October 15, 1893, the *Times* linked the entire Bering Sea fur seal crisis to the tragedy of expansive American empire-building in the nineteenth century. The report argued that:

The United States have nothing to gain and much to lose by the cultivation of that spirit of aggression or “jingoism” which second-rate politicians, reckless adventurers, and ambitious naval officers, longing for the promotion a foreign war might give them, seem anxious to make a test of patriotism. Not even the selfish plea of benefits to accrue from territorial expansion provides a valid excuse, for history will show—and notably in the case of the Louisiana purchase—that greater and more permanent results in this direction may be secured by peaceful negotiation than by conquest. As a check to the development of “jingoism” in this country, the Bering Sea arbitration, therefore, has a value apart from its international importance and the good it may confer upon mankind.⁴⁹⁴

⁴⁹² Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 14 ob.

⁴⁹³ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, ll. 15-15 ob. American scholar and diplomat Eugene Schuyler wrote that Russia had a “host of journals but no press,” calling the official newspapers “National Music.” See Saul, *Concord and Conflict*, 183.

⁴⁹⁴ “Jingo Policy Comes High: Heavy Damages to be Paid for Seizing British Sealers,” *The New York Times*, October 15, 1893, 21.

The New York Times advised that the American government exercise caution in its dealings with Russia and Great Britain. The United States expanded so much throughout the century that the anonymous reporter feared the country would use the fur seal crisis as a pretext for unbounded expansion. The paper reported that the American government was effecting an “ominous buildup of naval power” in the North Pacific, with twelve warships in August 1893 seemingly covering every inch of sea.⁴⁹⁵

Enegel'm noted that settling with the Americans was more difficult and time-consuming than with the British because of Russia's complicated post-Alaska relationship with the U.S. He complained that “The United States [went] even further” than the British in its claim to free use of Russian waters. Enegel'm reported that *since 1867* “a mass of predatory ships [had] rushed into Russian waters.”⁴⁹⁶ For the counter admiral, the transfer of Alaska positioned the U.S. too close to Russia and marked a rupture from which the country had not recovered. While Russia's coastline diminished by 31,246 miles when it lost Alaska, the need to protect the remaining coastline became all the more critical.⁴⁹⁷ Once America was let into the north, the long-established *modus operandi* of the Russians and British was disrupted. American sealship owners went from having to ask Russian permission to hunt in North American waters before 1867 to developing its own thriving industry. Lacking control over its former American seals in 1892, Russia instead exercised control over American sealships. Enegel'm wrote that the American-Canadian sixty-mile protective zone around the Pribilofs was “totally radical,” though he had earlier proposed a 120-mile limit around the Commanders for the British. Nonetheless,

⁴⁹⁵ Williams, *The Bering Sea Fur Seal Dispute*, 50.

⁴⁹⁶ Log, Commission for the Consideration of the Claims of the British Government in the Matter of the Arrest in the Bering Sea of Canadian Commercial Schooners, January 17, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1183, list 152.

⁴⁹⁷ Bruce Cumings, *Dominion from Sea to Sea: Pacific Ascendancy and American Power* (New Haven, Connecticut: Yale University Press, 2009), 191.

Enegel'm sought the same agreement with the Americans as with the British, for the sake of ease. He wrote, "I...assert the absolute need to prohibit everyone, except for those legally authorized by our government, to engage in the fish, animal, beast, and whale industries" in the following places: 1. the still-unnamed strait between Kamchatka and the Commanders, which occupies about a ninety-mile space between 54°N and 57°N latitude, 2. the Gulf of Patience (*zaliv Terpeniia*) in the crook of Sakhalin Island, 3. thirty miles out from both of the Commander Islands and from Robben Island, and 4. ten miles out from the rest of the Russian coast—namely, the Bering, Okhotsk, Japanese, Pacific, and Arctic coasts.⁴⁹⁸ The American version of the British-Russian agreement was finalized in 1894.⁴⁹⁹

On October 25, 1899, American newspaper *The Morning Mercury* reported that Russia had finally agreed to negotiate with the United States over the events of seven years prior.⁵⁰⁰ The sticking point was that "the Russian Government claim[ed] that it had jurisdiction at sea for five miles from the shores of its territory," while the Americans claimed it was three miles.⁵⁰¹ This was, in any case, a purely technical point, as there was no actual evidence as to where the schooners were found before giving chase. Russia and the United States agreed to take their conflict to The Hague, where it was decided by Dr. Tobie Michel Charles Asser, member of the Council of State of the Netherlands. Herbert Henry Davis Peirce acted as counsel and agent for the U.S. in this matter, which included three wronged American sealing schooners and one

⁴⁹⁸ Enegel'm, Dissenting Opinion, January 25, 1893, AVPRI f. 148, op. 487, d. 1183, ll. 148-148 ob.

⁴⁹⁹ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 6 ob.

⁵⁰⁰ "Bering Sea Claims to be Arbitrated," *The Morning Mercury* (October 25, 1899), Copy, Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 9: Ship's Papers: Cape Horn Pigeon (Bark), Folder 73: Bering Sea Claims to be Arbitrated (Fur seal controversy), Summary and news clippings, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁵⁰¹ "Our Claims Against Russia: Herbert H.D. Peirce Going to Europe to Appear Before the Arbitrator," News clipping from unknown newspaper (June 6, 1902), Washington, D.C., Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 9: Ship's Papers: Cape Horn Pigeon (Bark), Folder 73: Bering Sea Claims to be Arbitrated (Fur seal controversy), Summary and news clippings, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

wronged whaling bark. Peirce was no stranger to Russian-American relations, as he served as first secretary of the St. Petersburg legation from 1894 to 1901.⁵⁰² Each government had to pay one-half of Asser's salary for the duration, and Russia had one year from the moment the decision was handed down to pay any indemnity owed.⁵⁰³

Let us begin a discussion of the arbitration with the case of the single whaleship that was accidentally scooped up in the seal controversy.

Letting Down the Whaleboats

On September 10, 1892, a single whaleship sailed dead ahead into the sealing crisis. In the North Pacific, a ship looking for whales might encounter humpback whales, sperm whales, gray whales, beluga whales, blue whales, right whales, and killer whales—who are technically dolphins. But hunters were principally interested in the right whale—so pathetically named for its rightness to whalers. They were right because they yielded tremendous amounts of oil (for lighting) and baleen (for corset stays, hangers, and the like), while not putting up much of a fight as they faced imminent death, and they conveniently floated when dead instead of sinking. Though sperm whales yielded the purest oil, they also fought too much, so North Pacific whalers usually pursued the right whale. The bowhead whale of the Arctic—the most polar of all whales—rarely swam as far south as the Bering Sea.⁵⁰⁴ Most nineteenth-century whalers went on

⁵⁰² When Peirce was appointed to his 1894 position, army officer in Alaska Henry Tureman Allen wrote that he did “not give the impression of being a man of keen perceptive faculties, nor [did he speak] any language except his own.” However, Peirce was highly motivated, learned his position and the Russian language quickly, stayed in St. Petersburg for five years straight without a break, published a few articles, and worked on—but did not finish—a biography of Ivan the Terrible. Both American and Russian officials “fought against his reassignment.” Peirce was a key participant in the Portsmouth peace conference following the Russo-Japanese War. See Saul, *Concord and Conflict*, 431-432.

⁵⁰³ Protocol, August 26/September 8, 1900, St. Petersburg, in Herbert H.D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I* (Washington, D.C.: Government Printing Office, 1903), 6, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵⁰⁴ Historian and archaeologist of the fur trade and whaling, John R. Bockstoe, wrote that “The discovery of the Bering Strait whaling grounds was a pivotal event in the history of the Pacific Ocean. The Arctic whaling industry

voyages lasting multiple years, even as many as five. But polar and subpolar, i.e., North Pacific, hunting seasons were restricted by wintry weather and shortened because bowheads yielded so much oil and whalebone. Forty-one-year-old Captain Thomas Scullun of American whaler *Cape Horn Pigeon* estimated that each right whale yielded about 1,300 pounds of whalebone, valued at \$5 per pound, for a total of \$6,500. The same whale would yield about 100 barrels of oil, valued at \$13 each, or \$1,300 total.⁵⁰⁵ Thus, each North Pacific whale was a commodity worth about \$7,800 in 1892.

In the Sea of Okhotsk, Scullun's whaleship was far from the confiscation epicenter. A Russian navy cruiser discovered the *Cape Horn Pigeon* close to the entrance to the sea, 125 miles from Sakhalin Island, and eighty-four miles from the then-Japanese Kuril Island of Iturup.⁵⁰⁶ See the site of detainment and capture in Map 3.1. Per Peirce, "She was therefore upon

laid the foundation for the annexation of Hawaii and the acquisition of Alaska." See John R. Bockstoce, *Whales, Ice, and Men: The History of Whaling in the Western Arctic* (Seattle: University of Washington Press, 1986), inside front cover.

⁵⁰⁵ The Measure of Damages, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna," Appendix I (Washington, D.C.: Government Printing Office, 1903), 27, Library NW 998.21 U58, BC Archives, Victoria, British Columbia; and Interview with Captain Cleveland, Proceedings in the Case of the Detention of the American Schooner "Cape Horn Pigeon," 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1199, list 82. Original document in English. These totals were closely corroborated by George R. Phillips, broker in whalebone and oil for forty-four years in New Bedford. See Interview with George R. Phillips, Proceedings in the Case of the Detention of the American Schooner "Cape Horn Pigeon," 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1199, listy 128-129. Original document in English.

⁵⁰⁶ Amount of Indemnity, First Case, Seizure of the American whaling bark Cape Horn Pigeon, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna," Appendix I (Washington, D.C.: Government Printing Office, 1903), 290, Library NW 998.21 U58, BC Archives, Victoria, British Columbia. For the complicated history of Kuril Islands ownership, see James D.J. Brown, *Japan, Russia, and their Territorial Dispute: The Northern Delusion* (New York: Routledge, 2016). Anton Chekhov wrote in his nonfiction account of Sakhalin: "American whaling vessels plying their trade in the Sea of Okhotsk rarely come near Sakhalin." See Anton Chekhov, *Sakhalin Island*, trans. Brian Reeve (Surrey, United Kingdom: Alma Classics, 2019), 308. In the same paragraph, Chekhov wrote: "It has been said, and the speculation has, incidentally, been expressed in the press, that American whalers have taken Sakhalin fugitives on board their vessels and conveyed them back to America. This is possible, of course, but I have never heard of a single such case." Despite this, Chekhov personally encountered American whalers, as he wrote in a letter to his mother from Korsakovsk Post on Sakhalin, October 6, 1890: "Whilst

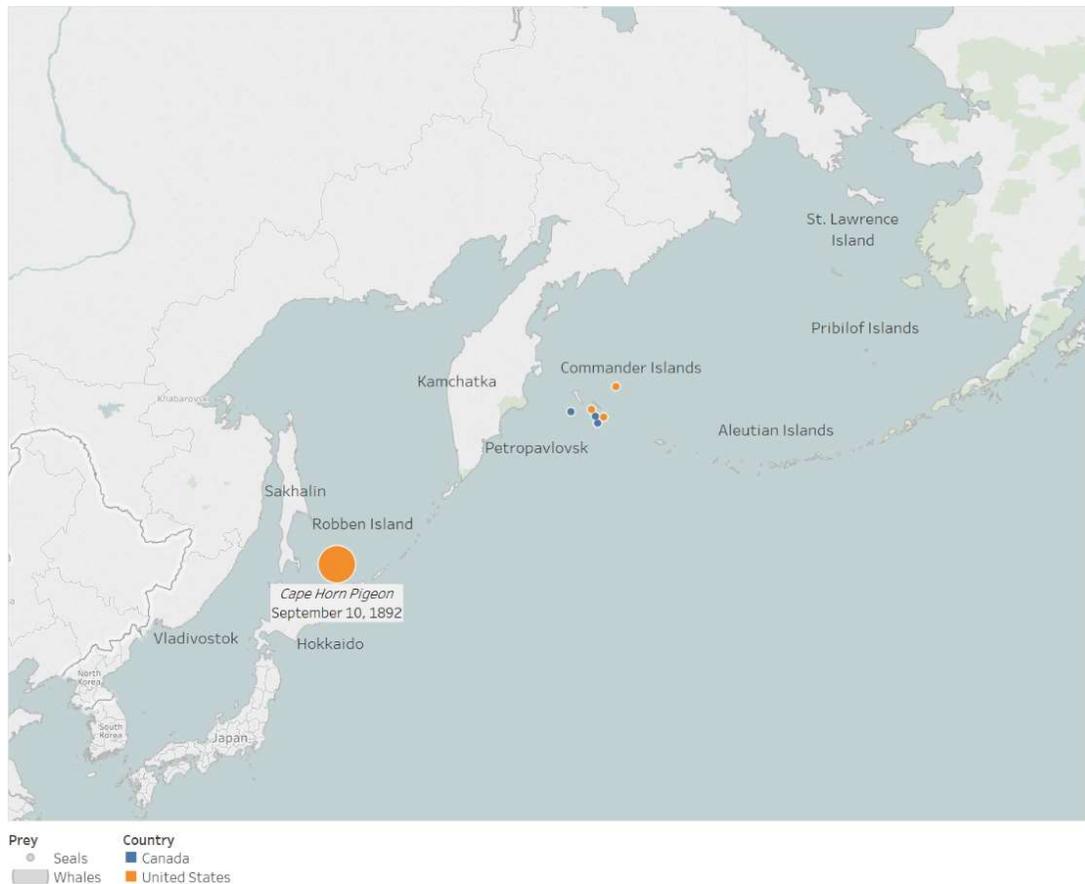
the high seas entirely out of Russian jurisdiction and engaged in her legitimate calling of whaling.”⁵⁰⁷ A ship has to go out of its way or be hopelessly lost to end up in the Sea of Okhotsk. Since the Commanders are so exposed, a wayward ship in a storm could easily wreck upon the rocks of Copper Island. But the Sea of Okhotsk, where whales were abundant, appears on the map as a sea internal—or nearly internal—to the Russian Empire, separated as it is from the rest of the North Pacific by the Kamchatka Peninsula and punctuated by the Kuril Islands. When detained there, Scullun told Lieutenant fon-Kube—formerly of the naval cruiser *Vitiaz*’, but lately sporting around in Canadian schooner *Maria*—that the Russian navy would certainly have to pay indemnity if fon-Kube tried to take the whaleship to Vladivostok. Scullun reported saying, “I think you have no right to take me,” and fon-Kube replied, “Well...I am not sure myself whether I have a right to take you, but I am going to take you to Vladivostock.”⁵⁰⁸ Then fon-Kube told Scullun that the Sea of Okhotsk was closed.⁵⁰⁹

living in the south of Sakhalin...The waves cast up a boat with six American whalers which had been shipwrecked off the coasts of Sakhalin; they are now living at the post, and having a high old time roaming around the streets; they’re waiting for the *Petersburg* and will leave together with me.” See page 498.

⁵⁰⁷ *Cape Horn Pigeon* coordinates when seized: 46°30’N latitude, 146°35’E longitude. See Thomas Scullun, master, Log Book, Season of 1892, September 10, 1892, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1199, list 186. Original document in English.

⁵⁰⁸ Statement of Thomas Scullun, December 14, 1892, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1199, list 92. Original document in English. The first person from the *Vitiaz*’ whom Scullun met was not the captain. Scullun reported: “I saw that he could not talk good English, and I said ‘Can your captain talk good English?’ and he said ‘Yes.’ ” See page 91. The lieutenant’s name was spelled, in pre-revolutionary Russian, “фонъ-Кубе.”

⁵⁰⁹ Statement of the Facts in the Case, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I (Washington, D.C.: Government Printing Office, 1903), 14, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.



Map 3.1: Selected Canadian and American Vessels Detained by the Russian Navy, 1891-1892. Pictured, but unlabeled: *James Hamilton Lewis*, *C.H. White*, *Willie McGowan*, *Rosie Olsen*, *Ariel*, and *Kate and Anna*. Generated by Amanda Bosworth, using Tableau Desktop Professional Edition, 2019.

It was not immediately evident to Lieutenant fon-Kube that he was looking at a whaling ship. He mistakenly thought the *Cape Horn Pigeon* was a sealing “store ship” circulating the region to furnish hunters with new supplies. Supply ships commonly populated the regions in which co-national industrial-scale hunting ships operated—but their locations changed from year to year and were a secret. Earlier in 1892, American officers had confiscated the Canadian supplier *Coquitlan*, preventing both provisions and information from getting to Canadian sealers.⁵¹⁰ Ovchinnikov still believed as late as 1905 that the *Cape Horn Pigeon* “served as a

⁵¹⁰ Annex (A), September 8, 1892, Victoria, in Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2 (1893) (London: Harrison and Sons, 1893), 52, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

kind of warehouse for predatory schooners besieging Robben Island,” though the Russian navy had already admitted that taking the *Pigeon* had been a mistake.⁵¹¹ It is unclear why fon-Kube and Ovchinnikov both believed a sealer supply ship would have two whale carcasses onboard. Dead Russian whales were not particularly interesting to the Russian government in the nineteenth century. Russia simply had no stake in the whaling industry, whereas the fur trade went back two centuries, generated handsome revenues, operated both at sea and on land, and contributed greatly to the development of Russia’s Far East. Any mariner worth his salt would know that a three-masted foreign bark was unlikely to be engaged in sealing, since all of the foreign sealers were two-masted schooners. The preponderance of clues to the contrary did not preclude fon-Kube claiming the *Pigeon* was a supply ship. For his part, Scullun wrote:

The vessel was fitted for a whaling voyage with the usual fittings for that purpose. She was in no way fitted for a sealing voyage. She had no salt, no rifles, no sealing boats and no gunners. There was no intention in fitting for the voyage or at the time of sailing of doing any business in sealing. The log book is on board the ship, and before sailing I will give it to [owner] Mr. Wing to be brought to New Bedford.⁵¹²

Nonetheless, fon-Kube decided to conduct a thorough search of the *Cape Horn Pigeon*, and he declared the search could only happen on land.

The whaling crew had a similar experience to the pelagic sealers, as described in Chapter 2. The American crew traveled, under duress, to Vladivostok, on what Ovchinnikov called the “Russian schooner *Maria*.”⁵¹³ On the nine-day journey on *Russian Maria*, Scullun dutifully calculated that the two Russian officers and twelve crewmembers ate \$200 worth of American food.⁵¹⁴ Later, the Russians would complain that the crew of the *Pigeon* was two and a half times

⁵¹¹ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 14 ob.

⁵¹² Statement of Thomas Scullun, December 14, 1892, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, AVPRI f. 148, op. 487, d. 1199, l. 89.

⁵¹³ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 29 ob.

⁵¹⁴ Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1199, list 44. Original document in French; and General Statement of the Claims, Case No. 1, The Cape Horn Pigeon,

larger than the Russian crew, putting the navy at a disadvantage. Peirce was incredulous in arbitration: “It suffices to say the whaler was a merchant ship without armament, which had to deal with an armed cruiser of the Russian navy, with all which that implies.”⁵¹⁵ Unlike most of the sealers, the *Pigeon* crew ended up in Vladivostok, a bustling metropolis with between 14,446 and 28,933 inhabitants, compared to Petropavlovsk’s meager 300.⁵¹⁶ Vladivostok is pictured in Figure 3.2. The whalers were not in unfamiliar territory, since they had already been to Vladivostok two times that season. The first time was to repair a leak and get a whaling permit for the Sea of Okhotsk—which they had. The third time, without having a ship to sleep on in port, they ended up “in the squalid quarters of a Chinaman significantly called ‘Cheap John.’” The local government offered them open jail cells, as with the sealers in Petropavlovsk, but the whalers chose Cheap John over cheap Russia.⁵¹⁷

undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I* (Washington, D.C.: Government Printing Office, 1903), 29, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵¹⁵ First Case, *The Cape Horn Pigeon*, undated, Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I* (Washington, D.C.: Government Printing Office, 1903), 346, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵¹⁶ Aleksandr Kirillov, ed., *Geograficheskoe-statisticheskii slovar’ Amurskoi i Primorskoi oblastei, so vklucheniem nekotorykh punktov sopredel’nikh s nimi stran [Geographic statistical dictionary of the Amur and Primorskii regions, including some details on neighboring countries]* (Blagoveshchensk, 1894), 104; N.A. Troinitskii, ed., *Pervaia vseobshchaia perepis’ naseleniia Rossiiskoi imperii 1897 g. [The First General Census of the Population of the Russian Empire, 1897]* (St. Petersburg, 1905), 65; and Report of Special Commission, Inclosure 2, Translation, in Despatch from Sir R. Morier, Inclosing the Reply of the Russian Government in Regard to the Seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean, Russia No. 3 (1893) (London: Harrison and Sons, 1893), 7, Folder L4.05 Russia No. 3 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts. The range in Vladivostok’s population is so wide because the city grew from 14,446 to 28,933 people from 1890 to 1897—when Russia’s first ever census was taken. Interestingly, the first census recorded 24,433 men living in Vladivostok and only 4,500 women. Petropavlovsk’s population in 1897 was much more balanced: 210 men and 185 women, for a total of 395. Vladivostok absolutely transformed through the 1890s. Although the earlier population for Vladivostok comes from an atlas published in 1894, a note at the beginning of the publication clarifies that all of the data was collected prior to May 1891 and printing delays kept the atlas from being turned out until 1894. Thus, it is relatively accurate to say that the population was 14,446 in 1890.

⁵¹⁷ *The Measure of Damages, Case No. 1, The Cape Horn Pigeon*, undated, in Herbert H. D. Peirce, *FRUS, 1902, Whaling and Sealing Claims Against Russia*, 26, Library NW 998.21 U58, BC Archives.



Figure 3.2: View of Vladivostok and the quay wall of the port of Vladivostok, circa 1914. Source: Photograph 10, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond R-2241 (De-Tranze Nikolai Aleksandrovich, Polar Researcher [1886-1960]), opis' 1, delo 11, list 3.

Vladivostok was larger and better connected than Petropavlovsk, especially since it already had a telegraph line. Scullun sent his first telegram to the American consul in St. Petersburg on September 20, reporting that the crew was marooned without shelter or food. The receipt for that precise telegram appears in Figure 3.3. On the receiving end, American Chargé d’Affaires George W. Wurts did not believe that Scullun and friends were so destitute in Vladivostok because, otherwise, how did Scullun find the money to send the telegram?⁵¹⁸ When Wurts passed Scullun’s message on to Russian officials, they also took it to be an exaggeration and emphasized Scullun’s “excessive financial demands.”⁵¹⁹ The Russian government balked at the “special bill” that the American captain presented for his chosen lodgings with Cheap

⁵¹⁸ Sir R. Morier to the Earl of Rosebery, September 27, 1892, St. Petersburg, No. 19, in *Correspondence Respecting the Seizures of British Sealing Vessels by Russian Cruizers in the North Pacific Ocean, Russia No. 2* (1893) (London: Harrison and Sons, 1893), 13-14, Folder L4.05 Russia No. 2 (1893), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁵¹⁹ Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 15 ob.

John.⁵²⁰ The first reply Scullun got back from the owners, J. & W.R. Wing & Co of New Bedford, was more supportive: “Draw on us for your needs. Have communicated Washington for release of your ship. Wing.”⁵²¹

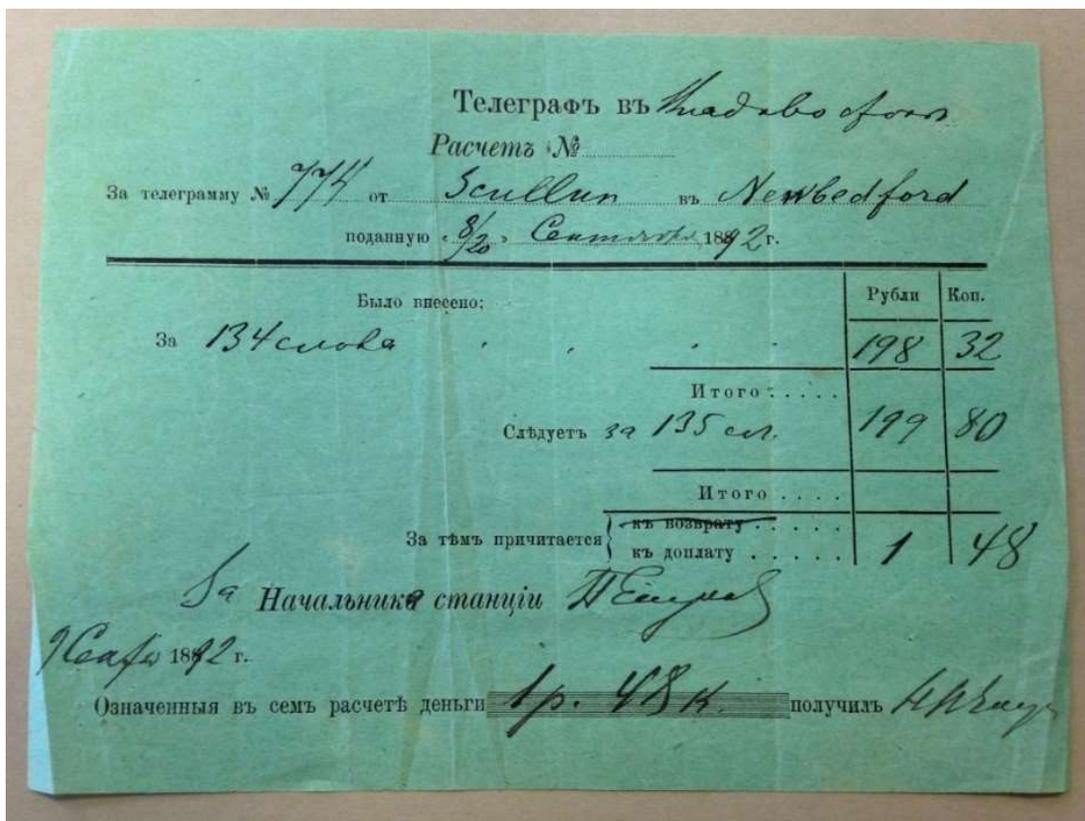


Figure 3.3: The single receipt known to be held by the New Bedford Whaling Museum Archives for a telegram sent by Thomas Scullun from Vladivostok to New Bedford. Scullun sent 135 words on September 8/20, 1892, for 199 rubles, 80 kopecks. Each word cost 1 ruble, 48 kopecks. Given that 200 rubles can buy a cheap lunch in St. Petersburg in 2020, the price in 1892 for a single telegram seems quite high. Of course, it had to travel to the other side of the globe. Source: Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Folder 56: Accounts and receipts, Box 9: Ship’s Papers: Cape Horn Pigeon (Bark), New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

After an abortive search for seals and their entrails, fon-Kube released the *Cape Horn Pigeon* and its crew from Vladivostok, declaring them innocent. They were free to go on

⁵²⁰ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 28; and Amount of Indemnity, First Case, Seizure of the American whaling bark Cape Horn Pigeon, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 289, Library NW 998.21 U58, BC Archives.

⁵²¹ Thomas Scullun, master, Log Book, Season of 1892, September 22, 1892, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1199, list 191. Original document in English.

October 1, the day the Okhotsk whaling season usually ended due to inclement wintry weather descending.⁵²² It was too late to engage in any more whale or seal hunting, so the Russian navy no longer cared about the *Pigeon* or whether it was whaling or sealer-supplying. Scullun wrote a letter on September 28, on letterhead reading “Chas. H. Smith, Commission Merchant, Vladivostock, (Eastern Siberia),” that said, “I shall leave nex [*sic*] Saturday for San Francisco + glad to get a way.”⁵²³ It turns out that this American, Charles Henry Smith, fronted Scullun the money he required while stuck in Vladivostok—to the tune of \$1,125 in gold.⁵²⁴ Later, a Russian Commission of Inquiry admitted that the *Pigeon*’s detainment had been a mistake, based on a misunderstanding.⁵²⁵ Misapprehensions abounded between Russians and Americans: Scullun estimated \$49,500 in damages due to himself and the owners, while the guilty party thought that \$2,500—the cost of sending telegrams and various and sundry landlubbing expenses—was a more accurate sum.⁵²⁶

⁵²² Thomas Scullun, master, Log Book, Season of 1892, October 1, 1892, Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis’ 487, delo 1199, list 193. Original document in English.

⁵²³ Letter from Thomas Scullun to J. & W.R. Wing, September 28, 1892, Vladivostok, Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 7: Ship’s Papers: Cape Horn Pigeon (Bark), Folder 1: Miscellaneous Cables and Telegrams Received and Sent, Seizure, Letters, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁵²⁴ Thomas Scullun, Copy of Claim, September 30, 1892, Vladivostok, Mss 35: J. & W.R. Wing & Co., Series B, Sub-series 9, Box 7: Ship’s Papers: Cape Horn Pigeon (Bark), Folder 2: Letters, New Bedford Whaling Museum Archives, New Bedford, Massachusetts.

⁵²⁵ Proceedings in the Case of the Detention of the American Schooner “Cape Horn Pigeon,” 1890-1899, AVPRI f. 148, op. 487, d. 1199, l. 30. Original document in French.

⁵²⁶ Presentation of the Claims to the Imperial Government of Russia, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I (Washington, D.C.: Government Printing Office, 1903), 16, Library NW 998.21 U58, BC Archives, Victoria, British Columbia; and Conclusion, First Case, Seizure of the American whaling bark Cape Horn Pigeon, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I (Washington, D.C.: Government Printing Office, 1903), 290, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

The detainment was a financial disaster for the *Cape Horn Pigeon* and constituted Peirce's primary complaint against the Russian government. The *Pigeon's* shortened 1892 whaling season was so unprofitable that many of the thirty-one-man crew were indebted to the ship rather than earning any money for the season.⁵²⁷ Cash advances were extremely common in American whaling ports like New Bedford and San Francisco. Before the voyage even began, a mariner was usually in debt to his next employer, who would front the bill for resupplying personal items in port. Thus, a seaman boarded his new workplace with a negative balance. Even if the voyage were successful, most itinerant sailors put very little in their pockets. A shortened voyage was financially tragic. The claim against the Russians was not only that the crew was prevented from pursuing its "lawful calling" in the Sea of Okhotsk, but that it was shielded from pursuing that calling *anywhere*, detained until the very end of the season. This forced a breach of contract between owner and crew for wages that were contractually due. Thus, the claim went, a foreign government interfered in the fulfillment of a legal business contract between citizens of another nation. Peirce implied in the arbitration proceedings that whether or not Russian waters were closed was not even an issue for him; the true problem was that the Russian navy forced a breach of contract between Americans by preventing them from whale hunting anywhere until the end of the season.⁵²⁸

⁵²⁷ Statement of the Facts in the Case, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna,"* Appendix I (Washington, D.C.: Government Printing Office, 1903), 11, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵²⁸ For details, see Fourth Case, *The Kate and Anna*, undated, Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna,"* Appendix I (Washington, D.C.: Government Printing Office, 1903), 360, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

Peirce's second principal complaint in all four of the cases was that the American crews were compelled to serve a foreign navy, if only briefly. Their journey by sea from x to Petropavlovsk or Vladivostok was in service to the Russian navy. It marked a violation of the men's basic right to move through the world as citizens and defenders of their nation of birth or choice. It is a primarily symbolic point, but one that irritated Peirce greatly: it was both an egregious offense against their personal liberty and an "injury to their national pride."⁵²⁹ When the *Pigeon* crew was allowed back on its ship, Peirce crowed, they "rested again safely under the flag of their country."⁵³⁰ The Russian Commission of Inquiry called the Americans' impressment into service a "regrettable error," but also wrote that fon-Kube did what he thought was right in the moment—despite the equivocation reported by Scullun.⁵³¹

Peirce's third main complaint was that free American workers were forced into manual labor aboard ship—hoisting sails and the like—for which they were never compensated. The American counsel demanded \$1,000 per man in damages for the thirty-one *Cape Horn Pigeon* crewmembers, though he made it clear that monetary remuneration alone could not compensate for the ghastly state of working for a foreign government.⁵³² Peirce valued each man's labor equally—\$1,000 each for the captain on down to the cabin boy—suggesting that a patriotic hit

⁵²⁹ The Measure of Damages, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 26, Library NW 998.21 U58, BC Archives.

⁵³⁰ General Statement of the Claims, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 28, Library NW 998.21 U58, BC Archives.

⁵³¹ First Case, Seizure of the American whaling bark Cape Horn Pigeon, Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna," Appendix I (Washington, D.C.: Government Printing Office, 1903), 288, Library NW 998.21 U58, BC Archives, Victoria, British Columbia; and Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 27.

⁵³² General Statement of the Claims, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 28, Library NW 998.21 U58, BC Archives.

had the same impact regardless of rank. Impressment into foreign service was the great equalizer in the hierarchy.

The Hague

The United States requested damages in four separate cases presented together: the whaling *Cape Horn Pigeon*, described above; the sealing *C.H. White*, described in the previous chapter; and the sealing *James Hamilton Lewis* and *Kate and Anna*, which cases followed the same pattern already established.⁵³³ The Russians, in a counter memorandum to Peirce's claim, accepted responsibility for the wrongful detainment of the *Cape Horn Pigeon* and for indemnity due to the *Kate and Anna*, but not the others. Both the *Pigeon* and the *Kate and Anna* had been returned to their crews, while the Russian navy seized the *C.H. White* and *James Hamilton Lewis*.⁵³⁴ The latter had been seized one season prior to the others, in 1891. This case reminds us that there was a precedent for seizing sealing schooners before 1892, just as the American navy had seized Canadian schooners in the 1880s. The 1892 season can be thought of as the tipping point, with the sheer number of confiscations creating too many diplomatic headaches at once.

Agreements set in the North Pacific in the past were crucial to adjudicating guilt over the summer of 1892. To prepare for arbitration, Asser, the Hague arbitrator, had to not only familiarize himself with the terms of the 1891 and 1892 detainments, but he also had to go back to the Alaska Treaty of Cession that had established prevailing land and sea boundaries between Russia, America, and Canada.⁵³⁵

⁵³³ The captain of the *James Hamilton Lewis* in 1891 was one Alexander McLean. See Chapter 4 for more on McLean's intriguing life and legend.

⁵³⁴ Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Kingdom of Holland, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels "Cape Horn Pigeon," "James Hamilton Lewis," "C.H. White," and "Kate and Anna,"* Appendix I (Washington, D.C.: Government Printing Office, 1903), 285, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵³⁵ Ovchinnikov, *Arbitration*, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 22 ob.

Throughout arbitration, Peirce used the concept of legal precedent selectively. He asserted that the \$40,000 paid by Russia to the Canadian owners should offer no precedent in the present case between Russia and the U.S. If Russia was only guilty in two out of eleven Canadian cases, and only paid out \$40,000, Peirce wanted nothing to do with it. He did, however, want the 1892 Paris agreement, requiring the United States to pay for the seizure of twenty Canadian vessels, to serve as a precedent, hoping for a heap of money to come to American shipowners.⁵³⁶

While Russian and American diplomats tried to work out these four cases, Tsar Nicholas II proposed a peace conference to relieve diplomatic pressure rising in Europe generally. The conference was also held at The Hague. The Americans wanted to focus the conference on proceedings in the Bering Sea. Delegations from the U.S., Great Britain, Japan and, of course, Russia attended. The conference convened from May 18 to July 29, 1899, to “arrest the constantly increasing development of armaments and thus contribute to a durable peace.”⁵³⁷ With the decline of the Ottoman Empire and many other issues, many feared that a European war was on the horizon in 1899.⁵³⁸ Asser participated in the peace conference, but the Wikipedia page for

⁵³⁶ Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, undated, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 322, Library NW 998.21 U58, BC Archives, Victoria, British Columbia. It would take until 1898 to fully resolve the Anglo-American conflict over the twenty vessels. The American owners of Canadian vessels seized in this bunch were not repaid by the American government until 1924. See Williams, *The Bering Sea Fur Seal Dispute*, 58.

⁵³⁷ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 345. Nicholas II issued the conference proposal on August 24, 1898. Conference planners did not want it held in any of the capitals of the most influential European powers, and anarchists and nihilists ran rampant at that time in Switzerland, so Nicholas proposed The Hague.

⁵³⁸ World War I would begin by 1914. For more on what caused the war, see Roger Chickering, *Imperial Germany and the Great War, 1914-1918*, 3rd ed. (New York: Cambridge University Press, 2014); Christopher Clark, *The Sleepwalkers: How Europe Went to War in 1914* (New York: HarperCollins, 2013); and Fritz Fischer, *World Power or Decline: The Controversy over Germany’s Aims in the First World War* (New York: W.W. Norton & Company, 1974).

The Hague falsely credits Asser with initiating it.⁵³⁹ White acted as president of the American delegation; by this time, he was no longer ambassador to Russia, but rather to Germany. The Americans were hesitant to trust the Russians, as they were in the middle of Bering Sea negotiations. White noted in his journal that, at the peace conference, “there [was] a vague dread throughout Europe of the enormous growth of Russia.”⁵⁴⁰ Many delegates assumed with alarm that the tsar meant to distract the rest of Europe with talk of disarmament while building up his own arsenal.⁵⁴¹ Nicholas II’s proposed plan for avoiding war in Europe was the creation and maintenance of a system of arbitration for the Western world. As with international law, so with global or regional tribunals of arbitration in an era before the European Union: White wrote, “As to arbitration, we cannot make it compulsory.”⁵⁴²

Under orders from the U.S. State Department, the American delegates wanted to make the conference about something other than arbitration. The Americans sought to propose the “principle of extending to strictly private property at sea the immunity from destruction or capture by belligerent powers analogous to that which such property already enjoys on land, and...to have this principle incorporated in the permanent law of civilized nations.”⁵⁴³ In the middle of the Bering Sea fur seal crisis, this can be read as a direct appeal by Americans to the international community to understand sea boundaries in a way that would be favorable to Americans in the case. Incidentally, one of the American delegates was famous naval captain and historian Alfred Thayer Mahan, who through his famous *Influence of Sea Power Upon History*,

⁵³⁹ “Bering Sea Claims to be Arbitrated,” *The Morning Mercury* (October 25, 1899), Mss 35, Series B, Sub-series 9, Box 9, Folder 73, New Bedford Whaling Museum Archives; and “The Hague,” Wikipedia, accessed April 5, 2019, https://en.wikipedia.org/wiki/The_Hague#International_politics.

⁵⁴⁰ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 332.

⁵⁴¹ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 250, 256, 265.

⁵⁴² White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 259.

⁵⁴³ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 254.

1660-1783 (1890) and other publications, “began to preach the gospel that naval power and world power are Siamese twins” in the 1880s and 1890s.⁵⁴⁴

Ultimately, the peace conference achieved an arbitration plan that provided “a court definitely constituted ; a place of meeting easily accessible ; a council for summoning it always in session ; guarantees for perfect independence ; and a suitable procedure.”⁵⁴⁵ It would be called the Permanent Court of Arbitration, and it still exists today in The Hague. The conference did nothing, however, to advance the American cause in the Bering Sea.

Asser rendered his decision on America’s claims against Russia on November 29, 1902. He based his decision on “the general principles of international law and the spirit of international agreements applicable to the subject,” in consultation with a “commercial expert” chosen by each party.⁵⁴⁶ He found the Russian navy officially guilty in two cases—the two for which the Russian delegation already admitted guilt. The consequences of guilt were pecuniary. Asser demoted the “cases” of the *C.H. White* and *Kate and Anna* to “affairs,” but forced some remuneration in all four.⁵⁴⁷ He wrote that the Russian government owed the American shipowners the following principals:

⁵⁴⁴ Thomas A. Bailey, *A Diplomatic History of the American People*, 7th ed. (New York: Meredith Publishing Company, 1964), 421.

⁵⁴⁵ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 351.

⁵⁴⁶ Decision of the Arbitrator, The Case of the “Cape Horn Pigeon,” Mr. T. M. C. Asser, November 29, 1902, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 451, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵⁴⁷ Decision of the Arbitrator, Affair of the “Kate and Anna,” Mr. T. M. C. Asser, November 29, 1902, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 466, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

- *James Hamilton Lewis* (owner: Max Waizman of San Francisco): \$28,588,
- *C.H. White* (owner: Eagle Fishing Company of San Francisco): \$32,444,
- *Kate and Anna* (owner: Claus [Charles] Lutjens of San Francisco): \$1,488, and
- *Cape Horn Pigeon* (owner: J. & W.R. Wing & Co of New Bedford): \$38,750,

for a total of \$101,270, as well as an interest rate of six percent annually. The official record shows that Russia was absolved on two counts, but Ovchinnikov counted them all as losses since Russia was required to pay something in both the cases and the affairs.⁵⁴⁸

An important question arose in the course of arbitration: should the guilty party be forced to pay damages for hypothetical lost revenue? Standard Western practice at the time demanded remuneration for hypothetical future catch. It compensated for both lost time and lost money, i.e., ruination of legal, contractual work. Peirce agreed with this logic and noted a special logic at work in the nature of whales and whaling. He contrasted the detainment of a freight vessel with a whaling vessel. They are not comparable, he asserted, because the carrier loses nothing in “earning capacity” by detention. The only loss is the loss of *time*. The annoyed freight captain and crew simply go on with their lives. But time lost by a whaler is directly and literally an irreparable and eternal loss of revenue. Peirce further argued that if a merchant ship were required to prove from whence all of its cargo came, then no ship “would be secure upon the high seas against the confiscation of her merchandise.”⁵⁴⁹ He argued that a whaleship must take “advantage of her opportunity when it arrives” during the “brief season during which whales are

⁵⁴⁸ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 24 ob.

⁵⁴⁹ The Measure of Damages, Case No. 4, The “Kate and Anna,” undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I (Washington, D.C.: Government Printing Office, 1903), 261-262, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

to be taken in northern latitudes.”⁵⁵⁰ Most commercial whaling enterprises must outlay a significant and risky sum of capital just to begin. As the journey progresses, whaleships must eject ballast overboard—as heavy barrels of whale oil are added—while freighters must take it on. To protect the tremendous investments businessmen made in purchasing, outfitting, and crewing large ships, it was standard for courts to demand damages to compensate for hypothetical lost profits. In Peirce’s view, “No one has the right by a summary act to divert the earning capacity of the invested capital of another.”⁵⁵¹ Further, Peirce contended, “The question of possible risk or danger of the enterprise has no bearing on the responsibilities incurred by interruption or by seizure.”⁵⁵² In other words, while an “act of god” could envelope an entire ship with its whole crew at any moment, Russia was still responsible for the *Cape Horn Pigeon* losing all of its potential revenue from September 10 to October 1.

The Russian Empire disagreed with this legal approach. The rejoinder to Peirce argued that payment “can be due only on proof that the seals from which the skins were taken were caught outside Russian jurisdiction.” This precludes payment for imaginary seals (or whales) not taken. The Russian team agreed that it needed to compensate American sailors for actual losses, but not for “complete guesswork” or “luck,” “based on the testimony of persons interested.”⁵⁵³ Ovchinnikov wrote that, in an industry that was “not amenable to accurate calculation,” it was “impossible, before setting off on a hunt, accompanied by dangers, to estimate in advance the

⁵⁵⁰ The Measure of Damages, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 22, Library NW 998.21 U58, BC Archives.

⁵⁵¹ The Measure of Damages, Case No. 2, The “James Hamilton Lewis,” undated, in Herbert H. D. Peirce, Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,” Appendix I (Washington, D.C.: Government Printing Office, 1903), 118, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵⁵² Rejoinder of the Party Claimant to the Counter Memorandum of the Defendant Party to the Honorable Arbitrator, Mr. T. M. C. Asser, Counsellor of State of the Kingdom of the Netherlands, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 321, Library NW 998.21 U58, BC Archives.

⁵⁵³ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, ll. 27-27 ob.

result of such a hunt.” The Russians asserted to Asser that ownership of an animal in its commodity form begins at the moment at which the animal’s breath expires—not a moment sooner. Suppose, the defendants in the case wrote, that two hunters were chasing after the same boar. It does not belong to either of them until one of them kills it. Even wounding the boar is not enough to claim ownership. They could just as well have used seals as an example, but their rhetorical boars brought the discussion to land—more familiar territory—to make a larger point about hunting and when possession legally occurs. In the Russian view, restitution for lost animals would only be due in cases in which the Russian navy seized actual killed animals or animal skins—not fictitious ones.⁵⁵⁴ They argued, not unreasonably, that any person might lose property or potential future property at any moment due to someone else’s actions. If everyone went to court because they suspected that any action taken by another human being had influenced their lives or earning potential in any way, the whole world would be in court perpetually. The defendants declared, rather sinuously: “The deprivation of hypothetical profit resulting from the nontaking of that which in place of being simply *res nullus* and of not yet having in his possession, belonging, indeed, to another state, which was obliged to preserve it, could not afford basis of an indemnity.”⁵⁵⁵

For the single whaling vessel wrapped up in this case, Captain Scullun estimated eight whales’ worth of lost revenue, but Asser adjusted it to five. Scullun’s estimate was loosely based

⁵⁵⁴ Surrejoinder of the Party Defendant to the Rejoinder of the Party Claimant to the Counter Memorandum of the Russian Government Presented to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Netherlands, undated, St. Petersburg, in Herbert H. D. Peirce, *Foreign Relations of the United States, 1902, Whaling and Sealing Claims Against Russia, On Account of Arrest and Seizure of the American Vessels “Cape Horn Pigeon,” “James Hamilton Lewis,” “C.H. White,” and “Kate and Anna,”* Appendix I (Washington, D.C.: Government Printing Office, 1903), 371, Library NW 998.21 U58, BC Archives, Victoria, British Columbia.

⁵⁵⁵ Surrejoinder of the Party Defendant to the Rejoinder of the Party Claimant to the Counter Memorandum of the Russian Government Presented to the Honorable Arbitrator, Mr. T. M. C. Asser, Counselor of State of the Netherlands, undated, St. Petersburg, in Herbert H. D. Peirce, *FRUS, 1902, Whaling and Sealing Claims Against Russia*, 372, Library NW 998.21 U58, BC Archives. This quotation was in English in the source.

on his four-year history as captain of the *Cape Horn Pigeon*, during which his crews had caught twenty-eight whales in total, for an average of seven per year. The *Pigeon* had parts of two whales aboard at the moment of seizure. Thus, Russians argued, and Asser agreed, that only five hypothetical whales breathed freely on account of Russian action.⁵⁵⁶ This totaled, according to Asser, \$28,500 in hypotheticals. To that he added \$250 per man for lost time, not the \$1,000 per man that Peirce requested. Asser was not convinced that the Americans had conclusively proven that the Russians had mistreated them—impressment into a foreign navy be damned. Along with some other miscellaneous losses, the Russian government owed \$38,750 plus nine years' worth of interest to the owner and crew of the *Cape Horn Pigeon*.⁵⁵⁷

The 1892 confiscations of Americans sealships were only settled in 1902. One of the *Cape Horn Pigeon* owners died while awaiting a resolution.⁵⁵⁸ In the end, out of fifteen arbitrated cases—eleven Canadian and four American—only four were designated against international maritime practice (*James Hamilton Lewis, Willie McGowan, Rosie Olsen, and Cape Horn Pigeon*), with damages due for six (those four plus the *C.H. White* and *Kate and Anna*). Given the diplomatic hue and cry prompted by the seizures, it may seem surprising that not even half of them were proven violations by the Russian navy. Furnishing proof to defend either side up to ten years after the fact proved extremely difficult.

This boundary dispute had similar effects to that between Russia and Canada; now both countries would observe the same limits around Russian coasts and rookeries, and all three countries recognized the high price of unduly confiscating others' ships. Just after the Hague

⁵⁵⁶ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 30 ob.

⁵⁵⁷ Decision of the Arbitrator, The Case of the "Cape Horn Pigeon," Mr. T. M. C. Asser, November 29, 1902, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 453, Library NW 998.21 U58, BC Archives. Note that Asser appraised whale value lower than did Scullun and New Bedford broker George R. Phillips.

⁵⁵⁸ Deposition of William R. Wing, January 8, 1900, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section, 1799-1922), opis' 487, delo 1199, list 121. Original document in English.

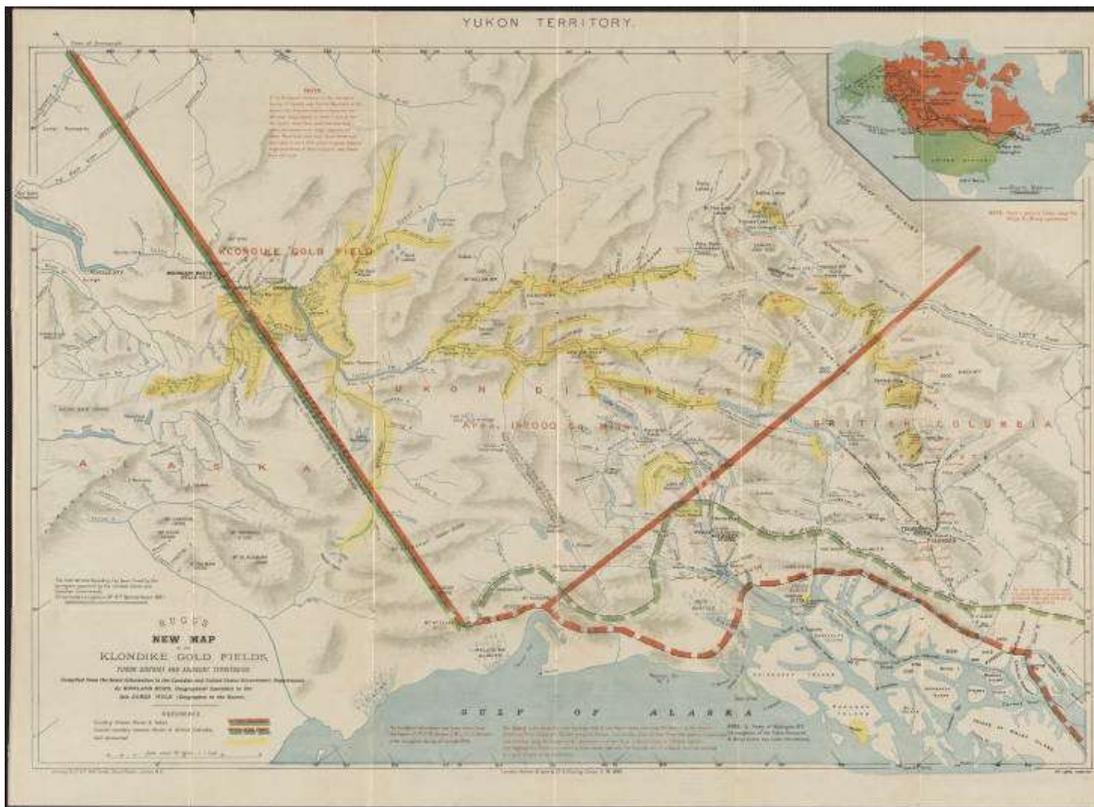
arbitration ended, a third boundary dispute rankled British and American diplomats and led to the clarification of the Alaska border in 1903. It was yet another dispute over space—involving land as well as water—that stood in the way of reaching equilibrium in regional diplomacy.

Boundary Dispute #3: Canada v. America: “Little Exactness of the Geographical Ideas”

Charles H. Tupper, Canadian Minister of Marine and Fisheries and member of the Canadian parliament, wrote that the Americans, with their seal rookery monopoly, wanted to “drive our flag off the ocean in the Northern Pacific.”⁵⁵⁹ While working on the decades-long fur seal matter, American and British diplomats confronted an ill-defined boundary line between Alaska and British Columbia. No one—in history, it turned out—was precisely sure where the border was. Both sides decided to finally do something about it in 1903, in a series of meetings that would be called the Alaska Boundary Dispute. Before 1897, not enough political will existed in the U.S. or Canada to clarify the boundaries of this borderland that the U.S. bought along with the Alaska purchase. It is peculiar that the matter of Alaska’s borders was not worked out during the treaty negotiations between Seward and de Stoeckl. This suggests that Seward was about as concerned with the precise extent of Alaska when he acquired it as the Russians had been, and it reveals a curious quality of bilateral agreements: since Great Britain was not a party to the 1867 cession of Alaska, it was not able to weigh in on the boundaries that the United States and Russia were transferring in 1867. Although the boundary was certainly relevant to Canada, that country had no place at the table in Seward and de Stoeckl’s late night, secret transfer rendezvous. The borderland suddenly became problematic for more than indigenous people in 1897, as gold prospectors rushed to Yukon Territory, Canada—by way of Alaska—in the Klondike Gold Rush. Gold on the “border” between Alaska and British Columbia “instigated lengthy discussions of

⁵⁵⁹ Charles Hibbert Tupper, “Crocodile Tears and Fur Seals,” *National Review* (London) 28, no. 163 (September 1896): 89.

the border's exact placement, which involved tedious and largely fruitless searches of Russian archives.”⁵⁶⁰ What had been a sketchy Russian-British boundary, visible in Maps 3.2 and 3.3, then became an American-Canadian dispute over the extraction of another northerly resource: gold. The Klondike kept diplomatic eyes on the North Pacific but distracted attention away from the fur seal issue temporarily. “Klondicitis” also drew many sealers away from their chosen career. Some crews used their sealships as transportation to the Yukon.⁵⁶¹



Map 3.2: Rugg’s New Map of the Klondike Gold Fields, Yukon District and Adjacent Territories, 1898. From left to right, this slightly slanted map shows mainland Alaska, Yukon Territory, British Columbia, and Southeast Alaska. The “Disputed boundary between Alaska & British Columbia” is depicted by the uneven green and pink lines in the south. Yellow marks the gold fields. Source: UAF-G3522 K5 H1 1898 F61, Rare Maps Collection, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska, Alaska’s Digital Archives, <https://vilda.alaska.edu/digital/collection/cdmg11/id/11911>.

The North Pacific countries had just determined how many miles from shore constituted an exclusive economic zone; the remaining border dispute involved both land and sea. The

⁵⁶⁰ Saul, *Concord and Conflict*, 309.

⁵⁶¹ MacGillivray, *Captain Alex MacLean*, 128.

“sinuosities” of the southern Alaskan coast today are the result of action taken in 1903; the lucrative Alaskan cruise ship industry owes everything to it.⁵⁶² President Theodore Roosevelt initially would not allow this boundary dispute to go before an international court because, in his view, fur seal arbitration in the 1890s “had settled nothing.”⁵⁶³ At issue was the precise meaning of the 1825 treaty between Great Britain and Russia that established the boundary between Canada and Russian America. The treaty was only in French, the common diplomatic language of the time, so both Americans and the British had to work out the English meanings of French words from seventy-eight years prior. Early-nineteenth-century expansionist Russia had hardly been concerned with the entirety of Alaska; it was interested in, in the main, southern coastal Alaska. Russians never set foot, or paddle, in most of what is today Alaska. Yet even land that government officials never intend to see with their own eyes becomes very important when they are looking at maps. The issue in 1903 was how the Americans and British should define Alaskan and Canadian space as established by the Russians and British, in French.

⁵⁶² Convention between Great Britain and the United States of America for the Adjustment of the Boundary between the Dominion of Canada and the Territory of Alaska Signed at Washington, Michael H. Herbert, John Jay, January 24, 1903, in *Reports of International Arbitral Awards: The Alaska Boundary Case* (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 488.

⁵⁶³ Williams, *The Bering Sea Fur Seal Dispute*, 65.



Map 3.3: Map of Alaska-Canada Boundary Arbitration, 1903. Note “Chilkoot” and “Chilkoot Pass,” the northern gateway to the gold fields of the Klondike. Source: William R. Shepherd, *Historical Atlas* (New York: Henry Holt and Company, 1926), 212. Public domain image from Wikimedia Commons, https://commons.wikimedia.org/wiki/File:1926_Canada-Alaska_1903_boundary-map.jpg.

The territory in dispute in 1903 was a canal, a channel, and some mountains.⁵⁶⁴ The Lynn

Canal region is known by nearly every American cruise ship passenger who goes “North to

⁵⁶⁴ The text of the 1867 treaty, Article I, reads as follows, regarding these spaces: “His Majesty the Emperor of All the Russias agrees to cede to the United States by this Convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by His said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to with [*sic*] : the eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the Convention between Russia and Great Britain, of February, 28 (16) 1825.” That ceded territory of Alaska was, namely: “Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54° 40’ north latitude, and between the 131° and the 133° of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56° of north latitude; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141° of west longitude (of the same meridian) ; and finally, from the said point of intersection, the said meridian line of the 141° in its prolongation as far as the Frozen Ocean.” See Treaty between Russia and the United States, for the Cession by Russia to the United States of All Territory and Dominion Possessed by Russia, on the Continent of America, and the Adjacent Islands, Signed at Washington, March 18 (30) 1867, in *Reports of International Arbitral Awards: The Alaska Boundary Case* (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 538-539.

Alaska.”⁵⁶⁵ It was precisely the path to the Klondike. In 1903, Québécois Lieutenant Governor Sir Louis Jetté sneered that the Americans in the dispute wanted to elevate the waters of the Lynn Canal to the status of “ocean” by interpreting the French word “l’Océan” to mean that canal. Jetté mocked: if a person might say of some place, “ ‘This is the ocean!’ ”—it had “been reserved for Lynn Canal to be raised to that dignity!”⁵⁶⁶ The identity of the “Portland Channel” was another hot topic, with endless pontification on where it was or what it was, as no such place name existed by 1903. In attempting to define it, American representatives looked to the source of all Alaskan place names: George Vancouver and his narrative, *A Voyage of Discovery to the North Pacific Ocean, and Round the World* (1798). There was “no proof that the [1825] negotiators had read Vancouver’s narrative.” Vancouver’s was the “only book which contained any detailed information as to that portion of the globe with which they were dealing.” Further complicating the matter was that there was an internal discrepancy between Vancouver’s maps

⁵⁶⁵ Johnny Horton and Tillman Franks, “North to Alaska,” *Greatest Hits*, Columbia Records, 1960.

⁵⁶⁶ Opinion of Sir Louis Jetté, October 22, 1903, in *Reports of International Arbitral Awards: The Alaska Boundary Case (Great Britain, United States)*, vol. 15, October 20, 1903 (New York: United Nations, 2006), 518. See also Opinion of the United States’ Members of the Tribunal (2): Opinion on Fifth Question, Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in *Reports of International Arbitral Awards: The Alaska Boundary Case (Great Britain, United States)*, vol. 15, October 20, 1903 (New York: United Nations, 2006), 534: Root, Lodge, and Turner noted in 1903 that, in 1867, the United States “took formal possession, with appropriate ceremonies, of the territory at the head of the Lynn Canal, and the officers of the Hudson’s Bay Company surrendered the possession which they had theretofore held as tenants of Russia, and departed, leaving the head of the Lynn Canal in the possession of the United States. From that time until the present the United States has retained that possession, and has performed the duties and exercised the powers of sovereignty there. For certainly more than twenty years after that, there was not a suggestion from the British Government that the possession was not rightful. In the meantime, the Naval and Military officers of the United States governed the Indians who lived at the heads of the inlets; those Indians were included in the United States’ Census; order was enforced among them, and their misdeeds were punished by the United States; a public school and mission schools were established at the head of the Lynn Canal, under the auspices of the United States’ Government; the land laws of the United States were extended over the territory, and mineral claims were located in the territory now in question; the revenue laws of the United States were extended over the territory, and were enforced in the territory in question; foreign vessels were forbidden to unload at Chilkat, and obeyed this prohibition; a post-office was established at the head of the Lynn Canal; an astronomical station of the United States’ Coast Survey was established there; factories for the canning of salmon were erected and operated by American citizens; and all these operations of Government were unaccompanied by any suggestion that the United States was not rightfully there.” I take this list in the final sentence as an assertion of evidence of land possession—an assertion that a nation-state or empire in the late nineteenth century could claim ownership over a territory if this (highly specific and localized) list of infrastructures prevailed.

and his text.⁵⁶⁷ Thus, the quintessential historic reference for Alaska geography was not even internally consistent. Vancouver's work shows the haphazard logics by which national boundaries may be formed in general: sometimes by natural features, other times arbitrarily—with residents who live near the imaginary line often not even knowing it or being affected by it.

Alaska's cruise worthy Inside Passage, home to both the Russian capital of Sitka and the American capital of Juneau, awkwardly cuts off about half of British Columbia from the sea.⁵⁶⁸ That choice dates back *formally* to the Treaty of 1825 between Russia and Great Britain, and it was reinstated in the 1903 boundary dispute. But the boundary's placement was *informally* born from the business practices of members of the British and Russian empires as they evolved over time. In 1825, "Russia based her claims upon occupation and trade by the Russian-American Company; Great Britain based her claims upon occupation and trade by the Hudson's Bay Company."⁵⁶⁹ The Russian-American Company started at the Aleutian Islands and moved eastward, establishing settlements and mapping coastline across the entirety of southern Alaska. Sitka was essentially the southern boundary of Russian America's concern. The Hudson's Bay Company, however, came from the other direction, starting from the British Isles in the Atlantic. The company slowly crossed the Canadian Rocky Mountains and extended to the Mackenzie and Fraser rivers, focusing more on land-based sources of fur than did the Russians. It was only a matter of time before the two companies met; only at the meeting point did it become necessary to properly delimit space between the two. The two monopolies established, over time, a *modus*

⁵⁶⁷ Opinion of the United States' Members of the Tribunal (1): Opinion on Second Question Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 522.

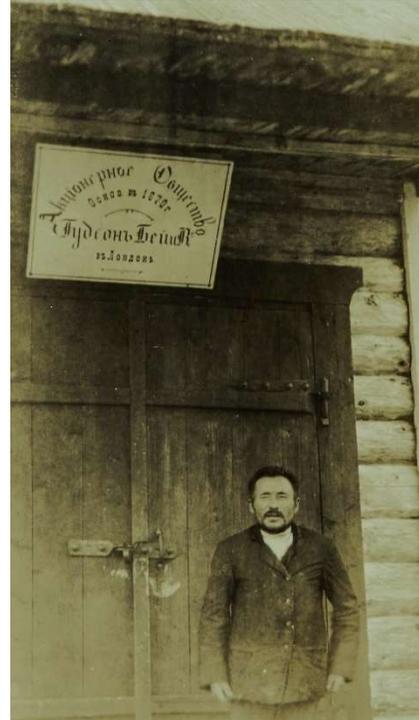
⁵⁶⁸ As Sir Louis Jetté wrote, the Lynn Canal/Inside Passage "deprives British possessions of any access to the sea on the whole length of the said *lisière* [border]." See Opinion of Sir Louis Jetté, October 22, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 514.

⁵⁶⁹ Opinion of the United States' Members of the Tribunal (2): Opinion on Fifth Question, Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 526.

operandi of distinct geographic spheres, which was eventually codified in the 1825 treaty. The American discussants involved in the 1903 boundary dispute wrote that the purpose of that odd strip of American land and islands between Canada and the sea (essentially, the Lynn Canal) was purely to “protect the trade of the Russian-American Company [with indigenous people], from its central post at Sitka, against the competition of the Hudson’s Bay traders, coming from the east.”⁵⁷⁰ The line initially proposed by Great Britain in 1825 would have given the Russians only “rocky and inaccessible promontories,” and the British would have gotten all the best “harbours, anchorages, habitable shores, river mouths, avenues of access to the interior, hunting grounds,” and access to Native tribal nations for trading purposes.⁵⁷¹ The two sides compromised to forge the border that was more generous to Russia—and later the U.S. The contours of Southeast Alaska today are visual evidence of Russia having a maritime interest—not a territorial interest—in Alaska. The Hudson’s Bay Company specialized in land-based sources of fur and eventually made its way to Russia; see Figures 3.4 and 3.5.

⁵⁷⁰ Opinion of the United States’ Members of the Tribunal (2): Opinion on Fifth Question, Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 527.

⁵⁷¹ Opinion of the United States’ Members of the Tribunal (2): Opinion on Fifth Question, Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 528.



Figures 3.4 and 3.5: Hudson’s Bay Company stores on Kamchatka, 1910. The sign on the left reads: *Gudson” Bei* (Hudson Bay). The sign on the right reads: *Aktionernoe Obshchestvo, Osnov v” 1670 g., Gudson Bei i Co., v” Londone* (Joint-Stock Company, Founded in 1670, Hudson Bay). Source: Persons, buildings, ships and animals taken in AK and Kamchatka on a cruise by the ship *Casco*, 1910, The Alaska and Kamchatka ALBUMS, ACC# 92-152, Box 1: Albums 1 (Figure 3.4, 92-152-144; on the left) and 2 (Figure 3.5, 92-152-462; on the right), Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

In both 1825 and 1903, government officials were trying to fairly divide up remote borderlands that they would never see up close. Count Christoph von Lieven, Russian ambassador to Great Britain in the early nineteenth century, wrote about the “little exactness of the geographical ideas which we as yet possess as to these regions.”⁵⁷² In 1903, Canadian delegate Allen B. Aylesworth agreed with Lieven: “little certainty there then was in the geographical knowledge anybody had of the regions they were negotiating about.”⁵⁷³ Yet the negotiators of 1903 were hardly better equipped than those of 1825. Both meetings constituted a

⁵⁷² Opinion of Sir Louis Jetté, October 22, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 518. See also Opinion of the United States’ Members of the Tribunal (2): Opinion on Fifth Question, Elihu Root, Henry Cabot Lodge, George Turner, October 20, 1903, in Reports of International Arbitral Awards: The Alaska Boundary Case, 521. In Russian, the count’s name was written Khristofor Andreevich Lieven.

⁵⁷³ Opinion by Mr. Aylesworth, October 17, 1903, London, in Reports of International Arbitral Awards: The Alaska Boundary Case (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 508.

semantic exercise engaged in by people who would never see the literal—and littoral—space. Another option was available to the 1903 team: to forge a contemporary boundary that matched the present lived reality of people and places near the assumed border. Is it unthinkable to contemplate making up a new border that does not conform to a set of unintelligible guidelines decided by people who are now long dead? Surely it would be possible, but it would be an affront to the basic sanctity of international diplomacy and historical agreements. The agreement reached between the U.S. and Canada was a compromise between the desired American boundary and the desired Canadian boundary, though it granted more island and coastal territory to the Americans and cut off a huge portion of British Columbia from the sea. See Map 3.3. The boundary that we still see today between Alaska and British Columbia is a product of the 1903 dispute, which was a product of the 1825 treaty, which was a product of the sea-based fur hunting activity of the Russian-American Company and the land-based fur hunting activity of the Hudson's Bay Company.

The Alaska Boundary Dispute was a short-term distraction from the fur seal crisis and reminds us that gold was another natural resource extracted from the region during this period. It was another moneymaker in Alaska that Russia could no longer exploit after 1867. Further, the lack of a clear international border until 1903 exacerbated tensions in the North Pacific caused by the seal issue. One historian writes that, after the Alaska Boundary Dispute was resolved on January 24, 1903, “the fur seal question began to regain interest.”⁵⁷⁴ The next chapter will show the new players and the old problems that continued in the seal industry in 1903 and beyond.

⁵⁷⁴ James Thomas Gay, *American Fur Seal Diplomacy: The Alaskan Fur Seal Controversy* (New York: Peter Lang, 1987), 117.

Conclusion: “That Which My Net and Hooks Have Gotten Is Principally Mine”⁵⁷⁵

During arbitration, Peirce lamented before Asser that watery spaces allow a special brand of chaos, of lawlessness. He elevated the state of water to something outside of normal human understanding, arguing that no nation would succeed at arresting, detaining, and usurping authority over another nation’s citizens on “*terra firma*.”⁵⁷⁶ Despite a ten-year process of codifying the limits of sovereignty in the North Pacific, Peirce remained unsatisfied that the problem of marine space had been solved. Regardless of how badly Russia could be punished, the fact remained that navies and civilians around the world treated the sea as a foreign space devoid of the cultural principle of human ownership.

Grotius surely would have been mortified by the claim that anyone should be compensated for future, hypothetical extraction revenue that never materialized. He did not write about this scenario directly and may have been unable to imagine it. Grotius argued that, although *ownership (dominium)* was out of the question for everyone, *jurisdiction (imperium)* over the sea went to anyone who would add value to it, to anyone who would apply his or her labor to the improvement of a seascape.⁵⁷⁷ He wrote that “physical seizure...leading to use” would produce jurisdiction—the “right of prey” (*jure praedae*) or conquest.⁵⁷⁸ Moving ships at sea acted as “pieces of ‘quasi-territory’ ” or “islands of law” that added value to the free sea and

⁵⁷⁵ Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), 26. Grotius quoted *The Rope* by Plautus.

⁵⁷⁶ The Measure of Damages, Case No. 1, The Cape Horn Pigeon, undated, in Herbert H. D. Peirce, *FRUS*, 1902, Whaling and Sealing Claims Against Russia, 26, Library NW 998.21 U58, BC Archives. Italics in original.

⁵⁷⁷ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (New York: Cambridge University Press, 2010), 134-135.

⁵⁷⁸ David Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), xiii, xvi.

allowed governments to make far-flung claims to sea space.⁵⁷⁹ To make this claim about use leading to jurisdiction, Grotius quoted the Roman writer Plautus, who overheard some fishermen saying: “That which my net and hooks have gotten is principally mine.”⁵⁸⁰ No matter what the “net and hooks” of the Americans and Canadians were capable of catching, the fin de siècle Russian navy and Grotius did not believe that the North Americans should be compensated for hypothetical hunting. The Hague took a different approach than its predecessor in Dutch law, Grotius, would have done.

Grotius viewed the ocean as a “commons,” but commons are often mistreated. “Common” for him did not mean “public.” In his formulation, public property is owned collectively by all—presumably managed by a government—whereas common property is owned by none.⁵⁸¹ The jurist promoted an open sea for all, held in common, but I argue that the fundamental problem with common property is that no one takes proper care of it. By pushing European thinkers to view the sea and its bounty as perpetually up for grabs to the most enterprising person, business, or government, Grotius encouraged a culture of extraction. Following his logic, marine animals have traditionally been exposed to “open access exploitation,” an unregulated regime in which no one observes or guards against resource depletion. Biologist Garrett Hardin articulated this freedom to exploit a resource to destruction in his 1968 article on the tragedy of the commons. Hardin’s commons was a pasture in which every herdsman would add too many grazers, acting in rational self-interest, until the land could no longer sustain them all. An American senator defending the seal hunt, Knute Nelson, unwittingly

⁵⁷⁹ Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham, North Carolina: Duke University Press, 2018), 23, 49, 128; and Benton, *A Search for Sovereignty*, 112.

⁵⁸⁰ Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, 26. Grotius quoted *The Rope* by Plautus.

⁵⁸¹ Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, 30.

joined the tragic commons when he wrote that Americans on principle did not want to hunt seals pelagically, but since others were doing it, “the citizens of the Republic [should] have free license to ‘murder and to ravish.’”⁵⁸² Unlike Grotius in 1609, Hardin in 1968 could imagine a commons that was unsustainable. Hardin was unequivocal on this point: “Freedom in a commons brings ruin to all.”⁵⁸³ He bemoaned the Western world’s adherence to Grotian thinking, assuming that the sea’s bounty was unlimited, while in reality, “species after species of fish and whales [came] closer to extinction” under Grotius’ philosophical sway.⁵⁸⁴ Historian David Armitage is a bit less critical of Grotius, but still notes that the Grotian sea suffers from a “contingent applicability.”⁵⁸⁵ One of the key contingencies we can observe from the twenty-first century is Grotius’ certainty that the sea and its fish and other animal resources were “apparently inexhaustible.”⁵⁸⁶

Living in the Anthropocene—the epoch in which we live and see evidence of great human impact on the environment—we are forced to rethink Grotius and whether a definitely exhaustible sea should still be free. Since the Canadian and American governments knew before 1892 that fur seals were exhaustible, they already disagreed with the double-barreled Grotian concept of free sea and free exploitation by that time. Though Benton argues in Chapter 2 of this dissertation that the question of the freedom of the seas continued until the nineteenth century, Armitage argues in his introduction to the 2004 English translation of *The Free Sea* that Grotian ocean issues were not settled satisfactorily until the *twentieth* century.⁵⁸⁷ Though Armitage is

⁵⁸² Tupper, “Crocodile Tears and Fur Seals,” 88.

⁵⁸³ Garrett Hardin, “The Tragedy of the Commons,” *Science*, New Series 162, no. 3859 (December 13, 1968): 1244.

⁵⁸⁴ Hardin, “The Tragedy of the Commons,” 1245.

⁵⁸⁵ Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, xviii.

⁵⁸⁶ Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, xvi.

⁵⁸⁷ Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, xx.

vague about his meaning, he is likely alluding to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the first international codification of *de facto* oceanic practice. Though a landmark achievement of international law, it was nonbinding in the global system of nation-states. Only those nations that chose to ratify and abide by UNCLOS do so. In the North Pacific, signatories include Japan (1996), the Russian Federation (1997), and Canada (2003), and exclude the United States.⁵⁸⁸

Some consider Grotius a hero, given the ways in which his maritime philosophy helped to organize world trade and travel. While his thinking has led simultaneously to the benefit of nations freely navigating the world ocean and the drawback of unlimited destruction of marine life, White viewed Grotius at the end of the nineteenth century as a positive force in the world. White left the 1899 peace conference hoping for the growth of international law “in obedience to the great impulse given by Grotius in the direction of right reason and mercy.”⁵⁸⁹ The creation of a clearer system of arbitration may have made small progress in that direction, though it did not help prevent World War I in 1914. White directly linked the work of diplomats like himself at the end of the nineteenth century to the writing of *Mare Liberum* at the beginning of the seventeenth.⁵⁹⁰ In thanks, White planned a Grotius festival at the jurist’s tomb in Delft—only twelve minutes by train from The Hague today—before departing the conference. Significantly to Americans, the ceremony occurred on July 4, and White acted as master of ceremonies.⁵⁹¹ He reflected, “I naturally feel proud to discharge a duty of this kind, and can put my heart into it, for Grotius has long been to me almost an object of idolatry, and his main works a subject of earnest

⁵⁸⁸ “Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements,” Division for Ocean Affairs and the Law of the Sea, United Nations, last modified April 3, 2018, http://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm.

⁵⁸⁹ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 354.

⁵⁹⁰ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 274.

⁵⁹¹ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 318.

study. There are few men in history whom I so deeply venerate.”⁵⁹² The gold and silver wreath that White asked the Secretary of State for permission to lay at Grotius’ entombed body read: “To the Memory of Hugo Grotius; In Reverence and Gratitude, From the United States of America ; On the Occasion of the International Peace Conference of The Hague. July 4th, 1899.”⁵⁹³ One of the leading members of the Dutch delegation responded, “You Americans have taught us a lesson; for, instead of a mere display of fireworks to the rabble of a single city, or a ball or concert to a few officials, you have, in this solemn recognition of Grotius, paid the highest compliment possible to the entire people of the Netherlands, past, present, and to come.”⁵⁹⁴ White believed that Grotius’ 1609 ideas inspired the peace conference in 1899, but both men would probably be displeased that oceanic issues did not make it onto the conference agenda.⁵⁹⁵ The Hague decision a few years later to punish Russia for trying to operate a closed sea likely would have satisfied Grotius. The Canadian and American sealers “improved” the Bering Sea by adding their labor to it to kill its seals and to show the Russians that the sea was free to all.

Some Americans, Canadians, and Russians even feared that tension in the Bering Sea over seals could cause a war—apart from a European war that also seemed inevitable. Busch writes that the stakes in the seal dispute were greater than they seemed on the surface and went far beyond industry and into the realm of state-to-state conflict. He calls the last few years of the nineteenth century and the first few years of the twentieth the “last tension-filled years before World War I,” asserting that the crisis in the Bering Sea could have reached “truly dangerous

⁵⁹² White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 320. White further wrote, “Twenty years ago, when minister at Berlin, I sent an eminent American artist to Holland and secured admirable copies of the two best portraits of the great man. One of these now hangs in the Law Library at Cornell University, and the other over my work-table at the Berlin Embassy.” See page 325.

⁵⁹³ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 326.

⁵⁹⁴ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 332.

⁵⁹⁵ White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2, 291.

proportions.”⁵⁹⁶ “An Old Salt” from San Francisco wrote: “When we reflect that this Behring Sea embroglio [*sic*] bids fair to embroil us in a war with two of the most powerful nations of Europe it is surely time to call a halt and ask ourselves where we are drifting, or more properly, where our national legislators are leading us?”⁵⁹⁷ This comment, referring to a potential war with Russia and Great Britain over the seal conflict, shows that it was, at its core, much more than a British-American conflict. That the Bering Sea fur seal crisis did not lead to war may suggest that cooler heads prevailed when dealing with nonhuman animals, or that the North Pacific remained a peripheral space for each of these countries. In my view, they did not want to invest too many resources into a borderland. Notably, the region was not peripheral for Japan, a country that will emerge in the next chapter at war with Russia in the North Pacific.

Andrew Dickson White continued to be an influential statesman after his tenure as Russian ambassador. During his career, White was a professor of history at the University of Michigan, New York state senator, abolitionist, and ambassador to Germany.⁵⁹⁸ During White’s term in St. Petersburg, his wife, Helen Magill White, gave birth to their only child in Helsinki. Helsinki was then part of the Russian Empire’s Grand Duchy of Finland. The Whites named their daughter Karin Andreevna White, following the Russian patronymic system of middle naming.⁵⁹⁹ Karin Andreevna is buried in Sage Chapel on Cornell University’s campus; see Figure 3.6.

⁵⁹⁶ Briton Cooper Busch, *The War against the Seals: A History of the North American Seal Fishery* (Kingston, Ontario: McGill-Queen’s University Press, 1985), 146. One historian writes, “On more than one occasion it brought the United States to the brink of naval war in the North Pacific.” See Williams, *The Bering Sea Fur Seal Dispute*, 5.

⁵⁹⁷ An Old Salt, “The Behring Sea,” *Coast Seamen’s Journal*, San Francisco (February 11, 1891): 1.

⁵⁹⁸ This researcher feels a particular scholarly connection to White, as I have earned advanced degrees at both the University of Michigan and Cornell University, we have both been trained as historians, and we both found ourselves spending extended time in St. Petersburg.

⁵⁹⁹ The equivalent of the English name Andrew is Andrei in Russian. The son of Andrei has the middle name Andreevich, and the daughter Andreevna.



Figure 3.6: Burial Marker for Karin Andreevna White and Her Family, Sage Chapel, Cornell University. Source: Amanda Bosworth, August 31, 2018.

Other remnants of Andrew Dickson White’s time in Russia are visible on campus: an extensive collection of Russian-language books in the Cornell Library; scattered papers and diaries from the years 1892-1894; a three-foot-tall, 400-pound 1894 bell made in Moscow in the President Andrew D. White Library inside of Uris Library; and the wine ladle in Figures 3.7 and 3.8.⁶⁰⁰ The ladle, given to White in St. Petersburg in the year 1892, is sadly relegated to a box in Kroch Library in 2020.

⁶⁰⁰ The bell possesses the following inscription in Latin, appropriate to the subject of this dissertation: “They change their clime not their disposition / Who run beyond the sea.” See “A.D. White Russian Bell,” Cornell University Library Digital Collections, accessed January 25, 2020, <https://digital.library.cornell.edu/catalog/ss:54102>; and Saul, *Concord and Conflict*, 392.



Figures 3.7 and 3.8: Russian wine ladle and detail, Cornell University, Carl A. Kroch Library Rare and Manuscript Collections, Andrew Dickson White Papers, 1832-1919: Collection Number 1-2-2: Box 252: MU-1983. Though difficult to decipher, the ladle is engraved with the letters “ADW” on top of one another, right; it was a personalized gift for the American ambassador. Source: Amanda Bosworth, October 16, 2019.

Seizures of sealing schooners in the region by no means ended as a result of the 1892 season and its legal fallout. Arrests and confiscations continued, but without major diplomatic incident and with the governments of Russia, Great Britain, and the U.S. more or less on the same page regarding what was allowed and where. The attention of all of these countries slowly shifted to the Japanese, as Japanese “pirates” rushed in at the turn of the century to fill the vacuum left by the now (mostly) cooperative North American sealers. Let us shift our attention away from diplomatic agreements and once again toward the seals, who are now in the sights of the Japanese.

Chapter 4: Japan Surfaces:

Japanese Seal Hunting before, during, and after the Russo-Japanese War, 1897-1911

On May 18, 1904, a Russian military agent stationed in East Asia reported that 600 Japanese schooners were gathering in Hakodate for probable “predation in the north.” The agent, a Mr. Alekseev, was careful to point out that this tremendous buildup of ships was *not* for military purposes—though the Russo-Japanese War (January/February 1904-August/September 1905) was in progress. The buildup was meant for “Japanese plunder of our fisheries in the Far East,” which would dramatically “affect the global fur market.”⁶⁰¹ The *modus operandi* to which the fur empires had become accustomed was about to be upset by a virtual outsider to the industry, Japan, though Alekseev’s estimate of 600 ships was a gross exaggeration. A total of twenty-one “poacher” ships circulated Russian waters in 1904; many stakeholders believed them all to be Japanese, but some, like the *Carmencita* out of Mexico, originated elsewhere.⁶⁰² By May 29, the Russian seals were “being destroyed by the Japanese.” Alekseev complained, “We are currently unable to send military vessels to protect the Commander Islands.” As much as the Russian navy continued to fret over its seals, there simply were not enough resources during wartime to deploy for commercial needs. The Japanese adeptly challenged Russian marine dominance, spotting and exploiting holes in the tsar’s ability to control his vast, faraway lands and waters. The Russian naval archives shrink in 1904 and 1905 on the topic of *okhrana morskikh kotikov* (protection of the fur seals), with the empire wearing itself too thin in the opening years of the twentieth century between the war with Japan in the east and the Russian

⁶⁰¹ From the Manager of the Marine Ministry to Count V.M. Lamsdorf, Main Naval Staff, May 18, 1904, No. 2348, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1127, listy 12-12 ob.

⁶⁰² Don MacGillivray, *Captain Alex MacLean: Jack London’s Sea Wolf* (Vancouver: UBC Press, 2008), 166.

Revolution of 1905 in the west.⁶⁰³ Yet the archives do not go completely silent on the matter of the fur seal.

By the 1906 season, the first after the war's end, thirty-one Japanese sealships circulated the *eastern* North Pacific—the waters adjacent to America's Pribilof Islands. At the same time, only fifteen Canadian schooners remained in business. Japan's presence in Alaska became so dominant that, eventually, Japanese boats formed a mile-long cordon around the Pribilof Islands that seals had no choice but to (attempt to) swim past in search of food. Most of those seals were females of breeding age. On July 16, 1906, five different Japanese ships landed together on St. Paul Island. The American navy treated it as an attack, and five Japanese hunters died in the resulting firefight.⁶⁰⁴ Two others were wounded, and “about a dozen” were convicted in Alaskan courts for clubbing female seals of reproductive age on the rookeries.⁶⁰⁵ One historian of Japan writes that “The seemingly relentless expansion of Japanese fisheries and the apparent lack of interest in conservation among Japan's fishermen, officials, and marine scientists earned Japan an international reputation as a lawless predator and ruthless exploiter of the seas.”⁶⁰⁶

Argument and Historiography

This chapter traces the rise of Japan as the last North Pacific sealing power to emerge and its role in forcing the 1911 fur seal convention, asking how Japan displaced Canada as the

⁶⁰³ Telegraph from Alekseev to the Minister Foreign Affairs, May 29, 1904, Mukden, China, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, list 20. See also Secret Telegram from State Counselor Kozakevich, June 11, 1904, San Francisco, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, list 31. On Bloody Sunday 1905, the St. Petersburg crowd shouted: “You run from the Japanese, but shoot your own people!” See Abraham Ascher, *The Revolution of 1905: A Short History* (Stanford, California: Stanford University Press, 2004), 27.

⁶⁰⁴ Kurpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), 143.

⁶⁰⁵ M.C. Marsh, “Fur Seals and the Fur Seal Question,” *Alaska-Yukon Magazine* 3, no. 6 (August 1907): 467.

⁶⁰⁶ William M. Tsutsui and Timo Vuorisalo, “Japanese Imperialism and Marine Resources,” in Simo Laakkonen, Richard P. Tucker, and Timo Vuorisalo, eds., *The Long Shadows: A Global Environmental History of the Second World War* (Corvallis, Oregon: Oregon State University Press, 2017), 257.

dominant power in a pelagic regime that had prevailed for multiple decades. In tandem with Japanese naval aggression, civilians felt emboldened in their hunt during the war; they were boosted further by winning the war. As the power of the Japanese empire rose, this Anglo-American-Russian story took a Japanese turn. Though Russia and Japan took center stage in the North Pacific in 1904 and 1905, the United States and Canada did not fade from view.

Americans continued fighting against Canadian seal “pirates” on the Pribilofs, while now having to fight off the Japanese too. With all the seal-based treaties controlling the actions of Americans, Canadians, and Russians, many Canadians welcomed the chance to join Japanese crews and avoid violating regulations that did not apply to Japanese flagships. It would be natural to assume that western seal stocks rebounded during the war due to both Russian and Japanese resources shifting to military uses. Yet that was not the case in this war; Japanese civilians vigorously stepped up their sealing efforts, with the support of their government. Russia faced a marine onslaught in the Pacific from both the Japanese navy and seal hunters.

This chapter traces shifts in imperial policies between the tumultuous confiscations of the 1890s described in the previous two chapters, and the eve of the 1911 multilateral seal protection convention described in the next. It contributes to the English-language literature on the fur seal crisis and convention by showing that Japan’s rise as a rookery-owning power and as pelagic sealers was crucial to the ultimate success of the convention. Japan became such a sealing powerhouse that it could not be ignored. This chapter also complicates the narrative of the fur seal crisis by adding in the Russo-Japanese War—a conflict that influenced the U.S. and Canada very little, but which had repercussions for the resolution of the seal matter and, especially, for Japan’s role in it. The Grotian thread winds through this chapter since he wrote about the freedom of the sea during wartime. While an 1897 International Fur Seal Convention failed to

create lasting change for either diplomatic relations or seal populations, the shifts of the last few years of the century and the first few years of the new one set up the 1911 convention for success. The 1897 convention will be considered in the conclusion of this chapter, as readers will understand by the end of the chapter why a convention in 1897 was unsuccessful. This chapter argues that Japan interrupted the *modus operandi* to which the United States, Canada, and Russia had become accustomed, making the need for a permanent solution to the northern seal question all the more acute. Japan's victory in the Russo-Japanese War and the failure of the 1897 International Fur Seal Convention contributed to the conditions that finally led to the decisive 1911 convention.

Histories of war typically do not focus on nonhuman animals, as elevating the animal experience may seem trivial in the context of massive human losses. A few edited volumes have recently been published on environments and war: *Environmental Histories of the First World War*; *The Long Shadows: A Global Environmental History of the Second World War*; *Natural Enemy, Natural Ally: Toward an Environmental History of Warfare*; and *The Environmental Consequences of War: Legal, Economic, and Scientific Perspectives*.⁶⁰⁷ *Environmental Histories of the First World War* includes an essay on government requisitioning of livestock and livestock diseases during the war in Africa.⁶⁰⁸ Most of the environments discussed, however, do not have animals as a focal point; rather, the focus is on extraction of natural resources and their

⁶⁰⁷ See Richard P. Tucker, Tait Keller, J.R. McNeill, and Martin Schmid, eds., *Environmental Histories of the First World War* (New York: Cambridge University Press, 2018); Simo Laakkonen, Richard P. Tucker, and Timo Vuorisalo, eds., *The Long Shadows: A Global Environmental History of the Second World War* (Corvallis, Oregon: Oregon State University Press, 2017); Richard P. Tucker and Edmund Russell, eds., *Natural Enemy, Natural Ally: Toward an Environmental History of Warfare* (Corvallis, Oregon: Oregon State University Press, 2004); and Jay E. Austin and Carl E. Bruch, eds., *The Environmental Consequences of War: Legal, Economic, and Scientific Perspectives* (New York: Cambridge University Press, 2000).

⁶⁰⁸ Thaddeus Sunseri, "Forest Policy, Wildlife Destruction, and Disease Ecologies: Environmental Consequences of the First World War in Africa," in Richard P. Tucker, Tait Keller, J. R. McNeill, and Martin Schmid, eds., *Environmental Histories of the First World War* (New York: Cambridge University Press, 2018), 231-256.

transformation into military equipment, the pollution that resulted, chemical weapons, attacks on opponents' food supplies and famines, and disease-carrying bacteria and viruses. The historiography of the Russo-Japanese War almost completely lacks seals and other marine mammals. Rotem Kowner's edited volume to mark the centennial of the war, *Rethinking the Russo-Japanese War, 1904-1905*, includes no sustained analysis of environmental factors in the war. However, two separate edited volumes entitled *Animals and War* juxtapose the two and show how broadly animals are either exploited for or impacted by human armed conflict. In *Animals and War: Studies of Europe and North America* (2013), the editor shows that animals involved in armed conflict often add a family-friendly, "gee whiz" element to the story, even when those animals risk or experience death without their consent.⁶⁰⁹ Perversely, the exploitation of animals in human wars at least shows us that humans are dependent on other species—that we do not live on our own as islands.⁶¹⁰ Yet because of the typical human approach to animals, most governments are able to treat animals as mechanisms rather than lives, which would rarely be acceptable with human soldiers. In *Animals and War: Confronting the Military-Animal Industrial Complex* (2014), the editors show that nonhuman animals are used, "in a rather disposable fashion, to augment and at times replace humans—be it for menial, dangerous or otherwise undesirable tasks."⁶¹¹ Dogs and dolphins, for instance, are used as nonconsenting defusers of bombs and explosive land and sea mines.

Wadiwel takes animals and war a step further and insists that most human interactions with nonhuman animals must be understood as a war against animals. He further argues that that

⁶⁰⁹ Ryan Hediger, ed., *Animals and War: Studies of Europe and North America* (Boston: Brill, 2013), 1.

⁶¹⁰ Hediger, *Animals and War*, 2-3.

⁶¹¹ Anthony J. Nocella II, Colin Salter, and Judy K.C. Bentley, eds., *Animals and War: Confronting the Military-Animal Industrial Complex* (New York: Lexington Books, 2014), 7.

war is “distinctly *biopolitical*.”⁶¹² Since “personal violence is seen, while structural violence is hidden,” our war against animals is “imperceptible...banal, lacking resistance, without politics” because we have been fighting it for so long that it is embedded within our cultures.⁶¹³ This “epistemic violence” is so powerful that it leads to such asinine assumptions as fish do not feel pain or, even more ridiculous, “the animals actually want to die.”⁶¹⁴

Histories of naval wars do not often account for the verticality of the ocean so evident in the emerging “blue humanities.” Historian Poul Holm, however, does get at the complexity of ocean life in a *Global Environment* essay on the impact of World War II on the North Atlantic fisheries.⁶¹⁵ He asserts that the most overused fisheries were shut down entirely during the war, while completely unexploited Baltic waters opened up as fisheries for the first time in wartime. The overall impact of the war was an increase in fish survival.⁶¹⁶ Holm also writes that World War I, too, “proved that human slaughter can bring peace to fish stocks”—to such an extent that fisheries scientists refer to the war as the “Great Fishing Experiment.”⁶¹⁷ Despite this data, Holm laments that “the literature on the short and long-term environmental impacts of the war is surprisingly thin,” and that on marine life is the thinnest.⁶¹⁸

At the opening of the twentieth century, seals functioned as valuable resources mediating conflict between warring states—unconventional wartime threats who served to further upset the weaker party. Russia’s own seals were used against it, throwing salt in the wound by emphasizing, in a nonmilitary sphere, just how superior Japan had become at sea compared to

⁶¹² Dinesh Joseph Wadiwel, *The War against Animals* (Boston: Brill, 2015), 3-4, 24. Italics in original.

⁶¹³ Wadiwel, *The War against Animals*, 29, 32.

⁶¹⁴ Wadiwel, 36.

⁶¹⁵ Poul Holm, “World War II and the ‘Great Acceleration’ of North Atlantic Fisheries,” *Global Environment* 10 (2012): 66-91.

⁶¹⁶ Holm, “World War II and the ‘Great Acceleration’ of North Atlantic Fisheries,” 68.

⁶¹⁷ Holm, 75-76.

⁶¹⁸ Holm, 66-67.

Russia. In wartime, the Russian navy had no resources to protect its rookeries as vigorously as it had done the season before, instead putting all of its human resources and materiel toward the war effort, and still falling pathetically short. Japanese hunters rushed in to take advantage of the security gap, as Japan had the luxury of a business-as-usual attitude during the war. This imbalance partly grew out of the paradox that seal *hunting* was private enterprise, while seal *protection* was public. Thus, civilian Japanese mariners continued hunting and getting paid for each sealskin, while Russian governmental resources could not be spared to protect the seals in a time of war.⁶¹⁹ In the early-twentieth-century North Pacific, a spike in imperial competition led to the Russo-Japanese War, Japanese hunters became especially brazen after winning the war, and the newly confident power increasingly pestered Russian and Alaskan marine animals.

Japan Arises in Russia and Alaska

Around the turn of the century, newly built Japanese sealships began to appear with increasing frequency in both Russian and American waters, eventually overwhelming both countries' attempts to protect their herds.⁶²⁰ In October 1902, Russian naval Captain Feklin, based in Vladivostok, spotted a three-masted Japanese sealship racing toward Robben Island at 2:00 am with no lights or signals.⁶²¹ The 1892 arrests had not occurred under cover of darkness, because at the height of summer the White Nights at that northerly latitude precluded a stealthy approach toward the seal islands. But in October, the crew of the *Ishikawa Maru* took advantage

⁶¹⁹ Russians did engage in some attacks on Japanese fisheries—including on its seal fishery—during the war. Thus, not *all* Russian resources in the Far East went to the war effort, and Russians were not completely innocent of marine exploitation in the North Pacific. See S.N. Liapustin, *Kreiserstvo na Dal'nem Vostoke Rossii v bor'be s kontrabandoi morskikh bioresursov (vtoraia polovina XIX – nachalo XX v.) [Cruising in the Russian Far East in the Struggle against the Smuggling of Bioresources (Second Half of the 19th – Start of the 20th Century)]* (Vladivostok: RIO Vladivostokskogo filiala Rossiiskoi tamozhennoi akademii, 2011), 59-60.

⁶²⁰ Gerald O. Williams, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska* (Alaska Maritime Publications: Eugene, Oregon, 1984), 53.

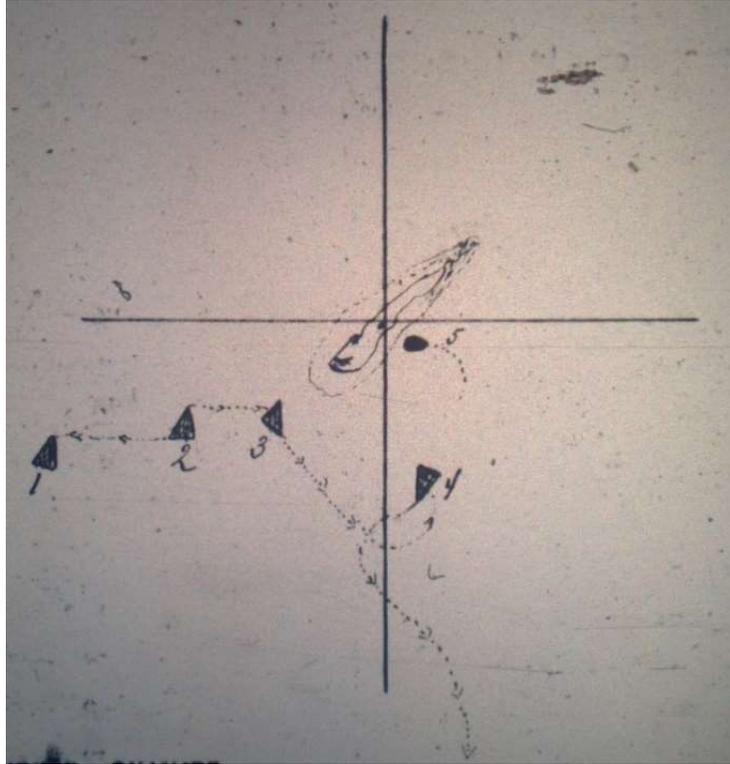
⁶²¹ Protocol for the Protection of Robben Island, October 25, 1902, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 410 (Office of the Marine Ministry of Petrograd, 1836-1918), opis' 3, delo 546, list 1.

of the darkness.⁶²² Captain Feklin argued that the “predatory intent” of the vessel was clear, since “there was no reason for a ship to sail after sunset and approach the island on a dark, moonless night with overcast weather without the distinctive lights obligatory for any sailor.”⁶²³ The *Ishikawa Maru* sent out an exploratory sealboat to Robben Island, and Captain Feklin apprehended its five-man crew. He “hand-tied [them] and left [them] with a warning that, in the event of any kind of resistance on their part, they would be killed.” The encounter escalated when, according to Feklin, the Japanese crew opened fire to combat the capture of the five hunters. The stakes of seal hunting and seal protection could sometimes rise to the level of threatening human lives. Both profits and national honor were at stake. In 1892, Russian captains had told unwelcome sealers that they could be sent to Siberian mines; a decade later, the threat was much more acute. The *Ishikawa Maru* tried to escape without the five captives, but Captain Feklin and his crew caught up with and arrested everyone. Feklin reported, “We find that, in general, the actions of these predators should be considered completely criminal.” There were sixteen crewmembers onboard—thirteen Japanese and three American. The Russian navy’s primary contact in this Russo-Japanese incident was an American, a thirty-seven-year-old sailor named Thompson. An unlikely mediator, Thompson was probably selected because Feklin’s English was better than his Japanese.⁶²⁴ The movements of the *Ishikawa Maru* appear in Map 4.1.

⁶²² In Russian transcription, the ship name appears as *Ishakova-maru*.

⁶²³ Protocol for the Protection of Robben Island, October 25, 1902, RGAVMF f. 410, op. 3, d. 546, l. 3 ob.

⁶²⁴ Protocol for the Protection of Robben Island, October 25, 1902, RGAVMF f. 410, op. 3, d. 546, ll. 2-4 ob.



Map 4.1: The Movements of the Piratical Japanese Schooner *Ishikawa Maru*. Source: Addendum to Protocol No. 90, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 410 (Office of the Marine Ministry of Petrograd, 1836-1918), opis' 3, delo 546, list 5 ob. Map Legend:

1. The sails of the schooner were visible from the island at a distance of about ten miles.
2. The schooner lowered sails and rested until sunset at a distance of seven miles.
3. The schooner was under sail and concealed by darkness at a distance of three miles.
4. In the morning, the vessel was still, until it was surrounded after a signal and shots from the Baranovsky gun.
5. The sealboat landed with five predators aboard.

Having not been a party to any of the diplomatic sealing agreements described in previous chapters, Japan was not bound by any of the rules. Standard diplomatic practice has the perverse unintended consequence of permitting complete freedom to any country that is not party to the treaty discussions. Japanese attacks on the Commander and Pribilof rookeries tended to be more threatening than Canadian attacks had been, because the Japanese occasionally descended on rookeries in groups of ships and more readily brandished firearms if needed for use against humans. Japanese vessels were also more imposing than Canadian ones, “distinguished by tall spars,” displacing sixty tons of water, extra speedy, bearing seven or eight sealboats compared to the usual four or five, manned by large crews of twenty-five to thirty men, and possessing a large

reserve of ammunition and ten- or twelve-caliber shotguns.⁶²⁵ They penetrated the sixty-mile protective—and quite imaginary—shield around the Pribilofs that kept the Canadians out since 1893. The “upstart Japanese” flouted international—but also uncodified and unenforceable—maritime norms, and hunted within the traditionally accepted three-mile boundary.⁶²⁶ Furthermore, Russian and American tolerance of raids on their rookeries was wearing thin as time passed, many diplomatic agreements were signed, and yet the same seal protection problems continued to persist. Eventually, exhausted Russian authorities in the Far East demanded that Japan “should be invited to negotiate the preservation of the seal breed.”⁶²⁷

For the Japanese, defending and advancing the fishing industries were crucial to their population’s survival. The nation’s food supply depended on the sea’s resources. As an island nation, Japan was more heavily oriented to the sea—like Great Britain—than the vast continental spreads of Russia, the U.S., or Canada, for whom the Pacific edges of empire were peripheral. Japan had a more sophisticated licensing system for seagoing vessels than did other North Pacific nations, reflecting its more pronounced orientation to the sea. Its economy relied almost completely on exports—most of which came from the sea.⁶²⁸ The Japanese navy was regularly called upon to defend the nation’s commercial fishing interests, rather than the other way around—as it was in those land-based empires dependent on agriculture. Holm writes that European hunting ships were commonly requisitioned by their governments for wartime use, and

⁶²⁵ Note from the Representative of the Land Management and Agriculture Department on the Signs that Schooners are Predatory - To Facilitate the Commanders of Security Vessels in Recognizing Vessels Engaged in Illegal Fishing, undated, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 17.

⁶²⁶ Bruce Cumings, *Dominion from Sea to Sea: Pacific Ascendancy and American Power* (New Haven, Connecticut: Yale University Press, 2009), 185.

⁶²⁷ Log, Commission for the Consideration of the Claims of the British Government in the Matter of the Arrest in the Bering Sea of Canadian Commercial Schooners, January 17, 1893, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1183, listy 153 ob.-154.

⁶²⁸ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 255.

American ones were as well.⁶²⁹ Whereas American whaleships were involuntarily turned into warships during the Civil War, for instance, Japanese warships were routinely compelled to defend business interests.⁶³⁰

Japanese civilians took up seal hunting after watching foreigners do it so successfully. The Japanese delegation to the 1911 fur seal convention used the benefit of hindsight to describe how their countrymen first developed an interest in hunting seals: when “foreign sealers made a sudden influx into Japanese waters in 1893, as a result of the decision of the Paris Arbitration Tribunal,” Japan awoke to the economic danger of the foreign raiders and the tremendous possibilities of joining in on the action.⁶³¹ Indeed, when North Americans flooded the Asian side of the Pacific, Russians were not the only ones to notice. Prior to this, it had been mostly native Ainu on the Kuril Islands who hunted seals, for subsistence purposes.⁶³² But Japanese public opinion was extremely “aroused by this foreign invasion [*sic*] and the government took measures of encouraging and developing pelagic sealing among the people.”⁶³³ By 1895, the Japanese government introduced a law permitting pelagic hunting with restrictions on gender, time period, and allowable hunting instruments.⁶³⁴ In this light, it is evident that the bilateral British-American decision to stop hunting North American seals had greater unintended consequences

⁶²⁹ Holm, “World War II and the ‘Great Acceleration’ of North Atlantic Fisheries,” 69.

⁶³⁰ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 254.

⁶³¹ Untitled, undated, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1134, list 18. Original document in English.

⁶³² Beginning in 1888, the Japanese Ministry of Agriculture and Commerce issued the first license to a sealing company in Hokkaido, for a five-year period. However, the company did not have experts in the art of seal clubbing and mostly hunted sea otters instead. See Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 21, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁶³³ Untitled, undated, AVPRI f. 148, op. 487, d. 1134, l. 18. Original document in English.

⁶³⁴ Shiro Fujita, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 23, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

than we understood previously. With the intention of saving seal lives, that 1891 decision caused both a flood of foreign hunters into Russian waters and the pulling of Japan into the fur seal crisis, expanding the crisis even further. One American naval officer in the North Pacific called the new Japanese sealers “desperate men,” their desperation growing as the seal population dropped.⁶³⁵

From 1897 to 1909, the Japanese government subsidized its pelagic sealer-citizens with bounties, greatly expanding the industry. Government backing began in 1897 with the Pelagic Fisheries Encouragement Law, which “supported the construction of technologically advanced boats for expanded offshore and deep-sea fisheries” and “underwrote the development of factory ships.”⁶³⁶ What was almost entirely private business in the West—pelagic sealers untethered to rookeries—was government subsidized in Japan. Given how overactive the Japanese government was in encouraging sealing in this period, it is reasonable to assume that it knew full well how “piratical” its citizens were behaving on and around the foreign rookeries. Also in 1897, a private Imperial Fisheries Institute in Japan went public under the Ministry of Agriculture and Commerce, which transformed the industry’s infrastructure and preparedness for massive exportation of fish and other seafood. Japanese fishermen started catching fish as far away from home as the Pacific coast of Mexico and selling it to the United States. Fisheries high schools popped up all over Japan.⁶³⁷ Just before the turn of the century, when the other North Pacific states were grappling with how difficult it was to protect and maintain their sealing operations,

⁶³⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 143.

⁶³⁶ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 254-255.

⁶³⁷ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 255. The institute existed as a private entity from 1889. It was noticed on the other side of the pond; the Fisheries Department at the University of Washington was modeled on Japan’s Imperial Fisheries Institute. See page 256.

“public sentiment in favor of pelagic sealing [was] strong in Japan.”⁶³⁸ By that time, improved transit methods and hunting technologies made the Japanese operation the most efficient sealing enterprise in history. Their government encouraged Japanese hunters to employ any means necessary to catch seals in the quickest and easiest manner.⁶³⁹ As a result, “the competition between fishermen [became] very keen,” and “controversies [arose] between the inhabitants of rival fishing villages, and even between prefectures, which...at times assumed serious proportions.”⁶⁴⁰ In the same year, the *Cape Horn Pigeon* stopped plying Japanese waters in search of whales; perhaps this was due to Japan’s growing assertion of control over its marine space in 1897.⁶⁴¹ Closed off from diplomatic exchange until 1868, Japan used fur seals as a key mobile resource in fashioning its nascent foreign policy.

Russo-Japanese War as Background

While the entire history of the North Pacific seal fishery after the Alaska transfer is evidence of empires fighting over both physical and economic space, imperial competition culminated in *armed* conflict across the liquid border separating Russia and Japan in early 1904. White wrote that Russia was eager to go to war to expand its Far East ports and rein in Japanese expansion, naively believing that it would be easy to win against what it viewed as the inferior,

⁶³⁸ Fujita, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 29-30, Folder 3, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

⁶³⁹ By 1910, “any means necessary” included poisoning seals with strychnine. The American government banned the practice on the Pribilofs. See Charles Nagel, Regulations for the Protection of Fur-Bearing Animals in Alaska, Department of Commerce and Labor, Bureau of Fisheries, Office of the Secretary, June 2, 1910, Washington, D.C., Department Circular No. 206, Folder 1326: Legal Papers, Fur Regulations and Sea Otter Hunting, 1910-1911, Box 139: Legal Papers – Photographs 1869-1929, San Francisco, California, Alaska Commercial Company Records, 1868-1913, USUAF3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

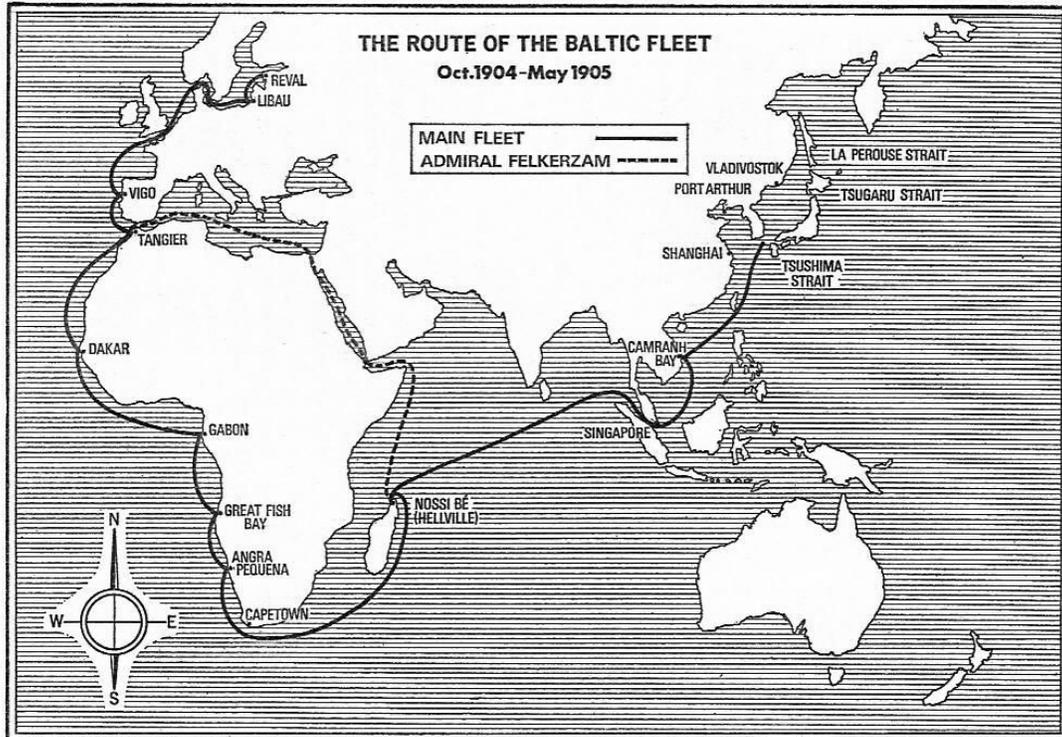
⁶⁴⁰ Fujita, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 24-25, Folder 3, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

⁶⁴¹ American Offshore Whaling Voyages database, National Maritime Digital Library, accessed April 17, 2020, <https://nmdl.org/projects/aowv/aowv/>.

puny, island nation of Japan.⁶⁴² Japan sought control over the Russian island of Sakhalin, as well as Manchuria and Korea—where Russia also had a growing presence and hoped to acquire more coastline. Japan declared war on Russia on January 27/February 9, 1904. Due to the enormous size of the Russian Empire and the concentration of its navy around St. Petersburg, the navy had to travel shockingly far to a war adjacent to its own landmass. As seen in Map 4.2, Baltic Fleet ships traveled around Africa to get to the other side of Russia to face the Japanese, who were already attacking what few Russian ships were in the area before Nicholas II knew the Japanese had declared war.⁶⁴³ Meanwhile, the Japanese had spies stationed all along the Russian route, lying in wait for the worn-out, scurvy-beset Baltic Fleet when it finally arrived. Had Russia maintained a more robust naval presence across the Pacific, as it had during the Russian America period, it may have been better equipped for a naval war in the Pacific—especially for the disastrous Battle of Tsushima. Yet Russia was an empire in overreach and hurtling toward collapse in 1904 and 1905.

⁶⁴² Andrew Dickson White, *Autobiography of Andrew Dickson White with Portraits*, vol. 2 (New York: The Century Co., 1906), 333.

⁶⁴³ “The Treaty of Portsmouth and the Russo-Japanese War, 1904–1905,” “Milestones in the History of U.S. Foreign Relations” series: “Milestones: 1899-1913,” United States Department of State Office of the Historian, accessed February 1, 2020, <https://history.state.gov/milestones/1899-1913/portsmouth-treaty>.



Map 4.2: The Route of the Baltic Fleet, Oct. 1904-May 1905. Source: Proletarian, The Route of the Baltic Fleet, Oct. 1904-May 1905 [Pinterest post], <https://www.pinterest.ru/pin/15692298681050864> (November 14, 2019).

Vinkovetsky asserts that, with the Alaska transfer, the influence of the Russian navy in the Far East diminished considerably. Investment in the region stalled.⁶⁴⁴ The Bering Sea became a shared sea rather than an exclusive one, and Russia's new eastern coast became far less guarded. The Treaty of Cession made clear that the Russian military would no longer be welcome in Alaska or around its Russia-facing islands, such as the Aleutians, St. Lawrence, and Little Diomed.⁶⁴⁵ Article V of the 1867 treaty reads: "Immediately after the exchange of the ratifications of this Convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of The United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently

⁶⁴⁴ Ilya Vinkovetsky, *Russian America: An Overseas Colony of a Continental Empire, 1804-1867* (New York: Oxford University Press, 2011), 15.

⁶⁴⁵ Alaska's St. Lawrence Island is about twenty-six miles from continental Russia. Many of the island's indigenous residents share Siberian Yupik ancestry and language with nearby residents of coastal Russia. See Katherine Anderson, Interview with Amanda Bosworth, November 6, 2017, Sitka, Alaska.

practicable.” According to Article III of the same treaty, all non-Native Russian civilians living in Alaska could choose to stay or return home to their native Russia within three years of the transfer.⁶⁴⁶ But all military personnel needed to disappear from eastern Bering Sea coasts and waterways. While I cannot prove empirically the counterfactual claim that Russia would have won the Russo-Japanese War if it still had a strong naval presence in and around Alaska, it is clear that the transfer and the resulting disinvestment shifted the contours of North Pacific space and altered the relational dynamic in the decades that followed. Russia’s losing Alaska to, primarily, financial troubles, was just one symptom of the same disease that made losing the war with Japan several decades later possible. That disease was imperial overreach. In late tsarism, as the Russian Empire routinely collected new territories and ethnic groups for itself, uprisings and conflicts arose among many of those unwilling imperial subjects. This, combined with acquisitive neighbors like Japan and unrest in Russia’s biggest cities in 1905, made the first years of the twentieth century extremely challenging for the exhausted Russian Empire. Was there any energy left with which to protect seals?

War, Seals, and Industry

How did the seals fare when the North Pacific came alive with gunfire? What did American and Canadian seal hunters, accustomed to pelagic sealing on the Russian side of the Pacific arc, do when their workspace turned into a war zone? It would be natural to assume that Russia and Japan stopped focusing on seals during the war. Yet seals functioned as unconventional weapons to further cripple the morale of the weaker Russian navy.

⁶⁴⁶ Treaty between Russia and the United States, for the Cession by Russia to the United States of All Territory and Dominion Possessed by Russia, on the Continent of America, and the Adjacent Islands, Signed at Washington, March 18 (30) 1867, in *Reports of International Arbitral Awards: The Alaska Boundary Case* (Great Britain, United States), vol. 15, October 20, 1903 (New York: United Nations, 2006), 540.

Within two months of the start of war in February, the Kamchatka Managing Board of Trade and Industry forecasted that the hostile Japanese would target Russian rookeries in the summer. As of late, “Japanese predators” had targeted pelagic seals not far from the Commander Islands and landed on the islands in “violation” of the agreements that Russia had settled with the British and Americans.⁶⁴⁷ The Board of Trade feared that Japanese warships were so well equipped as to be able to totally destroy the rookeries to the tune of between four and five million rubles. Board chairman Aleksei Prozorov noted that protecting Commander Island seals from the Japanese was crucial because indigenous Siberians had no other livelihood than as seal hunters. He wrote bitinglly that no one in the Russian government wanted to “have to accept the complete upkeep of the inhabitants, as the United States government” was doing on its seal islands.⁶⁴⁸ Though the war was the Russian navy’s primary concern, the Board of Trade believed that the seal “breed [was], at [that] present moment, in serious danger.”⁶⁴⁹

During the war, Russia had twenty-two vessels guarding the city of Vladivostok and the Sea of Okhotsk. They were not engaged in combat. These included: one armored cruiser, one torpedo boat tender (tug)—the *Aleut*, two volunteer steamships, two military transport ships—including the *Yakut*, deployed starting in 1893, three destroyers, three ironclad cruisers, four gunboats, and six destroyers to patrol minefields.⁶⁵⁰ These ships provided some seal protection, as “the cruising operations of warships in the Far East included the fulfillment of tasks for the

⁶⁴⁷ From Aleksei Prozorov, Chairman of the Managing Board of Trade and Industry of Kamchatka to the Department of Agriculture, Ministry of Agriculture and State Property, St. Petersburg, March 16, 1904, No. 215, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1127, list 3.

⁶⁴⁸ From Aleksei Prozorov, AVPRI f. 148, op. 487, d. 1127, l. 3 ob.

⁶⁴⁹ From Aleksei Prozorov, AVPRI f. 148, op. 487, d. 1127, l. 3.

⁶⁵⁰ Liapustin, *Kreiserstvo na Dal’nem Vostoke Rossii v bor’be s kontrabandoi morskikh bioresursov (vtoraia polovina XIX – nachalo XX v.) [Cruising in the Russian Far East in the Struggle against the Smuggling of Bioresources (Second Half of the 19th – Start of the 20th Century)]*, 59-60. Liapustin is a historian at the Vladivostok branch of the Russian Customs Academy.

protection of the fisheries in Russian waters.”⁶⁵¹ Yet Russian sailors quickly found themselves dramatically outmatched in the Pacific, where they were not “in a position to effectively guard their Islands against such Japanese sealers as might be tempted to make a raid on the unprotected herd.”⁶⁵²

Those interested in Russian seal protection suddenly turned to Americans and Canadians during the war with the Japanese. To strengthen the seal guard at a time when the Russian navy could not offer much help, the Kamchatka Board of Trade looked to improve relations with both the Americans and the British. It is ironic that Russia should enlist the help of these nations in seal protection, but the agreements worked out over the past decade created a friendly diplomatic environment within which such cooperation could occur.⁶⁵³ The British seemed especially eager to assist the Russians in punishing Japanese hunters encroaching on rookeries, with both seal patrol ships and supplies: “Newspapers reported the capture by the Japanese of several English colliers on their way to Vladivostock with coal for the Russian warships.”⁶⁵⁴ The Board of Trade also turned to its representative at the London auction, C.M. Lampson & Co., to lobby the British government to “influence” the Japanese government to cut off seal hunters from their prey, at least temporarily. C.M. Lampson & Co. and the British government undoubtedly wanted business as usual to prevail during a war in which they were not involved.

⁶⁵¹ Liapustin, *Kreiserstvo na Dal'nem Vostoke Rossii v bor'be s kontrabandoi morskikh bioresursov (vtoraia polovina XIX – nachalo XX v.)* [*Cruising in the Russian Far East in the Struggle against the Smuggling of Bioresources (Second Half of the 19th – Start of the 20th Century)*], 64.

⁶⁵² From C.M. Lampson & Co. to the Under Secretary of State, British Foreign Office, March 12, 1904, London, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, listy 5-5 ob. Original document in English.

⁶⁵³ From Aleksei Prozorov, Chairman of the Managing Board of Trade and Industry of Kamchatka to the Department of Agriculture, March 16, 1904, AVPRI f. 148, op. 487, d. 1127, l. 3 ob. The Board of Trade also asked for British and American help to protect sea otters from the Japanese.

⁶⁵⁴ John Rosene, *Alaska Experiences*, unpublished memoir, 52, Box 1, Rosene, John, Memoir, Acc. #67-9, C14B3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

The British government acquiesced to the Russian request and acted as a liaison with the Japanese government. The British sent the Japanese “instructions for the [seal patrol] Cruisers to patrol the Russian as well as the American side of the Behring Sea.”⁶⁵⁵ But the reply from Tokyo was unenthusiastic: “the Japanese Government regret that they are unable to spare a gunboat for the protection of the Russian seal herd.”⁶⁵⁶ Japanese authorities explained in the same telegram that they would try to compel Japanese sealers against practicing their craft in the summer of 1904, but their interest in the matter was unconvincing, especially as Japanese hunters only proliferated during the war. The British Navy then asked the Japanese government if, as an alternative, it would grant the British cruiser *Algerine* power to keep Japanese hunters from catching seals less than ten miles from coasts and thirty miles from islands. Japan declined the offer to allow a foreign power to control its citizens.⁶⁵⁷ The Kamchatka Board of Trade hoped that the Japanese government would eagerly assist in curtailing the bothersome activities of its citizens during wartime, but the attack on the seals was just another front in the war.

Americans were far less involved in the North Pacific war. The annual territorial reports from the Governor of the District of Alaska to the Secretary of the Interior suggest that the Russo-Japanese War only affected Alaskans insofar as it affected their own seal production. There is a single casual mention of the war in the 165-page 1904 report and one in the 127-page 1905 report. In the first, Governor John Green Brady wrote that Congress approved a joint resolution on April 8, 1904, to negotiate with Great Britain on the seal matter. President

⁶⁵⁵ From Aleksei Prozorov, Chairman of the Managing Board of Trade and Industry of Kamchatka to the Department of Agriculture, March 16, 1904, AVPRI f. 148, op. 487, d. 1127, ll. 3-3 ob.; and From C.M. Lampson & Co. to Kamchatka Commercial Industrial Co, June 1, 1904, London, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, list 6 ob. Original document in English.

⁶⁵⁶ A Paraphrase of a Telegram by Sir Claude Mandanaivd, April 21, 1904, Tokyo, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, list 8. Original document in English.

⁶⁵⁷ Report from the British Ambassador, June 21, 1904, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, list 40. Original document in French.

Theodore Roosevelt wanted negotiations to include Russia and Japan as well, but “as neither of these powers has been in a frame of mind for such diplomatic intercourse during the past six months, doubtless no movement in the matter has been undertaken.”⁶⁵⁸ The second reference, in the 1905 report, belies a bit of ignorance about the state of diplomatic affairs between Russia and Japan that year: “At this time of friendly relations with Great Britain, Japan, and Russia, would it not be well for our State Department to take up the matter of seal hunting with these powers with a view to its entire suppression?”⁶⁵⁹ Though the U.S. may have been ready to discuss seals with all of these powers, one could not expect Russia and Japan to cooperate at that time. These two references suggest that Alaskan officials were only affected by the war as regarded their questions about the sustainability of the sealing industry. In the second year of the war, the quota of allowable Pribilof seal kills was 13,000 on St. Paul and 2,000 on St. George. These figures were down from 75,000 and 25,000, respectively, in the first lease year of 1870. The Department of Commerce and Labor additionally allowed Aleuts to kill 1,700 subsistence seals on St. Paul and 300 on St. George.⁶⁶⁰

As the Russo-Japanese War was underway, Russian rookeries were under siege as much as ever, though the culprits were new. The Russian navy’s desire to protect local seals remained strong, but the amount of ships and men that it could dedicate to that cause was small and

⁶⁵⁸ Report of the Governor of the District of Alaska to the Secretary of the Interior, 1904 (Washington, D.C.: Government Printing Office, 1904), 14, Alaska State Archives, Juneau, Alaska.

⁶⁵⁹ Report of the Governor of the District of Alaska to the Secretary of the Interior, 1905 (Washington, D.C.: Government Printing Office, 1905), 40, Alaska State Archives, Juneau, Alaska.

⁶⁶⁰ From Agent, U.S. Department of Commerce and Labor, and Agent, North American Commercial Company, to Mr. W.I. Lembkey, Agent in Charge of Seal Islands, May 1, 1905, 6, Folder: Agent’s Correspondence, St. Paul, 1905-06, Container #1, 1871-1984: Pribilof Islands Administrative Correspondence, Pribilof Island Program, National Marine Fisheries Service, RG 370: National Oceanic and Atmospheric Administration, National Archives and Records Administration (NARA), Seattle, Washington. In this document, we see that the logic of the “fiscal year” fails in the northern extraction industries. On page 3, we see a discussion of the number of seals to be killed “during the fiscal year beginning July 1, 1905,” which makes little sense given that the seal season extended from June 1 to July 31, with no commercial seal hunting for the remainder of the year.

ineffectual. Even as Russian attention turned to the Japanese, the consequences of the 1892 arrests were still felt. In February 1904, Grebnitskii—now a State Counselor in the Imperial Russian Table of Ranks and based in St. Petersburg rather than the Far East—went to London to work out the Canadian award, which had still not been fully paid.⁶⁶¹ The title assigned to the collection of letters (*delo*) pertaining to Grebnitskii’s trip implies that the Russian navy was unconvinced that the Canadians deserved compensation. The lengthy title is: “On the dispatch of the county governors of the Commander Islands to London, to participate in the negotiations for the compensation of owners of Canadian schooners captured by Russian authorities *who illegally hunted fur seals in our waters.*”⁶⁶² Had the Canadians employed a Hague arbitrator as the Americans had, the case’s greater legitimacy likely would have exerted more pressure on Russia to pay. While seals were not the first priority in a brutal war, the Russian navy could not forget about them in 1904-1905 because they represented Japanese superiority. At the same time, Russia could not forget about the seals who had died back in 1892, because of the ongoing diplomatic headache.

Postwar Escalation of the Conflict

The limited Russian navy in the Pacific succumbed to the Japanese on August 23/September 5, 1905, after a year and a half of fighting. Because American and Japanese interests were mostly aligned at the turn of the century—for instance, both wanted to expand commercially into China and saw each other as partners rather than competitors—Japanese authorities asked Roosevelt to be the neutral host of treaty negotiations to officially end the

⁶⁶¹ To the Minister of Foreign Affairs, Vyacheslav Konstantinovich, February 4, 1904, No. 522, “Rush,” Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF) fond 102 (Police Department in the Ministry of the Interior), opis’ 61, delo 30, list 1 ob.; and From the Ministry of Agriculture to the Minister of the Interior, February 18, 1904, No. 38, Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF) fond 102 (Police Department in the Ministry of the Interior), opis’ 61, delo 30, list 3.

⁶⁶² Italics mine.

war.⁶⁶³ In truth, the Americans were not neutral, as the U.S. government had hoped for a Japanese victory, and Roosevelt had a “plan to use Japan against Russia for American gain.”⁶⁶⁴ The U.S. gave \$180 million in loans to the Japanese government, while refusing to offer the same to the Russian government—largely due to a persistent conflict over Russia failing to grant passports to Jewish people.⁶⁶⁵ Two minor incidents pulled the British and the Americans in the Russo-Japanese War, and claims for restitution in both of these cases went unresolved into World War I. The Russian navy confiscated a British merchant ship, *Oldhamia*, near Formosa on the assumption that it was carrying Standard Oil kerosene to aid the Japanese in the war. American ship *Arabia* found itself marooned in Vladivostok when the war broke out and was severely damaged.⁶⁶⁶ Nonetheless, the U.S. government agreed to host the belligerents in Portsmouth, New Hampshire, to hammer out a treaty.⁶⁶⁷

The Treaty of Portsmouth gave Japan control of Korea, South Manchuria, southern Sakhalin Island, and Robben Island. When the war began, Sakhalin had 46,000 residents. The war ended the system of penal servitude which had brought so many people to the remote island outpost. Sakhalin’s population soon totaled only 8,000 people.⁶⁶⁸ Novelist Anton Chekhov’s 1890 extracurricular census of the island, which resulted in his book *Sakhalin Island* (first serialized from 1893 to 1895), described the system of penal servitude on the eve of its

⁶⁶³ “Japanese-American Relations at the Turn of the Century, 1900–1922,” “Milestones in the History of U.S. Foreign Relations” series: “Milestones: 1899-1913,” United States Department of State Office of the Historian, accessed February 1, 2020, <https://history.state.gov/milestones/1899-1913/japanese-relations>.

⁶⁶⁴ Norman E. Saul, *Concord and Conflict: The United States and Russia, 1867-1914* (Lawrence, Kansas: University Press of Kansas, 1996), 468.

⁶⁶⁵ Saul, *Concord and Conflict*, 484-485.

⁶⁶⁶ Saul, 522-523.

⁶⁶⁷ Saul, 484.

⁶⁶⁸ Marie Sevela, “Chaos versus Cruelty: Sakhalin as a Secondary Theater of Operations, in Rotem Kowner, ed., *Rethinking the Russo-Japanese War, 1904-1905*, vol. 1, Centennial Perspectives (Kent, United Kingdom: Global Oriental Ltd, 2007), 94.

dismantling.⁶⁶⁹ With the acquisition of Robben Island, Japan began to control a larger share of the North Pacific rookeries. Though Japan already possessed the Kuril rookeries, the yield there was small. One Japanese official called Robben Island a bunch of “unproductive rocks compared to the Pribilofs,” and in 1920, a single day’s catch on St. Paul Island exceeded the entire season’s catch on Robben Island.⁶⁷⁰

Russia’s navy was severely weakened after the war. Nicholas II said to American naval attaché in 1906, regarding the U.S. navy heading to the Mediterranean Sea: “I suppose you are sending it into warmer waters during the winter, as we do...as we used to do, when we had a fleet.”⁶⁷¹ The tsar found himself at sea without the proper boats, as in Figure 4.1.



Figure 4.1: Postcard, Reproduction of Emperor Nicholas II kayaking (*na baidarka*), Finnish skerries, 1907, Photography K.E. von Ghan & Co., Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF). The *baidarka* (kayak) had been the original Native seal hunting vessel. Source: Fabergé Museum Gift Shop, St. Petersburg, Russia, November 26, 2019.

⁶⁶⁹ Interestingly, Chekhov thought he might publish his Sakhalin notes in the United States and expose the tsarist penal system: “Although he had the permission of the authorities to carry out his research, his ambition was to probe beyond the Tsarist propaganda on the subject issued by the Central Prison Department, following the lead of the American journalist George Kennan who had visited Russia in 1885-86 and written a series of articles for an American magazine condemning the Siberian exile system.” Brian Reeve, “Extra Material on Anton Chekhov’s *Sakhalin Island*,” in Anton Chekhov, *Sakhalin Island*, trans. Brian Reeve (Surrey, United Kingdom: Alma Classics, 2019), 466.

⁶⁷⁰ Dorsey, *The Dawn of Conservation Diplomacy*, 155; and “Sealskins from the Japanese Herd,” *Fisheries Service Bulletin* 59 (Washington, D.C.: Department of Commerce Bureau of Fisheries, April 1, 1920): 4.

⁶⁷¹ Saul, *Concord and Conflict*, 507.

After the war, Russo-Japanese relations improved rather quickly. The U.S. State Department maintains that “The Treaty of Portsmouth marked the last real event in an era of U.S.-Japanese cooperation that began with the Meiji Restoration in 1868.”⁶⁷² The United States replaced Russia as a competitor for Pacific space with the Japanese. By 1907, anti-Japanese sentiment was high in the U.S., especially in California. White University of California students assaulted Japanese students, and newspapers discussed a proposal to create a new segregation policy targeting Japanese students. One American newspaper headline reading “President Hears All Californians Dislike Japanese” landed in the St. Petersburg archives.⁶⁷³ In the first decade of the twentieth century, there was more emigration from the U.S. to Japan than that moving in the opposite direction. The Russian response to this postwar controversy occupying headlines worldwide was: “Japan in Russia misinterpreted its enemy - it hurried and attacked the wrong one.”⁶⁷⁴ In summarizing the wars of the late nineteenth and early twentieth centuries, the U.S. State Department does not shy away from the idea that the U.S. emerged as an empire out of the Spanish-American War of 1898, the Philippine-American War of 1899-1902, and the Russo-Japanese War of 1904-1905. The department’s Office of the Historian claims in 2020:

In its new status as an imperial power, the United States pursued a series of policies designed to protect American territories and aggressively expand its international commercial interests...In just over a decade, the United States had redefined its national and international interests to include a large overseas military presence, overseas possessions, and direct engagement in setting priorities in international affairs.⁶⁷⁵

⁶⁷² United States Department of State Office of the Historian, “The Treaty of Portsmouth and the Russo-Japanese War, 1904–1905.” President Theodore Roosevelt earned the Nobel Peace Prize for his work settling the Treaty of Portsmouth.

⁶⁷³ “President Hears All Californians Dislike Japanese,” unattributed American newspaper clipping, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 418 (Naval General Staff), opis’ 1, delo 4093, list 15. Original document in English.

⁶⁷⁴ Captain of the 2nd Rank Nebel’skii to the Sea Agent in Washington, D.C., January 21/February 3, 1909, Japanese-American Conflict, Continued, No. 633, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 418 (Naval General Staff), opis’ 1, delo 4093, list 11.

⁶⁷⁵ “1899–1913: Defending U.S. International Interests,” “Milestones in the History of U.S. Foreign Relations” series: “Milestones: 1899-1913,” United States Department of State Office of the Historian, accessed February 1, 2020, <https://history.state.gov/milestones/1899-1913/foreword>.

With its newfound authority in global affairs, the U.S. would ramp up efforts to solve the Bering Sea fur seal question.

Soon after the Russo-Japanese War and in a spirit of transparency, the Russian Imperial government clarified precisely where Japanese hunters could look for seals. First, the commander of the Port of Vladivostok had to ask: “Are the agreements re: protection of fishing and sealing within the limits of the special zones along the Russian coast of the Pacific Ocean and the Commander...Islands, made with England in 1893 and with the United States in 1894, still in force?”⁶⁷⁶ As previously mentioned, the Japanese were not bound by those 1893 and 1894 agreements, but they could work as a starting point. In a letter to the commanders of ships assigned to protect the northern fisheries, the thirty-mile protective zone around the Commander Islands, agreed to with the North Americans, was applied to the Japanese as well.⁶⁷⁷ Further, the Amur Region State Property Management Department declared, for the purpose of “avoiding the possibility of misunderstandings,” that all Japanese schooners must obtain permits to fish or hunt seals or whales in the specific areas they intended to exploit. Those permits could be obtained from Russian authorities in either Hakodate or Kobe, Japan. Any Japanese flagship found hunting outside of the area for which it was authorized would be confiscated and its crew put on trial at the nearest Russian port. The two countries signed a Fishing Convention on July 15, 1907. During these negotiations, Japanese delegates asked for Russia to “transfer to Japan the rights to hunt seals in the Russian territorial waters of the Sea of Japan, the Sea of Okhotsk, and

⁶⁷⁶ From the Commander of the Main Naval Staff Yakovlev to the First Department of the Ministry of Internal Affairs, December 2, 1907, No. 3752, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 3673, list 161. Translated by Irina Lobatcheva.

⁶⁷⁷ From the Head of the Construction Division, Captain of the 2nd Rank Ogil'vi and Clerk V. Makarov, to the Commanders of Ships Assigned to Protect the Northern Fisheries, June 4, 1907, Vladivostok, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1127, listy 177-177 ob.

the Bering Sea,” but the Japanese demand was “categorically rejected.”⁶⁷⁸ The resulting treaty only mentioned sealing to say that Japanese rights to fish in Russian waters did *not* extend to fur seals and sea otters.

Japanese civilians continued their assault on Russian and Alaskan rookeries, emboldened by victory in the war. D.S.S. Bakhmetov, a Russian official based in the United States, wrote that the seal “breed is now threatened with complete extinction.” The cause was Japanese vessels that “hunted against all rules” and did “not pay attention to the seasons.” Since the Japanese government remained disinterested in preventing its citizens from plundering foreign rookeries, Bakhmetov noted that “guards will be strengthened on the American islands and more effective ongoing supervision will be established—not only through patrol ships, but through military ships.”⁶⁷⁹ In the last few summers of the decade, conditions were ripe in the Bering Sea for armed conflict, just as “An Old Salt” had predicted in 1891. Seals were becoming scarcer—with Canadians garnering half the catch in 1907 they had obtained the previous year—but the value of each pelt was on the rise with diminished supply. Each pelt was worth \$22 in 1907 and \$28.50 one year later.⁶⁸⁰ Thirty-eight Japanese sealing schooners plied the Bering Sea in 1908.⁶⁸¹ Tensions were high as they had been in 1892, but with Japan mixed in and far fewer seals left to fight over. Hornaday wrote that the 1909 estimate of remaining Pribilof seals ranged from 30,000 to 130,000; counting methods do not seem to have improved much since Elliott’s much-

⁶⁷⁸ From the First Department of the Ministry of Internal Affairs, to the Main Naval Staff, February 12, 1908, No. 983, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 3673, list 163. Translated by Irina Lobatcheva. A second peace conference was held in 1907. The American delegation once again tried, unsuccessfully, to discuss the matter of immunity of private property at sea during a time of war. Still, many other important declarations and conventions related to the sea came into effect because of the convention—though none of them prevented World War I from happening. See Saul, *Concord and Conflict*, 522.

⁶⁷⁹ Secret Dispatch of D.S.S. Bakhmeteva, December 1, 1906, Tokyo, No. 94, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1127, list 167.

⁶⁸⁰ MacGillivray, *Captain Alex MacLean*, 226.

⁶⁸¹ MacGillivray, 210.

criticized methods in the 1870s.⁶⁸² A 1965 article written by two marine mammal scientists estimates that there were 200,000 Alaskan seals in 1909.⁶⁸³ Three American revenue cutters circled the Pribilofs, along with the American navy in the form of the *USS Buffalo* and the British navy in the form of the *HMS Algerine*.⁶⁸⁴ Dispatching an armed naval cruiser to an allegedly peaceful site was an admission that armed conflict was anticipated. Both Japanese and Canadian ships continued to target the Pribilofs, and “patrols by the American revenue cutters around the Pribilof Islands...were ‘active and zealous.’”⁶⁸⁵ The acting commissioner of the Department of Commerce and Labor reported that the Alaskan *otter* catch in 1909 was quite small, because that animal was also “at the point of commercial if not actual extinction.”⁶⁸⁶ Though otters had valuable pelts in their own right, they were often swept up in seal hunting ventures. The Russian navy reported in 1909 that the “slaughter of fur seals and sea otters has resumed in the thirty-mile zone around the Commander Islands.”⁶⁸⁷ Interactions between Japanese hunters and Russian protectors of Copper Island became especially violent, as “a number of Japanese hunters were killed during these raids and others were reportedly summarily executed by Russian guards.”⁶⁸⁸

⁶⁸² William T. Hornaday, *Thirty Years War for Wild Life: Gains and Losses in the Thankless Task* (New York: Published for the Permanent Wild Life Protection Fund by Charles Scribner’s Sons, 1931), 174.

⁶⁸³ Alton Y. Roppel and Stuart P. Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” *The Journal of Wildlife Management* 29, no. 3 (July 1965): 455.

⁶⁸⁴ Williams, *The Bering Sea Fur Seal Dispute*, 63. Williams writes, page 14, that it was easy to escape from American revenue cutters. They were slow and big, and they were running on steam. While steam was an innovation over sail, steamships had one key drawback: they announced their presence from miles away by their visible smoke. In the early years of steam, the technological progress of the U.S. revenue cutter service made it too conspicuous.

⁶⁸⁵ MacGillivray, *Captain Alex MacLean*, 208.

⁶⁸⁶ From the Acting Commissioner of the Department of Commerce and Labor, Bureau of Fisheries, Washington D.C., to the Alaska Commercial Company, San Francisco, September 30, 1910, Folder 1326: Legal Papers, Fur Regulations and Sea Otter Hunting, 1910-1911, Box 139: Legal Papers – Photographs 1869-1929, San Francisco, California, Alaska Commercial Company Records, 1868-1913, USUAF3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁶⁸⁷ Instructions to Naval Vessels Deployed to Supervise the Marine Fisheries in the Amur General Governate, 1909, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 45.

⁶⁸⁸ MacGillivray, *Captain Alex MacLean*, 210.

The city of Sitka commemorates the Japanese sealing industry today at the site of the sinking of a schooner, forgetting how rancorous Japanese-American relations were during the pelagic sealing era. At Sealing Cove next to Japonski Island in Sitka, tourists can spot an original anchor from a sunken ship, a granite marker, and a cheap paper explanatory panel.⁶⁸⁹ It all belongs to the *Kaisei Maru*, a Japanese sealer that sank in Sealing Cove in 1909. It was unmanned when it sunk, after the U.S. navy forcibly brought it to Sitka on charges of illegal sealing. The thirty-person crew, including Captain Takichi Shitara, spent four months in jail in Sitka, before heading to Juneau to stand trial.⁶⁹⁰ There, a jury acquitted them of all charges. The wooden *Kaisei Maru* stayed behind in Sitka and succumbed quickly to saltwater—until its remains were dredged up in 1983—and the crew sailed home via Seattle on another Japanese ship. En route, Captain Shitara killed himself by jumping overboard. The explanatory panel on display in Sitka for all ages reads that the captain “took his own life” to “make amends to the ship owners and the families of the crew for returning home without a ship or furs.”⁶⁹¹ The cultural stakes of an unsuccessful hunting season were much higher for Japanese officers than for American or Canadian officers. The wreck is commemorated in Figures 4.2 and 4.3.

⁶⁸⁹ Locals in 2017 pronounced it juh-PAHN-ski, though in Russian it is pronounced yah-PONE-ski.

⁶⁹⁰ On the cheap paper panel placed at the site in 2004, the captain’s name is alternately spelled Shidara and Shirdara; on the granite marker, erected in 2002, it is spelled Shitara.

⁶⁹¹ Lynne Brandon, “The Kaisei-maru Saga,” paper behind glass, Sitka, Alaska, 2004, viewed on October 28, 2017, and “Kaisei Maru, 1896-1909,” granite marker, Sitka, Alaska, built in 2002, funded by Shoichi Makabe and City and Borough of Sitka, viewed on October 28, 2017. Makabe is the grandnephew of Captain Takichi Shitara. Atsuo Tsunoda also contributed. The juxtaposition of the permanent granite statue, the permanent anchor-artifact, and the temporary paper panel—held behind glass that has been penetrated by some of Sitka’s prolific rainfall—evokes an odd incongruence. See Email from Rebecca Poulson to Amanda Bosworth, July 10, 2019, Sitka, Alaska; and Email from Lynne Brandon to Amanda Bosworth, July 17, 2019, Sitka, Alaska.



Figure 4.2: *Kaisei Maru* Granite Marker, Sealing Cove, Sitka, Alaska. Source: Amanda Bosworth, October 28, 2017.



Figure 4.3: *Kaisei Maru* Anchor, Sealing Cove, Sitka, Alaska. Source: Amanda Bosworth, October 28, 2017.

The rookery-less Canadian hunters were not left entirely high and dry as the Japanese replaced them. Several joined Japanese voyages, where they could hunt virtually lawlessly, unbound by Canadian restrictions. In 1908, an American revenue cutter captain in the Bering Sea, F.M. Munger, reported that “five of the Japanese vessels were known to have ‘white’ masters or navigators aboard.” These were assumed to be Canadian opportunists. They could drink alcohol freely onboard, whereas British and American law permitted it only for medical purposes.⁶⁹² One Japanese ship, the *Kensai Maru*, captained by a Canadian named Ritchie, changed its smokestack to look from afar like American revenue cutters *Rush* or *Perry*.⁶⁹³ With that alteration, the *Kensai Maru* could approach the Pribilof Islands without attracting suspicion, while also scaring off other Canadian and Japanese ships that might try to compete for the same seals. Arguably the most famous sealing captain in history, Alexander McLean of Canada, captained a schooner out of Mexico in these years, the *Carmencita*.⁶⁹⁴ A British sloop-of-war, the *Shearwater*, intercepted *Carmencita* in American waters. But “being in American waters, [the *Shearwater* officers] were hesitant to act forcibly.”⁶⁹⁵ As rookery owners, the Americans had power over the Canadians; this combined with the increasing Japanese share in the pelagic resource left Canadians feeling increasingly alienated in the Bering Sea.

Captain Alexander McLean was known in sealing circles for his ruthlessness as a leader. He became famous across the anglophone world after the 1904 publication of Jack London’s novel, *The Sea-Wolf*. While *The Sea-Wolf* is a work of fiction, many believed at the time that the

⁶⁹² MacGillivray, *Captain Alex MacLean*, 161.

⁶⁹³ Gerald O. Williams wrote in 1984 that Alexander McLean was the captain of the *Kensai Maru*. See Williams, *The Bering Sea Fur Seal Dispute*, 60. Yet Don MacGillivray wrote in 2008 that Williams seems to have invented that himself, as there is no evidence elsewhere of Williams’ claim. See MacGillivray, *Captain Alex MacLean*, 212.

⁶⁹⁴ MacGillivray, *Captain Alex MacLean*, 163. McLean was called an “implacable hater” and a “man-driving adventurer” during a questioning by lawyer James F. Egan in 1911. See page 218. MacGillivray spells his subject’s name “MacLean,” while admitting that the man himself spelled it “McLean.” The author notes that the difference between the two prefixes is a matter of preference, but that “Mac” is the proper Gaelic.

⁶⁹⁵ MacGillivray, *Captain Alex MacLean*, 185.

brutal but intelligent sealing captain in the novel, Wolf Larsen, was based on the real Alexander McLean. The legend grew, and soon virtually every negative report about sealing in Canada or the U.S. had McLean's name attached to it. I found no evidence of this link in Russia, where *The Sea-Wolf* was not translated into Russian until 1911—the year in which the sealing issue was exterminated.⁶⁹⁶ Ironically, London wrote extensively with adventurous animals as his protagonists—as did Rudyard Kipling—but his novel with “wolf” in the title is about a person. McLean was born on Cape Breton Island, Nova Scotia, and he went all the way west to San Francisco to chase after seals. On August 11, 1906, Cape Breton's *Sydney Record* ran the following on its front page:

For nearly twenty years he has violated the law of every nation having to do with any of the sealing grounds, and many bloody deeds are down on his record...he is the one with whom the revenue officers have had to reckon more than any other man...He has different times sailed under the Japanese, Mexican, Norwegian and Hawaiian flags, and has been hunted continually. He is the original of Jack London's Wolf Larsen in “The Sea Wolf” and government authorities state that London's picture of him is not overdrawn.⁶⁹⁷

McLean denied being the prototype for Larsen, arguing that he had never met London. Yet even he was taken in by prolific talk of his legend, and he spoke bitterly about “the way Jack London had maligned him. He expressed a hot desire to be in a position some day to shanghai him” for “being made a ‘Swede’ ” and for “being killed off in the final chapters.”⁶⁹⁸ London admitted in a letter to the editor of the *San Francisco Examiner* that “McLean had an exciting record of adventure and upon his deeds [he] based [his] Sea Wolf character. Of course, much of the Sea Wolf is imaginative development, but the basis is Alexander McLean.”⁶⁹⁹ McLean's eyes even

⁶⁹⁶ “London, Dzhek” [“Jack London”], *Bol'shaia sovetskaia entsiklopediia [The Great Soviet Encyclopedia]*, tom 15 [vol. 15] (Moskva [Moscow]: Izdatel'stvo “Sovetskaia Entsiklopediia” [Publishing House Soviet Encyclopedia], 1974), 13-14.

⁶⁹⁷ MacGillivray, *Captain Alex MacLean*, 202-203.

⁶⁹⁸ MacGillivray, 224.

⁶⁹⁹ Jack London, “To the Editor, *San Francisco Examiner*,” telegraph, June 14, 1905, Glen Ellen, California, in Earle Labor, Robert C. Leitz, III, and I. Milo Shepard, eds., *The Letters of Jack London*, vol. 1, 1896-1905

matched those of the fictional character, suggesting that, though London had never met the infamous captain, the novelist had engaged in many lengthy tavern conversations about him.⁷⁰⁰ The film industry was born toward the end of McLean's life, and "*The Sea-Wolf* was one of the first feature-length films." Thus, McLean "sailed out of a pre-industrial, pre-cash environment into a turbulent, rapidly changing North American social and cultural scene and, eventually, was transformed into a mass media commodity."⁷⁰¹ In my view, McLean and London were symbols of the wild, adventurous, lawless, piratical spirit of the dying seal hunt in the outgoing Age of Sail. In the literary sphere, London and Kipling, on their respective sides of the pond, created the pop biology of an imperial era dominated by the United States and England.

Conclusion: "We Are in International Affairs as Dumb as the Seals"⁷⁰²

The Russo-Japanese War shows that, although animal hunts for purposes other than feeding troops might logically become a lower priority in wartime, it cannot be assumed that local animal stocks always rebound at such a time. In the present case, Japanese resources—both military and civilian—were at such strength in 1904 that the war enhanced its seal hunt. As Japan tried to expand its borders and influence beyond its small islands, the resulting war with the Russians redefined space and geopolitics for all of the North Pacific empires. Though Japanese seal hunters had killed seals before 1904, their confidence in this regard and the bolstering of their industry were among the spoils of victory.

How would Grotius interpret the ongoing pursuit of seals during a time of war—at a time when seal pelts were not essential to the war effort of either belligerent? In his *Free Sea*, he

(Stanford, California: Stanford University Press, 1988), 492. The letter ran in the *San Francisco Examiner* on June 15, 1905.

⁷⁰⁰ MacGillivray, *Captain Alex MacLean*, 243.

⁷⁰¹ MacGillivray, 4.

⁷⁰² Charles Hibbert Tupper, "Crocodile Tears and Fur Seals," *National Review* (London) 28, no. 163 (September 1896): 88.

explained under which circumstances war—particularly naval war—is justified. War was just and justified, for Grotius, if one people had restricted another people from free passage through the sea or from selling goods by way of the sea.⁷⁰³ He recommended arbitration before open conflict, but allowed for war if arbitration is too conservative or ineffective: “where justice could not be had by just war should be revenged.”⁷⁰⁴ Regarding a war at sea, Grotius was supportive—even giddy—about the prospect: “If it must needs be so, proceed, thou most invincible nation on the sea, and boldly fight not only for thine own liberty but for the freedom and liberty of all mankind!”⁷⁰⁵ In the resulting time of war, Grotius insisted that the “liberty which we have by nature” remains intact.⁷⁰⁶ Thus, the foundational jurist would have likely maintained that the uninhibited right by any nation to hunt marine mammals prevailed during the Russo-Japanese War. Having superior weaponry, the Japanese exercised their free right to seals, whether the seals be considered Japanese or Russian. Like navigation, exploitation of mobile oceanic resources was fair game. In a chapter on war, Grotius concluded that “The divines also teach that as war is rightly undertaken for the defense of everyone’s goods, so is it no less rightly undertaken for the use of those things which by the law of nature ought to be common.”⁷⁰⁷ In other words, fur seals are common to all human beings, and their use or exploitation is a right possessed by all human beings without reference to the national origins of the human beings or the fur seals. In addition, dead fur seals turn into commodities (“goods”), to which all human beings have the right if their own labor has rendered the seals a valuable commodity. In the guiding document of Western maritime law, any exploitable marine resources could continue to

⁷⁰³ Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), 12, 58-59.

⁷⁰⁴ Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, 59.

⁷⁰⁵ Grotius, *The Free Sea*, 58.

⁷⁰⁶ Grotius, *The Free Sea*, 57.

⁷⁰⁷ Grotius, *The Free Sea*, 60.

be exploited during wartime—whether to feed troops with fish, provide women with whalebone corsets, or clothe the wealthy in sealskin coats. I argue that bolstering the economy of a warring nation is sensible, even if the resources do not benefit the war effort. In the case of the Russo-Japanese War, the seal hunt gave the Japanese a morale boost, which indirectly benefitted the war effort.

By 1911, Japan had fifty-one sealing schooners, far more than any of the other North Pacific nations.⁷⁰⁸ In Dorsey's estimation, "failure to take aggressive action toward Japan was the greatest blunder of American seal diplomacy."⁷⁰⁹ While Canadian sailors were hamstrung in relation to American rookeries due to treaties negotiated by the British on their behalf, Japanese sailors had free rein. At this point in the narrative of *The Dawn of Conservation Diplomacy*, Dorsey pivots toward Japan. In his Canadian-American project, Japan shifts to the center of the narrative, however briefly, because it was a threat to the American herd. Russians were never a threat to Pribilof Island seals, though William Cronon implies incorrectly in the book's foreword that Russians joined Canadians and Japanese in hunting Pribilof Island seals when they were out at sea. He assumes this based on the limited scope of Dorsey's study, likely knowing that Russia was involved in the fur seal crisis somehow, but not quite knowing how.⁷¹⁰ Cronon misleads readers in four key ways with the above claim. First, he implies that Russia did not have its own rookeries with seals. Chapters 2 and 3 of this dissertation show how concerned the Russian navy was with protecting those rookeries. Second, Cronon implies that Russia—not having its own local seals—had to go sealing on the high seas, which it simply did not do. The Russian

⁷⁰⁸ Untitled, undated, AVPRI f. 148, op. 487, d. 1134, ll. 18-19. Original document in English.

⁷⁰⁹ Dorsey, *The Dawn of Conservation Diplomacy*, 145.

⁷¹⁰ William Cronon, Foreword, in Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), xiii.

government prohibited its citizens from pelagic sealing.⁷¹¹ Third, Cronon implies that Japan also never had its own local seals, which it did. Fourth, Cronon implies that the United States was never guilty of hunting pelagically because it had everything it needed right at home; we know from Chapters 2 and 3 that this is untrue. Dorsey's limited scope makes these four misapprehensions possible, leading to a fifth, summarizing conclusion that does not hold up: that the U.S. was uniquely on the right side of this conflict. In reality, each country had its own seal-related interests and its own geographical advantages and limitations motivating its government's behavior. Cronon's assumption shows why widening the frame to include Russian islands and coasts is so critical.

With the insights of this chapter vis-à-vis Japan, it is now possible to ask and answer: Why did it take until 1911 to hold a convention to settle the pesky seal matter in the North Pacific? In 1897, a convention *was* held—in Washington, D.C., in October. The express purpose was to put an end to all pelagic sealing in the North Pacific, the same purpose of the 1911 convention. Why did the first meeting fail, while the second succeeded? Certainly, seal population decline became more acute in the fourteen years separating the two conventions. Japanese hunters became more aggressive in those years, irritating and frightening Russians, Americans, and British alike, with their ready guns. Yet, in my view, this was not the primary cause of the delay. The critical piece was that representatives from the United States, Japan, and Russia gathered for the 1897 convention, and Great Britain abstained.⁷¹² Tupper, now attorney

⁷¹¹ Shiro Fujita and M. de Routkowsky, October 26, 1897, in *Resume of Discussion at the International Fur Seal Conference*, Washington, D.C., 1897, 34, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷¹² John W. Foster, October 23, 1897, in *Resume of Discussion at the International Fur Seal Conference*, Washington, D.C., 1897, 3, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

general of Canada, wrote that “Canada’s influence with the great Powers has been exaggerated; we are in international affairs as dumb as the seals.”⁷¹³ Recall that 1897 was also the year of the Klondike Gold Rush, which illuminated the border dilemma between Southeast Alaska and British Columbia. American and Russian delegates worked hard to reach an agreement with the British separately, but the Japanese refused to meaningfully discuss the matter in the British absence. A British delegation was in the same city at the same time, but it refused to attend the full conference and instead met individually with the American delegation. In 1909, American George Archibald Clark wrote that this 1897 American-British Conference of Fur Seal Experts “reached a substantial agreement as to the facts” concerning the status of the population. Both countries agreed that pelagic killing of females caused the population’s decline.⁷¹⁴ While this information is valuable, even Clark—as Secretary to the Bering Sea Fur Seal Commission—ignored the foreign aspect of the story and failed to mention that the broader context of this conference was the British refusal to join the Japanese in a broader conversation, literally taking place at the very same moment.

Without the synchronous cooperation of all stakeholders, nothing of consequence would change. Japanese delegate Shiro Fujita argued that “any proposal which the Japanese delegates might agree to involving the prohibition of pelagic sealing would necessarily be contingent upon the acquiescence of Great Britain,” especially because Japan did not have full control of its own ports. It had an unequal extraterritoriality agreement with Great Britain.⁷¹⁵ This meant that,

⁷¹³ Tupper, “Crocodile Tears and Fur Seals,” 88.

⁷¹⁴ George Archibald Clark, “Appendix to the Story of Matka,” October 12, 1909, in David Starr Jordan, *The Tale of Matka: A Tale of the Mist-Islands*, 1897 (Reprint, San Francisco: Whitaker & Ray-Wiggin Co., 1910), 79.

⁷¹⁵ Charles S. Hamlin, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 30, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska. These words belonged to Charles S. Hamlin; Fujita simply agreed to them. Oddly enough, British representatives agreed to meet with American authorities in Washington, D.C., at the very same time, but not to attend the conference. The bilateral meetings were

among other things, Japanese authorities could not demand that sealskins shipped through their own ports would have a Japanese stamp on them, because the British government did not assent to the stamps.⁷¹⁶ By 1899 the extraterritoriality arrangement would end, making Japan less beholden to the British government.⁷¹⁷ At the 1897 conference, Japanese delegates argued that it would be impossible for Japan to “restrain her citizens” if another country were still allowed to continue pelagic sealing. Russian delegate Aleksandr de Rutkovskii, financial agent in Washington, D.C., retorted drily, “Russia has a law restraining her citizens from engaging in pelagic sealing.”⁷¹⁸ Fujita defended Japanese sealing abroad this way: “All the seal rookeries within our territories have been depleted, and even the most sanguine among experts doubt the possibility of restoring them to a paying basis expect [*sic*] at an expense not at all commensurate to the results to be obtained.”⁷¹⁹ He would only agree to a pelagic arrangement to which the British also agreed, and the British did not want to talk to the Japanese in 1897.

The U.S. delegation worked hard to get the Japanese to budge, but to no effect. The Americans tried to argue: “If we take action in the matter to prohibit pelagic sealing, the whole moral force of humanity will be brought to bear upon Great Britain and she cannot stand out

to share scientific expertise on the fur seal, such as population size and lifestyle habits—especially on the Pribilof Islands. See From John Sherman to Charles S. Hamlin and David Starr Jordan, October 22, 1897, 2, Folder 4: Fur Seal Expert Conference—Protocols and Conclusion. 1897—U.S., Gr. Britain, Canada, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷¹⁶ Fujita, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 36, Folder 3, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

⁷¹⁷ Fujita, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 31, Folder 3, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

⁷¹⁸ Fujita and de Routkowsky, October 26, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 34, Folder 3, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

⁷¹⁹ Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 25, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

against it.”⁷²⁰ Those compelling words nevertheless failed to move the Japanese delegation, which believed that the “sealing done by [their] people [was] small compared with that done by other nations,” and that Japan’s “sealing [was] only rudimentary as yet. Hitherto it has been unprofitable.” Fujita claimed that Japanese sealing was never anticipated to be “excessive.”⁷²¹ The Americans in attendance recommended that, if the North Pacific countries could not realize a complete ban on pelagic sealing, they could at least declare a sixty-mile protective zone around the biggest rookeries: the Pribilofs, Commanders, and Kurils.⁷²² In that case, at least all of the rookeries in the region would have the same standard. Naturally, this proposal would have been least appealing to the rookery-less Canadians. The American suggestion went nowhere. One outcome of the conference was that the U.S. government prohibited pelagic sealing by its own citizens.⁷²³ Perversely, this legislation allowed citizens of all other nations except for Americans to benefit from the hunt of Pribilof seals when they were out at sea. This outcome fulfills Hardin’s tragedy of the commons, as Canadian and Japanese sealers would fill the gap and capture the seals left by Americans exiting the industry.

Japan’s victory in the Russo-Japanese War and the failure of the 1897 International Fur Seal Convention contributed to the conditions that finally led to the decisive 1911 convention. After the 1897 conference, as we have already seen in this chapter, Japanese sealing *would*

⁷²⁰ Proposition, United States, October 25, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 11, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷²¹ Shiro Fujita, October 27, 1897, in Resume of Discussion at the International Fur Seal Conference, Washington, D.C., 1897, 39-40, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷²² Memorandum, Enclosure in John Sherman, Department of State, to the Honorable Charles S. Hamlin, Special Commissioner of the United States, August 11, 1897, Folder 3: International Fur Seal Conference—Proceedings. 1897—U.S., Japan, and Russia, Box 1: Papers, Charles S. Hamlin Collection, 1894-1907, Acc. 728, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷²³ Hornaday, *Thirty Years War for Wild Life*, 172.

become quite widespread, profitable, and “excessive.” The Japanese demanded to wait until Great Britain joined the conversation, giving them time to pillage Russian and American rookeries to near extermination before a ban on pelagic sealing could attain. The failure of the 1897 conference may have even emboldened Japanese efforts, showing them that the other stakeholders lacked the political will to stop them. In 1907, an American observer of the fur seal industry wrote: “It is the Canadian sealers who now chiefly stand in the way of a general ban on pelagic sealing.”⁷²⁴

A related shift made a conversation about seal protection possible by 1911, but not by 1897. In 1909, Canada gained the right to control its own foreign policy. It was not a wholesale end to British involvement in Canadian affairs, but the empire granted the dominion a new level of autonomy in the form of a Canadian Department of External Affairs. MacGillivray notes that “The country was maturing as it entered more fully into the wider diplomatic world,” improving “Canadian-American, Canadian-British, and British-American relations.”⁷²⁵ The shift allowed Canada to better represent its own interests, especially in the Pacific Northwest—far from Britain’s Atlantic sphere of influence.

When the NACC contract with the U.S. government ended in 1910, and the ACC contract with the Russian government ended in 1911, stakeholders in both countries were poised for change. The next and final chapter explores how the British and Japanese were convinced, how the 1911 North Pacific Fur Seal Convention progressed, and what its immediate consequences were.

⁷²⁴ Marsh, “Fur Seals and the Fur Seal Question,” 469.

⁷²⁵ MacGillivray, *Captain Alex MacLean*, 227.

Chapter 5: A “Firm Hand Can Continue the Seals Forever”:

The North Pacific Fur Seal Convention, 1911⁷²⁶

In 1881, Henry Wood Elliott had written that no one needed to worry about the fur seal population diminishing. Back then, people in the Lower 48 kept asking him what he thought was an entirely naïve question: “At the present rate of killing seals, it will not be long ere they are exterminated; how much longer will they last?” He answered that “the rookeries, instead of tending to diminish in the slightest, are more than holding their own,” and “the seals will exist, as they do exist, in all time to come at about the same number and condition recorded in” that 1881 report.⁷²⁷ Elliott continually argued throughout the 1870s and 1880s that the seal population was doing well, writing: “The seals seem to sensibly increase from year to year, rather than to diminish in numbers.”⁷²⁸ Elliott’s positive orientation to the herd in the early 1880s derived from his belief in the balance of nature. In the three years of his seal survey (1872-1874), he found a slight increase here, followed by a slight decrease there. If a seal left one rookery, Elliott believed, it must mean that he or she had simply found another home—probably in Russia.⁷²⁹ He wrote that, from the seal rookeries, the American government “shall draw an everlasting revenue, and on which its wise regulations and its firm hand can continue the seals forever.”⁷³⁰ Many people also asked Elliott whether fashion would change and render the sealskin irrelevant in the global market. He believed that the sealskin was “an article of intrinsic value, just as objects of luxurious gold and silver work, of precious stones, are, and always will be, no matter what the

⁷²⁶ Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 8.

⁷²⁷ Elliott, *The Seal-Islands of Alaska*, 54, 62, 67.

⁷²⁸ Elliott, *The Seal-Islands of Alaska*, 170.

⁷²⁹ Elliott, *The Seal-Islands of Alaska*, 67. Elliott was wrong both about Alaskan seals finding another rookery besides the one on which they were born, and about them migrating all the way west to Russia.

⁷³⁰ Elliott, *The Seal-Islands of Alaska*, 8.

style may decree.”⁷³¹ Though Elliott sounded quite optimistic in 1881 about both the sustainability of the fur seal and human demand for it, he would be convinced that it was not a sustainable industry by 1911—along with every other North Pacific stakeholder. Jordan wrote in 1901 that pelagic sealing was no longer an industry, but a “species of economic suicide.”⁷³²

Americans, Russians, Canadians, and Japanese alike knew that they were waging an uneconomical battle against the fur seal. It could only lead to the “merciless extermination of this precious breed of creature,” because every pelagic seal hunter would kill all seals in sight as quickly as possible so that another seal hunter would not get them.⁷³³ This is Garrett Hardin’s tragedy of the commons, which virtually guarantees that any common resource will be hunted to extinction or used until it is gone. Historian Arthur F. McEvoy summarizes the boom and bust of most resource extraction industries, with a focus on fisheries, in this way:

At some point, unable to bear the strain of exploitation indefinitely without sacrificing its ability to replenish itself, the resource begins to yield less and less to economic effort. As depletion erodes its productivity, a fishing industry may improve its technical ability to find and catch fish, thereby sustaining profits for a time but drawing ever more effort into the harvest and ever more life out of the stock of fish. Ultimately, harvesting so depletes the resource as to cripple it.⁷³⁴

The corrective to this depletion was, for most of the twentieth century, the sustainable-yield model. It is based on maximum sustainable yield (MSY), a theoretical quota at which “fishers take exactly as many fish as the stock recruits in a season and so do not impair the resource’s long-term productivity.”⁷³⁵ It was certainly an improvement over the earlier assumption that

⁷³¹ Henry W. Elliott, “The Method of Dressing the Fur-Seal Skin,” in *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 151.

⁷³² James Thomas Gay, *American Fur Seal Diplomacy: The Alaskan Fur Seal Controversy* (New York: Peter Lang, 1987), 116.

⁷³³ Ivan Aleksandrovich Ovchinnikov, Arbitration in the Matter of the Seizure of American Schooners by Russian Cruisers, 1905, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Marine Headquarters), opis’ 1, delo 3485, listy 5 ob.-6.

⁷³⁴ Arthur F. McEvoy, *The Fisherman’s Problem: Ecology and Law in the California Fisheries, 1850-1980* (New York: Cambridge University Press, 1986), 6.

⁷³⁵ McEvoy, *The Fisherman’s Problem*, 6.

oceanic resources were inexhaustible, in which fishers would simply move to new grounds if the present grounds were somewhat depleted. This was the plan followed by American and Canadian seal hunters in 1892, when they abandoned their own hunting grounds and invaded Russia's instead. Maximum sustainable yield, McEvoy argues, does not work in practice because of what he calls the "fisherman's problem"—essentially the tragedy of the commons: "Every harvester knows that if he or she leaves a fish in the water someone else will get it, and the profit, instead... In a competitive economy, no market mechanism exists to reward individual forbearance in the use of shared resources."⁷³⁶ Even if the perfect MSY could be determined for a given localized species of fish, it would quickly be out of date as new exploiters can always join the industry and take more. The fisheries offer the prototypical example of a resource that is highly mobile, unlike a farm, for example. Northern fur seals fit the migratory logic of the fisheries, despite their being amphibious. McEvoy's conclusion is that neither the Grotian notion of the inexhaustible sea, nor the MSY as a utopian ideal, work in the real world; the fact is that any resource that can be overhunted, will be overhunted. With this sensibility in mind in 1911, the North Pacific seal hunting countries made the bold step to ban all pelagic sealing. As late as 1909, it was still not clear that such a ban would occur; the American secretary of the Bering Sea Fur Seal Commission wrote that "to provide a game law that will protect the mother seal on the high seas requires international action, and the mills of the diplomats, like those of the gods, grind slowly."⁷³⁷

⁷³⁶ McEvoy, *The Fisherman's Problem*, 10. H. Scott Gordon articulated the fisherman's problem in 1954, before Hardin called it the broader tragedy of the commons in 1968. McEvoy argues that the tragedy of the commons is not inevitable based on a flaw in human nature, but rather the "specific historical consequence of the social changes that followed the advent of modern capitalist modes of production and social organization." See page 12. These changes severed the sense that one's own social and economic success depended on that of the local community. In a capitalist system built on competition, self-interest trumps community-interest every time.

⁷³⁷ George Archibald Clark, "Appendix to the Story of Matka," October 12, 1909, in David Starr Jordan, *The Tale of Matka: A Tale of the Mist-Islands*, 1897 (Reprint, San Francisco: Whitaker & Ray-Wiggin Co., 1910), 80.

Argument and Historiography

This chapter presents the narrative of the 1911 North Pacific Fur Seal Convention, arguing that the northern fur seals were the first nonhuman animals in history to be protected by a multinational treaty because of their profitability across the globe and because of the diplomatic conflict engendered by their mobile natures. The 1911 convention is the last chapter in the transnational story of the conflict over seals that began when Russia withdrew its claim to the entire Bering Sea in 1867. After 1911, the rookery-owning powers continued killing local seals in reduced and more sustainable quantities but, as a *transnational* issue, the fur seal controversy effectively ended in 1911. The Russian viewpoint has been unnecessarily left out of English-language histories of the convention, and I argue that presenting the Russian role allows for a more robust conclusion to the transpacific story of the near extinction of the fur seal. In 1911, Russian officials were highly organized, cooperative, and diplomatic—in marked contrast to their confusion over what happened in 1892. Americans, Canadians, and Japanese also arrived at the convention poised for teamwork and ready to leave the swashbuckling seal hunt behind.

My approach to the North Pacific Fur Seal Convention is informed by Dorsey's *The Dawn of Conservation Diplomacy*.⁷³⁸ He focuses on three of the five northern fur seal countries: the U.S., Canada, and Great Britain. The present chapter ensures that Japan and, especially, Russia, are added to that list. Dorsey's monograph is not the only one that covers the 1911 North Pacific Fur Seal Convention, and it includes a discussion of two other wildlife protection treaties, but it is perhaps the most coherent and best contextualized study of the convention from the Anglo-American viewpoint. While Busch writes an entire study of the northern fur seal (1985), for him the convention was more the disappointing end of the fun, the point at which the whole

⁷³⁸ See Dorsey's monograph for a more complete story of Progressive Era conservation agreements between the United States and Canada.

rip-roaring story of North Pacific sealing screeched to a frightfully boring halt.⁷³⁹ His work reflects an earlier time in anglophone scholarship, in which extraction industries were less controversial and scholars were less ecologically engaged than they tend to be today. That much is clear from Busch's subtly revealing title, *The War against the Seals*—not *The War for the Seals*. He is not interested in seal protection, but rather all of the violence that preceded it.

As other English-speaking historians have done, Dorsey interprets the North Pacific Fur Seal Convention as almost entirely a decision between English speakers.⁷⁴⁰ He writes that, “In 1911, Canada and the United States joined with other concerned powers to outlaw pelagic sealing and divide the proceeds from land sealing.”⁷⁴¹ The “other concerned powers” are not only an afterthought; they are a pesky stumbling block to the real business of diplomacy: “The presence of Japan and Russia in the fur seal controversy complicated Canadian-American efforts to resolve their differences.”⁷⁴² Rather than making Japan and Russia central to the story of North Pacific sealing, as they are, Dorsey turns this conflict into a purely North American dispute. Yet if the fur seal crisis were only an Anglo-American issue, then it could have been resolved in 1891 with the Paris tribunal. As we have seen, the conflict endured for two more decades. The American and British governments could not simply strip the right to seal from laborers without seals further afield—in someone else's waters—becoming the next target. In order to myopically see the seal issue as something that only existed on the eastern side of the Bering Sea, we would have to view the conflict differently than the historical actors saw it

⁷³⁹ Briton Cooper Busch, *The War against the Seals: A History of the North American Seal Fishery* (Kingston, Ontario: McGill-Queen's University Press, 1985).

⁷⁴⁰ See also Michael Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” *Ecology* 32 (2005): 939-988; and Gerald O. Williams, *The Bering Sea Fur Seal Dispute: A Monograph on the Maritime History of Alaska* (Eugene, Oregon: Alaska Maritime Publications, 1984).

⁷⁴¹ Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), 106.

⁷⁴² Dorsey, *The Dawn of Conservation Diplomacy*, 245.

themselves. In truth, if the U.S. and Canada wanted to resolve their differences, Russia and Japan had to be involved. This chapter expands on Dorsey's description of the convention by exploring the Russian contribution using, primarily, documents prepared by the Russian delegation. The delegation's twenty-six-page report to its government offers a succinct summary of Pierre Botkin and Boris Nol'de's perspective on the conference immediately afterwards. This report and other documents prepared by the delegation have not been utilized, as far as I am aware, in any other English-language scholarship.⁷⁴³ One key intervention that this report allows me to make into the literature on the convention is that Russia convinced Japan to give up its pelagic sealing industry, while the U.S. convinced Canada to do the same.⁷⁴⁴ In addition, what this chapter shows by inserting Russia into the convention narrative is that that country acted as the key mediator of the convention. It was uniquely situated for this role, as it was a rookery-holding power, but with a far less productive rookery than the United States. Russia was far less invested in its rookeries, having offered its lease to an American company, the ACC, anyway. The U.S. started the convention with a rather hardline position, and Canada and Japan needed to be buttered up, situating Russia to do the work of smoothing over everyone's concerns and liaising between them. This put Russia in a unique position to lay common ground for everyone in this dispute—a perspective that is apparent in the documents written by the Russian delegation, but that is absent from English-language studies. Obviously, the delegation may have exaggerated its own importance, but the American and British delegations may have done so as well.

⁷⁴³ Pierre Botkin's first name is Russianized as «Петр», which is pronounced with one syllable: "Pyotr." Nol'de was a lawyer, diplomat, and historian—whom one might call the "expert and practitioner of the Russian Empire." See Ilya Gerasimov, Sergey Glebov, Jan Kusber, Marina Mogilner, and Alexander Semyonov, "New Imperial History and the Challenges of Empire," in Ilya Gerasimov, Jan Kusber, and Alexander Semyonov, eds., *Empire Speaks Out: Languages of Rationalization and Self-Description in the Russian Empire* (Boston: Brill, 2009), 22.

⁷⁴⁴ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1143, list 3 ob.

In this chapter, I also argue that the convention that determined the fate of seals and seal hunters ultimately concluded that Grotius was right about freedom of navigation, but wrong about the inexhaustibility of resources. Recognizing that marine resources are exhaustible, some nations proposed and even implemented what I call *intentional retrogression*. The methods of intentional retrogression—purposely employing technologies that are behind those available at a given time—seem on the surface to be anti-progress. Yet they become evidently logical in the face of a finite supply of a resource. Infinite extraction of a finite resource is itself anti-progress, requiring some conservative measures that will be explored in this chapter in the context of the seal industry.

This chapter considers first how the North Pacific countries tried unsuccessfully to save the seals without a convention, eventually realizing that a convention was necessary. Then, I summarize the conference itself, with a focus on the insights that the Russian delegation provides. Next, I discuss what the signatories decided and whether their plan was successful in both saving the seal population and putting an end to the decades-long diplomatic nightmare—while also pointing out the perversity of the multinational agreement. Finally, with my emphasis on adding Russian archival documents to the literature of the fur seal crisis, I show how the Russian navy altered its practice with clearer instructions to Pacific commanders after the crisis ended.

“Sea Butchers” and Other Failed Ideas⁷⁴⁵

Before the seal empires gathered for a diplomatic solution in 1911, Russian, Canadian, and American stakeholders separately proposed and enacted alternative measures, both conservative (intentionally retrograde) and radical (mass slaughter). Japan was the exception, an

⁷⁴⁵ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 435.

archipelago not particularly concerned with conservation and continuing to employ the unfettered methods which made a convention seem so necessary to the other parties. One way to save the hunt was to slow the pace of killing. To do this, Americans and Canadians could not use any firearms. Though a single shot to the head would have been infinitely more merciful than a painful, frightening drive followed by a head clubbing, the shot would have been *too* efficient. This regressive orientation to technological innovation, what I term broadly *intentional retrogression*, is one way to address fears of rapid resource loss. Methods like prohibiting the best available weapons purposely handicap an industry through technological backpedaling.⁷⁴⁶ This was the conservative option for managing seal decline. The U.S. and Great Britain wrote intentional retrogression into the 1892 Paris tribunal agreement, banning explosives, firearms, and nets as weapons against seals at all times in all parts of the North Pacific over which the two empires could be said to have jurisdiction.⁷⁴⁷ Intentional retrogression forced seal hunters to use the killing implements and methods of a prior era. The Russian and American governments allowed indigenous hunters to keep using their traditional methods, since these also appeared to be from an earlier time. Since the Age of Sail was giving way to the Age of Steam at the turn of the century, the Paris tribunal participants also banned steamers—faster and more reliable seagoing vessels than those under sail—from hunting seals.⁷⁴⁸ If only sailing ships could be sealers, then the industry had a definite expiration date, as the Age of Sail was nearly dead in the water. Intentionally retrograde measures hinder short-term industrial progress and may be

⁷⁴⁶ Historian of empire Ilya Gerasimov uses the term “deliberately archaic.” See Ilya Gerasimov, *Plebeian Modernity: Social Practices, Illegality, and the Urban Poor in Russia, 1905-1917* (Rochester, New York: University of Rochester Press, 2018), 89.

⁷⁴⁷ Ovchinnikov, Arbitration, 1905, RGAVMF f. 417, op. 1, d. 3485, l. 13. This provision is in Article VI of the treaty.

⁷⁴⁸ 1892, Convention Relating to Fur-Seals in Behring Sea, William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers: 1776-1909*, vol. 1. (Washington, D.C.: Government Printing Office, 1910), 756. This provision is in Article III of the treaty.

viewed as anti-capitalist. Yet I argue that they are simply realistic measures on a finite planet. Sometimes such measures may ingratiate an extractive industry with an ecologically minded culture, giving industry representatives talking points with which to defend their industries, using the “not as bad as” fallacy.⁷⁴⁹ The decision to regress is usually taken after extraction has already created a crisis. The regression is a last-ditch effort to prove that an industry can survive—but it usually does not when it has reached that point. Under the sway of intentional retrogression, biopolitical regimes seek even more to preserve life and health and stave off killing. Retrograde measures are desperate efforts to save an ineffective biopolitics.

With intentional retrogression at work throughout the late nineteenth and early twentieth centuries, the sealing industry can be contrasted with the whaling industry of the same period. In the American whaling industry, increasingly efficient technologies enabled by a lack of attention to the unsustainability of whaling made hunting whales more lethal. Harpoon guns could be mounted to ships, an improvement on hunting dangerously from whaleboats, as seen on a Russian ship in Figures 5.1 and 5.2.

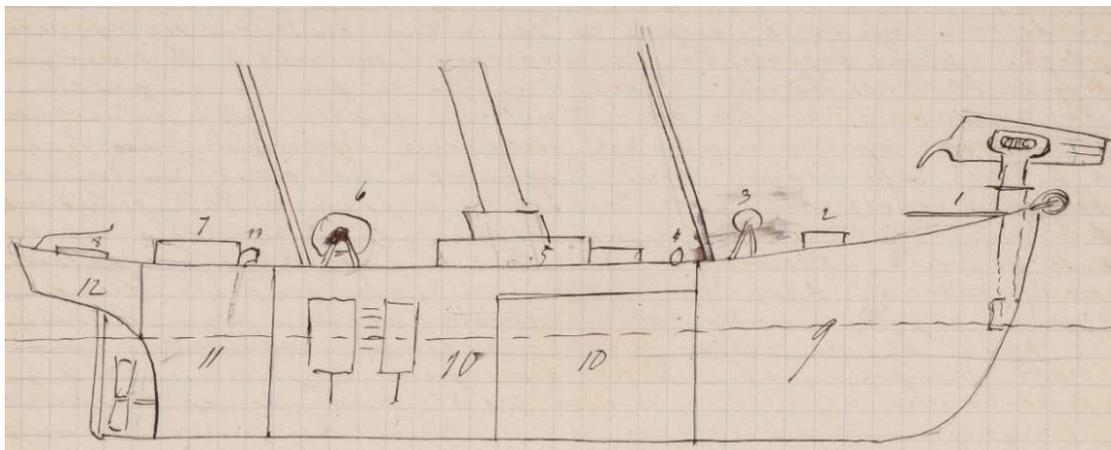


Figure 5.1: Sketch of mounted whale harpoon gun, May 8, 1882. Source: On the affairs of Prince Demidov of San Donato's whaling company, Rossiiskii gosudarstvennyi istoricheskii arkhiv (RGIA) fond 98 (Volunteer Fleet Steamship Association), opis' 1 (1865-1922), delo 115, list 103.

⁷⁴⁹ This fallacy is also called the fallacy of relative privation.

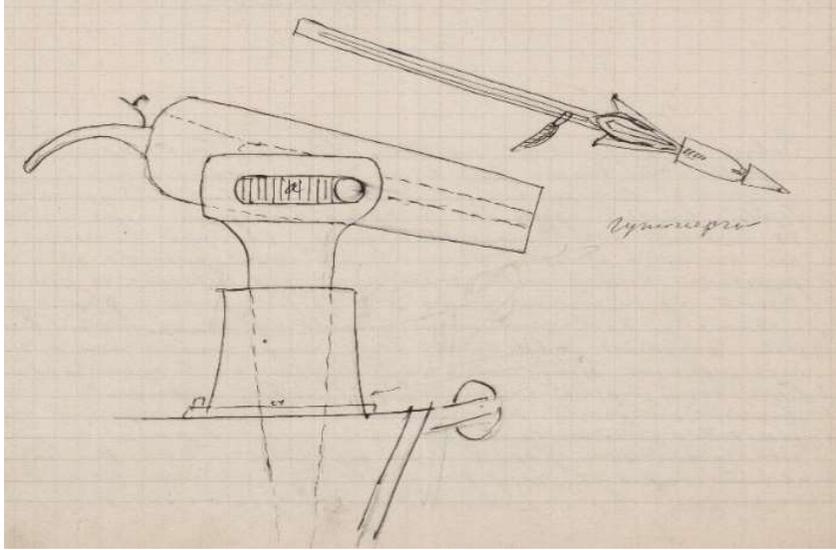


Figure 5.2: Sketch of whale harpoon gun detail, May 8, 1882. Early-nineteenth-century whaling relied on harpoons powered by human strength alone. Source: On the affairs of Prince Demidov of San Donato's whaling company, Rossiiskii gosudarstvennyi istoricheskii arkhiv (RGIA) fond 98 (Volunteer Fleet Steamship Association), opis' 1 (1865-1922), delo 115, list 102 ob.

Americans first proposed a more radical approach to solving the seal problem in 1890, and the idea gained traction after the Russo-Japanese War. It was, perhaps, the most radical approach possible: to preemptively kill all northern fur seals and put a decisive end to the seals' and the humans' collective misery. To do so would have been to admit that diplomacy did not and could not work in this situation. It is unclear if those who proposed this idea had plans to kill the seals en masse in a more humane way than the professionals were presently doing, or if the proposed slaughter would be a nasty and horrifying bloodbath. U.S. Treasury Secretary William Windom first suggested a mercy killing in 1890; he intended it as an extreme measure to compel Great Britain's acquiescence to a new, more restrictive, *modus vivendi*.⁷⁵⁰ After all, the biggest global fur market was in London, and it was not only provincial Canadians who would suffer if, in an instant, the North American seals ceased to exist. Windom told the British that if they would not agree to a sustainable solution with the U.S., the U.S. would "mercifully step in and

⁷⁵⁰ Elliott, "The Loot and the Ruin of the Fur-Seal Herd of Alaska," 433.

kill all the seals on these Pribylov rookeries ourselves, and at once: thus ending at one stroke what otherwise would be cruelly prolonged into the indefinite future.”⁷⁵¹ Nothing came of it in 1890, but the seed was planted. In 1895, Maine Congressman Nelson Dingley introduced a mercy killing bill in the House of Representatives, and it passed, but cooler heads prevailed in the Senate.⁷⁵² Elliott soon supported the radical plan. Recall that when the Ohioan first set eyes on a fur seal in 1872, he thought the Pribilofs supported about 4.7 million of them. Though Jordan and others demonstrated that Elliott’s count was far too high, and Elliott still believed in the early 1880s that nothing could destroy the population’s natural balance, he returned to the islands in 1890-1891 at the behest of the Smithsonian and witnessed a shocking sight. Only about one million seals barked and moved on the Pribilof rookeries. In conversation with pelagic captains, Elliott calculated that hunters intercepted about 60,000 seals in just two months when they were swimming in the summer of 1891.⁷⁵³ Hunters were annihilating the northern fur seal. Elliott claimed that only 120,000 remained by 1906.⁷⁵⁴ He feared that the “sin and shame” of the North Pacific seal fishery had become a blot on the American conscience.⁷⁵⁵ A *coup de grâce* would wrest control from the “sea butchers,” a faction made up of NACC leaseholders and pelagic Canadian adventurers.⁷⁵⁶ Purposely bringing the species to extinction would rid the world, once and for all, of the nuisance of maintaining its commercial viability. Whether Elliott genuinely believed this was an appropriate solution, or whether he chose extreme language purely to force action on the issue, cannot be proven. In 1904, Elliott prompted Senator William

⁷⁵¹ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 431.

⁷⁵² Gay, *American Fur Seal Diplomacy*, 98-99.

⁷⁵³ Saul, *Concord and Conflict*, 306.

⁷⁵⁴ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 427.

⁷⁵⁵ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 435.

⁷⁵⁶ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 435.

P. Dillingham of Vermont to introduce a fresh extermination bill, but it also did not pass.⁷⁵⁷ In 1910, the massacre of seals was considered again, with the Camp Fire Club of America printing a provocative pamphlet to expose the plan to the American people. Secretary of Commerce and Labor Charles Nagel was prepared to undertake a mercy killing, along with Fish Commissioner George M. Bowers, fisheries agent Walter I. Lembkey, and David Starr Jordan.⁷⁵⁸ They abandoned the idea when it garnered too much negative publicity.

It was not only Americans who considered wiping the seals off the face of the earth. Bakhmetov proposed the same extreme measure to his government in 1906, writing that it would be “more practical and merciful to exterminate the remaining herds at once instead of trying in vain to continue to protect them from the cruel predators.”⁷⁵⁹ In Elliott and Bakhmetov’s shared vision, now even animal defenders would become “sea butchers,” just to have done with the excruciating decades-long diplomatic fiasco. Stakeholders on both sides of the Pacific seriously considered a radical idea that seemed against every conservationist and capitalist impulse. In the end, though, no matter how intractable the fur seal problem was, no humans were willing to take the ultimate irreversible step of forcing an extinction. That the idea was taken seriously by both major rookery-owning powers reveals how problematic the seal issue had become. Governments felt that they could not control the hunting activities of other countries, but they also could not control the hunting activities of their own citizens. Before the 1911 convention, governments could not see a way out of the seal maelstrom. It signals the power and momentum held by

⁷⁵⁷ Gay, *American Fur Seal Diplomacy*, 117-118. Dillingham was on the Senate subcommittee that investigated the aftermath of the Klondike Gold Rush in Alaska. A town in Alaska is named after him.

⁷⁵⁸ Camp Fire Club of America, “A Square Deal for the Fur Seal—An Open Letter and Exhibits from the Camp Fire Club of America to the American People,” July 6, 1910, in Committee on Expenditures in the Department of Commerce and Labor, Hearings before the Committee on Expenditures in the Department of Commerce and Labor: House of Representatives on House Resolution No. 73 to Investigate the Fur-Seal Industry of Alaska, May 31 and June 2, 1911, No. 1 (Washington, D.C.: Government Printing Office, 1911), 242.

⁷⁵⁹ Secret Dispatch of D.S.S. Bakhmeteva, December 1, 1906, Tokyo, No. 94, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1127, listy 167-167 ob.

multinational enterprises. There was almost no way to stop the killing short of the most radical step of removing the quarry from the face of the earth forever. Eventually, however, diplomacy won in the North Pacific.

Gearing Up for a Convention

It is difficult to say with certainty which country first proposed the seal convention that finally happened in 1911; it was more of an ongoing dialogue than a sudden, novel idea. Many Americans writing about the convention try to credit their countrymen. It is true that American representatives issued the invitations and hosted the convention in their capital. In early 1909, U.S. Secretary of State Elihu Root sent a note to the British, Japanese, and Russian ambassadors in Washington, D.C., proposing a convention to deal once and for all with the perpetually pesky fur seal issue.⁷⁶⁰ It would take two more years to bring those ambassadors together. But to suggest that Americans deserve all the credit for inventing the idea of saving the fur seal ignores the complex set of dialogues engaged in by multiple actors over the course of decades. The need for codified regulations for all four sets of sealing powers was an idea that evolved discursively until it became obvious, rather than a sudden realization on the part of Americans. In “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” Bhargava writes that “Fur seals...were already in dramatic decline by the time the United States began objecting to pelagic sealing by other nations.”⁷⁶¹ In truth, members of all interested parties expressed the need, across decades, to formalize an agreement to save seal lives and profits. Dorsey suggests that Americans were the first to take unilateral action, writing that “with the demise of the seals outpacing the progress of the diplomats, American scientists again found themselves as the best hope to save the seal.” He also notes that “once the weight of American scientific evidence

⁷⁶⁰ Dorsey, *The Dawn of Conservation Diplomacy*, 145.

⁷⁶¹ Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” 984.

proved the damage done by pelagic sealing, the only question became whether the various nations could come to some sort of cooperative agreement before the species disappeared.”⁷⁶²

Dorsey states that Americans were the first to recognize a seal decline and do something about it, but then writes elsewhere that “first St. Petersburg and then Washington” began to look for ways to protect the fur seal.⁷⁶³ Russia and Japan kept their own statistics and independently understood the evolving population crisis.

As the strongest rookery-owning powers, the American and Russian governments were ready to put a definitive stop to sealing in 1910 and 1911. American seal hunters on the ground did not necessarily share the enthusiasm of their government; given the longstanding diplomatic irritation, however, the U.S. government was itching for change. Both governments vigorously sought a change a decade into the new century because both had twenty-year leases come to an end around the same time. The NACC’s ten-year lease of the Pribilof Islands expired in 1910. On February 26 of that year, Hornaday presented inescapable evidence of the looming death of the American seal industry to the Senate Committee on Conservation, which included Senator Dillingham. It was a small gathering of eleven senators and the famous zoologist. Hornaday’s charts and persuasive speech convinced the senators, and they “instantly killed the leasing system of seal killing, forever and a day.”⁷⁶⁴ His convincing presentation was aided by the committee’s knowledge that the U.S. was hemorrhaging money in maritime Alaska by 1910. The U.S. government declared the Pribilof Islands a “special reservation for government

⁷⁶² Dorsey, *The Dawn of Conservation Diplomacy*, 148, 164. Russians were doing their own scientific research on seal populations. See Saul, *Concord and Conflict*, footnote 295 on page 384.

⁷⁶³ Dorsey, *The Dawn of Conservation Diplomacy*, 113.

⁷⁶⁴ William T. Hornaday, *Thirty Years War for Wild Life: Gains and Losses in the Thankless Task* (New York: Published for the Permanent Wild Life Protection Fund by Charles Scribner’s Sons, 1931), 176. Hornaday was the chairman of the committee of the Camp Fire Club of America.

purposes.”⁷⁶⁵ The American seal fishery thus ceased to be a business venture and shifted wholly into government hands. From early 1910 onward, it would not matter at all what American seal hunters on the ground wanted. This change reflects a broader shift in U.S. conservationism in that period toward a state-managed approach governed by the “gospel of efficiency.”⁷⁶⁶ Between the declining seal yield, costs involved in patrolling the region for illegal hunting, and the payment of Aleut relief in lieu of wages, the American seal industry finally emerged as the economic waste that the Russian-American Company knew it was four decades prior. By the early twentieth century, the U.S. was losing money on the Pribilofs, just as Russia had been losing money on its Alaska colony by the middle of the nineteenth. In 1911, the Russian government also decided to abandon its Commander Island seal hunt, when the ACC lease ended and freed up Russian officials to press for a North Pacific-wide convention.

The purpose of convening was to put an end to pelagic seal hunting only. It was intended to end the transnational problem while continuing to give sovereign states the right to self-determine whether they wanted to kill seals or not. The Russian delegation feared that the consequence of this would be “enriching the owners of rookeries, who alone benefit from the establishment of a new order.”⁷⁶⁷ While Russia had substantial Commander Island rookeries, its delegation understood that it had to appease Japan and Canada for any convention to succeed. Those two countries would be denied incomes from the seal fishery to which they had become accustomed, by countries that still had the opportunity to gain financially through their own

⁷⁶⁵ An Act To protect the seal fisheries of Alaska, and for other purposes, April 21, 1910, Public—No. 146, S. 7242, 2, Folder 1326: Legal Papers, Fur Regulations and Sea Otter Hunting, 1910-1911, Box 139: Legal Papers – Photographs 1869-1929, San Francisco, California, Alaska Commercial Company Records, 1868-1913, USUAF3, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska.

⁷⁶⁶ Samuel P. Hays, *Conservation and the Gospel of Efficiency* (Pittsburgh: University of Pittsburgh Press, 1999). The book was first published in 1959.

⁷⁶⁷ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 11 ob.

territorial seals. It was unfair, the Russian delegation admitted: “It was impossible to expect that Japan and Canada, concluding a convention, would agree to suffer losses and enrich others without extracting any benefit from it.” The Russian view had changed dramatically from the wild schooner captures of the early 1890s. By 1911, their “only goal was to find [the] minimum cost for banning pelagic seal hunting.”⁷⁶⁸

Since the British government had been unwilling to participate in the 1897 convention that might have ended pelagic sealing fourteen years sooner, American representatives decided to meet secretly with the British in advance of a full conference in 1911. On February 7, the two parties finalized a rather odd pre-agreement that was never put into practice and was superseded by the big convention a few months later. The pre-agreement stipulated that North Pacific pelagic sealing would be outlawed, but only when “Russia and Japan joined Britain and the United States in another treaty.”⁷⁶⁹ It was dependent upon a full convention, but it was a way to bolster the likelihood of success at such a gathering.

The United States had to offer Canada something big to give up pelagic sealing. A pelagic ban would leave the Canadians alone with no seals at all. This offer and subsequent negotiations were a dress rehearsal for how to convince the more intractable Japanese to cooperate with a ban. Thus, the pre-agreement stipulated that the U.S. would give Canada twenty percent of the profits garnered from the Pribilof rookeries, and Canada would agree to cease sealing on the eastern side of the Bering Sea for at least fifteen years. Both the idea of sharing rookery profits and the fifteen-year period would carry over to the full convention, and neither of these two basic premises were debated at length at the convention. In order for a pelagic ban to

⁷⁶⁸ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 4 ob.

⁷⁶⁹ Dorsey, *The Dawn of Conservation Diplomacy*, 153.

work via a buyout, a fundamental condition had to be in place: rookery seals would still be hunted. Otherwise, where would the incentive to cooperate on the part of the pelagic countries come from?

For the Americans, an unintended consequence of this pre-treaty was that Canada was unwilling, in extended talks later that year, to accept anything less than twenty percent. The Americans had already conceded that amount, so there was no possibility of talking the British down. Canadian and Japanese representatives haggled over percentages for weeks with the Americans and Russians.⁷⁷⁰ Eventually, the parties brought the percentage below twenty percent by combining the percentage payout idea with a lump sum.

The North Pacific Fur Seal Convention

Once the British and Americans signed a pre-agreement in February, U.S. Secretary of State Philander Chase Knox sent out invitations in March for a full convention. The Japanese delegation requested that the conference be held no sooner than June, because they wanted time to gather data.⁷⁷¹ On May 11, the convention opened in Washington, D.C., giving the Japanese an unfavorably abrupt start that likely contributed to their later hostility.⁷⁷² In addition to a slew of translators, notetakers, and assistants, each country had two representatives. They included:

- Representing Imperial Russia: 1. Pierre Botkin, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and 2. Baron Boris Nol'de, of the Foreign Office.

⁷⁷⁰ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 4 ob.

⁷⁷¹ Secret telegram from Hofmeister Malevskago-Malevich, Tokyo, February 27/March 12, 1911, No. 48, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1134, list 2.

⁷⁷² Gay, *American Fur Seal Diplomacy*, 125.

- Representing Japan: 1. Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary at Washington, and 2. the Honorable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce.
- Representing the United States: 1. the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and 2. the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States.
- Representing Great Britain and Canada: 1. the Right Honourable James Bryce, of the Order of Merit, His Ambassador Extraordinary and Plenipotentiary at Washington, and 2. Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs.⁷⁷³

Pope's position as under secretary for External Affairs reflected Canada's new semiautonomous foreign policy position.

The opening proposal of the conference came from the American hosts. Nagel suggested a complete end to all pelagic sealing in the Pacific Ocean north of the thirty-fifth parallel. The American delegate had earlier declared, in a 1910 American hearing, "I would like to have the right to kill seals, in order that I might hold it as a club over the heads of the pelagic sealers!"⁷⁷⁴ After Nagel presented the opening proposal, Anderson officially informed the Russians and

⁷⁷³ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, No. 238, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 4373, listy 29, 30. Original document in both Russian and English.

⁷⁷⁴ Camp Fire Club of America, "A Square Deal for the Fur Seal—An Open Letter and Exhibits from the Camp Fire Club of America to the American People," July 6, 1910, in Committee on Expenditures in the Department of Commerce and Labor, 244.

Japanese that the other two parties had already negotiated an agreement to end pelagic sealing in February.⁷⁷⁵ The Anglo-American treaty was just waiting for Russia and Japan to agree to the same terms. Botkin heartily endorsed the American plan, identifying with the United States as a rookery-owning power, despite doubt that the Japanese would go for it.⁷⁷⁶ The Russian delegation was satisfied to move forward with the first proposal made at the conference and emphasized that Russia did not even ask for or expect anything in return.

The pre-agreement and Russia's quick acquiescence to it, without discussion, left the Japanese reeling. The delegation was backed into a corner from the opening of the conference. Since 1897, "American diplomatic contact with Japan on the sealing issue had been almost nonexistent."⁷⁷⁷ The American hosts began presumptuously, and the convention got off to a rocky start. As the latecomer to the sealing industry, Japan was only beginning to reap the rewards of participation in it. Japanese sealers were loath to give up the still-great revenues they were bringing in. The delegation argued that it was up to the convention to give them "fair and equal consideration as others in the settlement of a question which involves the entire loss of their business."⁷⁷⁸ Uchida and Dauké complained, "To entirely prohibit pelagic sealing...will inevitably result in an enforced surrender of a large source of income on the part of Japan...with the unfortunate consequence of inflicting heavy losses upon the sealers who have invested in the industry as their sole occupation." Though Japan had a postwar Robben Island rookery and scattered Kuril Island rookeries, the Japanese considered them "insignificant."⁷⁷⁹ See Tables 5.1

⁷⁷⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 154.

⁷⁷⁶ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 2.

⁷⁷⁷ Dorsey, *The Dawn of Conservation Diplomacy*, 144, 153.

⁷⁷⁸ Japanese Message, undated, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1134, list 37. Original document in English.

⁷⁷⁹ Untitled, undated, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1134, listy 19-20. Original document in English.

and 5.2 below: Table 5.1 outlines the Japanese projection of annual numbers of living fur seals in the U.S., Russia, and Japan, out to the fifteen-year initial treaty mark. The table shows that, in 1911, American rookeries had 150,000 seals, Russian rookeries had 44,000, and Japanese rookeries only had 6,000. Table 5.2 shows anticipated numbers of killed seals annually in those three countries out to fifteen years. The tables assumed that the seal population would increase with time, suggesting that the Japanese came to the convention totally unwilling to concede defeat and give up pelagic sealing. Uchida and Dauké tried to garner sympathy for the Japanese archipelago, pleading, “While such an insular country as Japan must largely depend upon marine industry for its economic welfare, a total prohibition of pelagic sealing would deal no insignificant blow upon such industry.”⁷⁸⁰

Table 5.1: Table Showing the Anticipated Increase in Number of Fur-Seals (At the Annual Rate of 16%), Submitted by the Japanese Delegation. Source: Furnished by Japanese Ambassador, May 26, 1911, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1134, list 59. Note: As part of its proposal to share heavily in the rookery profits, the Japanese delegation prepared these two hypothetical tables to show anticipated numbers of seals yielded by the rookeries in the first fifteen years of the treaty. The delegation included the following explanations with the charts: “Owing to its small size and difficulty in ‘driving’, 15,000 fur seals is made the maximum number in the case of Robben Island of Japan,” and “The Kurile Islands are excluded from this table because responsible protection of fur-seals is impracticable there.” It was important to the Japanese delegation to show that their share was so small as to be statistically insignificant.

	The U.S.	Russia	Japan	Total
1 st year,	150,000	44,000	6,000	200,000
2 nd year,	174,000	51,040	6,960	232,000
3 rd year,	201,840	59,206	8,073	269,119
4 th year,	234,134	68,678	9,364	312,176
5 th year,	271,595	79,667	10,862	362,124
6 th year,	315,050	92,423	12,599	420,072
7 th year,	365,458	107,210	14,614	487,282
8 th year,	423,931	124,363	15,000	563,293
9 th year,	491,769	144,261	15,000	651,030
10 th year,	570,452	167,342	15,000	752,794
11 th year,	661,724	194,116	15,000	870,840
12 th year,	767,599	225,174	15,000	1,007,773
13 th year,	890,414	261,201	15,000	1,166,615
14 th year,	1,032,880	302,993	15,000	1,350,873
15 th year,	1,198,140	351,471	15,000	1,564,611

⁷⁸⁰ Untitled, undated, AVPRI f. 148, op. 487, d. 1134, ll. 19-20. Original document in English.

Table 5.2: Table Showing the Anticipated Number of Fur-Seals Killed (At the Annual Rate of 5% of the Total Number of Animals), Submitted by the Japanese Delegation. Source: Furnished by Japanese Ambassador, May 26, 1911, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1134, list 60. Note: As part of its proposal to share heavily in the rookery profits, the Japanese delegation prepared these two hypothetical tables to show anticipated numbers of seals yielded by the rookeries in the first fifteen years of the treaty. The delegation included the following explanations with the charts: "Owing to its small size and difficulty in 'driving', 15,000 fur seals is made the maximum number in the case of Robben Island of Japan," and "The Kurile Islands are excluded from this table because responsible protection of fur-seals is impracticable there." It was important to the Japanese delegation to show that their share was so small as to be statistically insignificant.

	By the U.S.	By Russia.	By Japan.	Total.
1 st year,	7,500	2,200	300	10,000
2 nd year,	8,700	2,552	348	11,600
3 rd year,	10,092	2,960	403	13,455
4 th year,	11,706	3,433	468	15,607
5 th year,	13,579	3,983	543	18,105
6 th year,	15,752	4,621	629	21,002
7 th year,	18,272	5,360	730	24,362
8 th year,	21,195	6,218	750	28,163
9 th year,	24,538	7,213	750	32,551
10 th year,	28,522	8,367	750	37,639
11 th year,	33,086	9,705	750	43,541
12 th year,	38,379	11,258	750	50,387
13 th year,	44,520	13,060	750	58,330
14 th year,	51,644	15,149	750	67,543
15 th year,	59,907	17,573	750	78,230
Total.	387,442	113,625	9,421	510,515

Despite their easy agreement with the American plan, the Russian delegation reproached the Americans for expecting easy Japanese acquiescence after making a secret plan with the British. One of the Russian members scribbled a note to himself in English, a reminder to ask the Americans: "Do you think that your arrangement with Canada can provoke from the Japs exaggerated [*sic*] pretentions and compensations?"⁷⁸¹ The Russian delegation reported back to its government that the "Federal Government"—Russian shorthand for the Americans—was a bit buffoonish, bumping into the conference with an overconfident swagger. Botkin and Nol'de

⁷⁸¹ Note on hotel letterhead, The New Willard, Pennsylvania Avenue, Fourteenth & F Streets, undated, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis' 487, delo 1134, list 8. Original document in English.

sardonically noted that the Americans hoped the Japanese would, “for nothing, sacrifice the interests of their maritime industry.”⁷⁸²

After a faltering start to the conference, two options for terminating pelagic sealing equitably emerged. Russia and the United States could buy out the Japanese and Canadian seal interests with either: 1. a predetermined percentage of all future rookery revenue rendered for the next fifteen years, or 2. a lump sum shortly after the convention that approximated expected rookery revenues for the next fifteen years.⁷⁸³ The former was more precise, but if Russia and/or the U.S. ever decided to completely suspend their own internal hunts, the other two governments would get nothing. The Canadians and Japanese needed a guarantee that, even if the large rookery-owning powers exercised their prerogative to ban local sealing, the outsiders would still get something. The fifteen-year span came from the British-American pre-agreement, but the Russians agreed that it was the perfect time period. In the words of the Russian delegation, everyone agreed to fifteen years because “a shorter period would not be able to extract the expected benefit from the convention, as the restoration of the herd could hardly have been achieved prior to fifteen years.” To “prejudge the far future by fixing the time much longer” would have been dangerous and undesirable because “circumstances can change significantly in fifteen years, and our successors will be better able to resolve those new issues.”⁷⁸⁴ The convention could, and did, continue in force beyond fifteen years because the writers had the foresight to consider that their successors might desire it; the agreement just needed to exist for

⁷⁸² Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 3.

⁷⁸³ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 11 ob.

⁷⁸⁴ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 14 ob.

at least fifteen years. The eventual payout agreed to by all parties was a combination of options one and two.

As the conference progressed and the Americans began offering higher concessions to the Japanese than to the Canadians, the latter cried foul. Bryce accused the U.S. of misinterpreting and abandoning the February agreement, even while there was “no communion of interests between Japan and either Russia or the United States.” He demanded that the U.S. offer twenty percent to the Japanese, as the British had agreed to in February. In trying to persuade the Canadians that the February agreement, their common culture, and the fact that Canadians had a “natural share” in the American herd justified easy cooperation, the American delegation was unsuccessful.⁷⁸⁵ The Russians suggested a twenty-five percent concession to the Japanese, but the Japanese insisted on much more.⁷⁸⁶ The Canadians joined the Japanese in rejecting American proposals. As somewhat impartial observers of the shifting mood, the Russian delegation noted that “harassment by Canadian and Japanese representatives came as a complete surprise to the Americans.”⁷⁸⁷

Unsurprisingly, the Japanese delegation threatened multiple times to shut down the convention by walking out. Two weeks of debate had yielded a demand by Uchida and Dauké for half of American and two-thirds of Russian rookery revenues. The Russians and Americans found the Japanese demand completely untenable. The delegates agreed to a postponement, since that was the only thing they could agree on. But Botkin and Nol'de told their government that a postponement would guarantee that the slaughter of seals would continue unhindered, and the

⁷⁸⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 138. It was Elliott who first proposed sharing the herd with Canada, in 1905 and again in 1908. That path was ultimately taken.

⁷⁸⁶ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, ll. 4-4 ob.

⁷⁸⁷ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 2 ob.

“last...chance to save the breed, it seemed, would be missed.”⁷⁸⁸ In that case, the crisis would continue to worry diplomats, make foreign relations more problematic, and create tension in the region until the last seal died. At the last moment before the delegates left the convention hall, chairman of the convention Nagel stepped in with a “new, energetic attempt to reconcile opposing interests.” He convinced the British that accepting only fifteen percent of American revenues was better than getting nothing and letting the hunt die out naturally with no payout. Nagel hoped that “the Japanese would, in turn, become more compliant,” and the Russian delegation seconded that. When the British were faced with the prospect of walking away with nothing, the conventioners “finally found the basis for an agreement.” The Russian delegation noted wryly that they wasted two more weeks arguing over a difference of five percent—which amounted to only about 160 sealskins per year.⁷⁸⁹ Finally, “the Japanese and the Canadians, who had created so many difficulties, [had] now become especially accommodating, and the discussion and editing of the final text of the treaty did not cause difficulties.”⁷⁹⁰

The conference yielded a signed agreement on July 7, 1911, after about eight weeks of toil and argument. Its full name in English is the Convention for the Protection of Seals and other Fur Bearing Animals in the North Pacific Ocean. In the afterglow of accomplishment that immediately followed the closure of the conference, Pope was pleased that the rookery-owning powers compensated Canada so agreeably for an industry that was expiring anyway. He felt that the convention would “net [Canada] between a quarter and a half million of dollars annually, in return for nothing.”⁷⁹¹ It seemed like a nice reward for decades of periodic seizures by the

⁷⁸⁸ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 5.

⁷⁸⁹ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 5.

⁷⁹⁰ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 5 ob.

⁷⁹¹ Dorsey, *The Dawn of Conservation Diplomacy*, 163.

Russian and American navies. After the conference, Nol'de and Botkin reported feeling positive emotions toward the American delegation and their collective ability to work toward the same goal. The Russians passed this affirming—almost obsequious—note to their government to explain what it was like sitting down at the diplomatic table with Americans:

In conclusion, it should be noted that the Russian delegation worked all the time in the hands of the American delegates. The agreement between them has never been violated, and every step was considered by them together. The Americans undoubtedly appreciated the importance of our support and have repeatedly told us this with a feeling of lively gratitude. From our side, and we cannot fail to note the assistance rendered to us by the Americans, who have facilitated the work of the Russian delegation and the fulfillment of the task assigned to them by the HIGHEST will.⁷⁹²

Undoubtedly the Russian government was pleased to have done with the fur seal issue, and this satisfying conclusion made Russian-American relations strong and relatively positive at the end of the first decade of the twentieth century.

Each delegation had to take the final text back to its government for ratification before it would be in force. The first page of the Russian version of the agreement—in both Russian and English—is visible in Figure 5.3. Obtaining government approval was relatively quick and easy in the monarchical governments of Russia, Japan, and Great Britain, but the United States had to endure the lengthy democratic process of congressional approval. This state of affairs was even clearly written into the agreement itself: “This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS.”⁷⁹³ All signatories thus had to wait until the next American congressional

⁷⁹² Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 5 ob.

⁷⁹³ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 28 ob. Original document in both Russian and English. The capitalization scheme is original to the Russian version.

session began, which did not happen until December 4.⁷⁹⁴ When Congress still had not approved the convention by October 15/28, Chargé d’Affaires in Washington, Prince Nikolai Aleksandrovich Kudashev, sent a message to the Americans reminding them that the agreement was supposed to take effect on December 2/15.⁷⁹⁵ The congressional review of the convention was contentious and difficult, but approval came just before the deadline.



Figure 5.3: The first page of the Russian version of the North Pacific Fur Seal Convention, microform. Source: Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, No. 238, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4373, list 29.

⁷⁹⁴ Dates of Sessions of the Congress, United States Senate, last modified January 3, 2020, <https://www.senate.gov/legislative/DatesofSessionofCongress.htm>. The 62nd U.S. Congress met from April 4, 1911, to August 22, 1911. The fur seal convention that was finalized on July 7 was not on the agenda for that session. The 62nd Congress convened again on December 4, 1911, and the fur seal convention was at the top of the agenda.

⁷⁹⁵ Dispatch by Prince Kudashev, Washington, October 15/28, 1911, No. 57, Rossiiskii gosudarstvennyi istoricheskii arkhiv (RGIA) fond 560 (General Office of the Minister of Finance), opis’ 26 (1895-1917), delo 951, listy 1-1 ob. Original document partially in Russian, partially in English.

The parties met again in Washington, D.C., on December 12—just three days before the deadline—and the treaty went into effect on December 15. The delegates could not have known that their agreement would prove so long-lasting; they initially only hoped for a fifteen-year ban on all pelagic sealing in the North Pacific. But because they wrote into the convention the provision that it *could* remain in force indefinitely—if all parties agreed—the delegates ensured the agreement’s success in protecting the first animal species long-term. Any of the signatories could provide written notice to the others twelve months in advance if it desired to cancel its membership in the save the seals club.⁷⁹⁶

How They Saved the Seals

How did the delegates save the seals by satisfying everyone at the same time, despite Canadian and, especially, Japanese fears that they would lose too much in the process? The writers composed it in precisely this way—the full text of Article I of the convention:

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north, of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.⁷⁹⁷

⁷⁹⁶ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 34. This provision is in Article XVI. Original document in both Russian and English.

⁷⁹⁷ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 30. Original document in both Russian and English. By the time of the 1911 convention, English spelling conventions for “Bering Sea” and “Kamchatka” modernized to what we use today.

Although the American delegates initially envisioned their sealing prohibition starting from 35°N latitude and moving northward, the convention settled on 30°. This includes most, but not all, of the nation of Japan. The conventioners defined “pelagic sealing” as the “killing, capturing or pursuing in any manner whatsoever of fur seals at sea.”⁷⁹⁸ While the first two verbs in this definition have clear and unproblematic meanings, “pursuing in any manner whatsoever” could possibly include ships and sealboats simply moving in the same direction as a seal. Finally, “at sea” is a capacious space, but the writers purposely intended the broadest possible definition to allow successive generations of diplomats to interpret the agreement as needed as seal populations, fashions, and markets fluctuated. Everything in Article I applied to sea otters as well.⁷⁹⁹ They too were in decline as a result of overhunting.

In order to ensure conformity with the broad aims of the agreement, the conventioners identified concrete steps that would showcase compliance. No ports located within the territories of the participating countries could facilitate pelagic sealing. That meant that any schooner preparing for a long-distance voyage would automatically solicit suspicion in port.⁸⁰⁰ None of the signatories could import sealskins, but some investigation would be required to determine

⁷⁹⁸ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 31. Original document in both Russian and English. The definition is in Article IX.

⁷⁹⁹ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 31. Original document in both Russian and English. This provision is in Article V. The Russian delegation wrote that protecting sea otters was essential: “Thanks to predation, the otter trade on the Commander Islands fell quickly.” In 1900, 584 sea otter hides were taken from the Commanders, but only 307 were available by 1910. The Russian delegation further wrote that “Japan, which is also very interested in seeing otters on its islands, suggested, at the second meeting of the conference, that they should establish a complete fishing area outside the territorial strip. This proposal did not raise substantive objections; however, before accepting it, the British hesitated for quite a long time, and it was this article that delayed the signing of the convention for almost a week.” See Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, ll. 8-8 ob.

⁸⁰⁰ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 30. Original document in both Russian and English. This provision is in Article II.

whether a pile of sealskins was local or foreign.⁸⁰¹ However, by 1911, most of the North Pacific seals were branded; if they had spent any time at all on rookeries, they were a knowable quantity.⁸⁰² This port provision meant that the London market, the central transit zone for the distribution of sealskins throughout the globe, would no longer be able to import skins. The death of the London market signaled the end of the massive global circulation of fur seal pelts, though other forms of dead fur would continue to pass through London. The Russian delegation wrote that the “closure of the English border for the importation of skins from the Pacific Ocean, from the illegally killed seals, represents, from this point of view, an important guarantee that no new predatory fishery can come to life in the waters of the Pacific Ocean.” Even if a third-party nation were to cook up the idea of starting its own large-scale fur seal industry, there would be no London transit point, so it would prove “economically unprofitable” unless and until a new market could be firmly established.⁸⁰³ For fur seal pelts, no new market ever was.

The participants determined what each country would owe to the others on the basis of the size of each country’s rookery. Both the U.S. and Russia would give fifteen percent of their revenue to Japan and fifteen percent to Canada.⁸⁰⁴ The U.S. would immediately give \$200,000 to each country. In this way, Japan and Canada would immediately receive something from the treaty, instead of waiting for the revenues of the present season to be calculated. In fact, the U.S. Congress added a caveat to its approval of the convention: a five-year moratorium on Pribilof

⁸⁰¹ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 31. Original document in both Russian and English. This provision is in Article III.

⁸⁰² Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 7 ob. The Russian verb used is *kleimit*, which has the following alternate meanings: to brand, stigmatize, stamp, cauterize, blaze, impress, earmark, gage, and gauge.

⁸⁰³ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 7 ob.

⁸⁰⁴ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, ll. 32, 33. Original document in both Russian and English. This provision is in Article X.

Island, rookery-based sealing. Separately, the Russian rookery holders reached the same decision.⁸⁰⁵ Since the U.S. had much more lucrative rookeries than Russia, only the Americans paid out a large sum right after the convention. The Russians and Americans would exchange nothing, because they owed each other nothing as near equals in this matter.⁸⁰⁶

With the most productive rookeries, the United States owed the most to the other signatories. Apart from the first five years, if the U.S. decided unilaterally to cancel one entire season of rookery sealing, it would owe a lump sum of \$10,000 to both Japan and Canada. Good records needed to be kept of these payments, so that when killing resumed, the United States could reimburse itself by “stealing” from the following year’s share allocated to the Japanese and British, employing an annual interest rate of four percent. This convoluted system would ensure that, in any given year, Japan and Great Britain would get their due share regardless of the vicissitudes of the industry. If the quantity of Pribilof Island seals were to plummet below 100,000 in any year, the United States would still be obliged to donate 1,000 sealskins to Canada and Japan, even if that amount was greater than fifteen percent.⁸⁰⁷ The Russian rookeries were less productive than the American ones, so if the Russian herd were to drop below 18,000 members, Russian authorities could immediately cease all commercial hunting.⁸⁰⁸ However, for the last ten years of the fifteen-year agreement, the convention obligated Russia to allow rookery hunting of at least five percent of the total number of seals and donate the profits.⁸⁰⁹ This allowed

⁸⁰⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 162; and Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, ll. 33. Original document in both Russian and English. This provision is in Article XII and XIII.

⁸⁰⁶ Gay, *American Fur Seal Diplomacy*, 128.

⁸⁰⁷ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 33. Original document in both Russian and English.

⁸⁰⁸ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 12.

⁸⁰⁹ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 33. Original document in both Russian and English.

Russia to impose its own complete ban on local sealing for the five years immediately following 1911, but it forced Russia to hunt and share those proceeds for the next ten years. The United States, conversely, was allowed to indefinitely prohibit sealing on the Pribilofs if it desired. Finally, Japan would send ten percent of its seal income to the other three countries. Japan, too, was free to place a moratorium on local sealing for the first five years of the convention to help rebuild the herd. If the Robben Island yield slipped below 6,500 in one year, Japan would not be required to send any money or skins abroad that year.⁸¹⁰

Canada did not have a rookery, but the American delegation insisted that a clause be added to the convention in the event that it ever acquired one.⁸¹¹ Botkin and Nol'de explained that “the Americans believed that such an outcome was purely theoretical,” but that the Canadians could, should they wish, breed seals artificially. The American worry was not altogether unfounded since the Canadians had tried it before. The Russians “did not consider it necessary to object” to this provision, though the Americans “did not harbor any illusions concerning its real value.”⁸¹²

The new system of buying out the Japanese and Canadian interest in the Russian and American rookeries raises an important matter: to whom would the money be allocated? Were the shipowners and low-wage seal laborers who were being pushed out of an irrelevant job being compensated? Or was it only governments reaping the arrangement's financial benefits? If so, to where were the governments allocating those funds? Were diplomats most concerned with the net effect on the nation's economy of a dying industry and boosting national treasuries, or did

⁸¹⁰ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 34. Original document in both Russian and English.

⁸¹¹ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 34. This provision is in Article XIV. Original document in both Russian and English.

⁸¹² Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 14.

they want to smooth the transition into new sectors for shipowners and sealers? In a normative capitalist structure, only shipowners and sealers would earn money directly from the sale of sealskins, while the government would benefit indirectly through taxes and fresh money circulating through the economy. In the American and Russian cases, however, the governments earned a handsome annual fee while the rookeries were still profitable. The convening governments in 1911 were not concerned with compensating shipowners and sealers for the loss of their chosen careers. It was the hit to the national economy—not the actual loss of gainful employment for citizens—that was at stake for the delegates. Canada earned \$9.2 million in compensation for the loss of the industry, and only \$60,663 of that, or 0.7%, went to individuals.⁸¹³ In the American case, the profits went to the U.S. Treasury. The U.S. Fisheries Service Bulletin for April 1, 1920, reported that Japan sent the American share for the 1918 and 1919 seasons to St. Louis. The American share (ten percent) in the Japanese rookery amounted to 111 skins, or fifty-five for the former year and fifty-six for the latter. The report did not reveal precisely where the funds would be allocated, but it simply states that “after preparation for market in the usual manner [, the skins would] be sold for the account of the United States.”⁸¹⁴ It is unlikely that any sealers had access to that account. The bulletin relayed that the Bureau of Fisheries added tremendous financial value to the U.S. Treasury in the years after the fur seal treaty. In fiscal year 1920, the Treasury earned a total of \$1,623,340.57 from the Bureau of Fisheries. This sum came from “the sale of fur and seal and fox skins, by-products of the sealing industry, confiscated furs, condemned property, and subsistence supplies, and the lease of the Alaskan islands for fox breeding.” Sealskins alone accounted for \$1,457,790.57 of that figure, or

⁸¹³ Gay, *American Fur Seal Diplomacy*, 137.

⁸¹⁴ “Sealskins from the Japanese Herd,” *Fisheries Service Bulletin* 59 (Washington, D.C.: Department of Commerce Bureau of Fisheries, April 1, 1920): 4.

ninety percent of the Treasury's income from the Bureau of Fisheries.⁸¹⁵ Although the fur seal matter was a crisis of business as well as diplomacy, diplomats only saw fit to compensate one of those elements, while the failed businessmen and their workers suffered the normal consequences of risk in a capitalist system.

The Perversity of the Diplomatic Agreement

A multinational diplomatic agreement was probably the least violent and most efficient way to solve the Bering Sea fur seal crisis prompted by Russia's withdrawal from the Alaskan rookeries. I call it multinational rather than international because it was an agreement between three or more nations in the same region and hardly had an immediate international, or global, impact. The 1911 convention exposes a fundamental flaw in the logic of the diplomatic agreement, whether bilateral or multilateral. It creates a perverse and illogical incentive system. While those who agree in advance to submit to its authority can be severely punished, the rest of the world stands unaware and unchastened. The remaining nations of the world, which did not take the time to hammer out a compromise, now have more rights than those that did. The Grotian philosophy of *mare liberum* allowed for the post-1911 creation of a New North Pacific that was a free sea for everyone who was not Russian, Japanese, American, Canadian, or British. The Russian delegation confirmed this view: "The convention could not, of course, directly establish that hunting in the open sea was also prohibited by the citizens of all third countries." To do that would be an attempt at "defining the state of the open sea," which Europeans and Americans were unwilling to do given the cultural hegemony of the Grotian concept.⁸¹⁶ Thus, the

⁸¹⁵ "The Bureau's Contributions to the Federal Treasury," *Fisheries Service Bulletin* 62 (Washington, D.C.: Department of Commerce Bureau of Fisheries, July 1, 1920): 1. This amount does not include the \$271,894.48 set aside to give to Japan and Great Britain for their share in the American seal wealth.

⁸¹⁶ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 6 ob.

instantiation of the agreement had the unintended consequence of implicitly telling the remainder of the world that it could hunt northern fur seals unhindered. Convention delegates envisioned a new sea in which seals swimming in open waters would never be in any manmade danger; but any humans not involved in treaty making could arrive at any moment. These human intruders might know nothing whatsoever of the 1911 agreement. Or, intruders may purposely enter the region to hunt seals because of global publicization of the new agreement that bound four empires and said nothing to the other nations of the world. Other nations' ships would be subjected to inspection by cruisers. But a sealship from China or Mexico would be released and free to go about its business as long as it could prove it was not a flagship of Russia, Japan, the U.S., or Great Britain, and as long as it was not sealing in the three-mile territorial limit of any sovereign nation's coast. If no other nation ever developed an interest in the resource, there would be no problem. Yet the nagging possibility that another country could now exploit with impunity the precise resource that the multinational agreement was designed to protect exposes the weakness, illogicality, and perversity of agreements of this kind.

The multinational agreement is even more problematic where environmental issues are concerned. Bhargava writes of legislation in the service of animal protection: "International treaties, and even some domestic laws, have tended to focus more on sovereignty than on species conservation. The discourse has generally not been about how to exploit an ecosystem responsibly, but rather which country will get to exploit it in the first place."⁸¹⁷ He writes that this emphasis on possession and sovereignty at the expense of conservation is unsurprising in the context of larger "late-nineteenth century attitudes toward the environment."⁸¹⁸ Legal regimes tend to be well behind the "sequential collapse" of a species, catching up only when a population

⁸¹⁷ Bhargava, "Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific," 985.

⁸¹⁸ Bhargava, 986.

is “already depleted or so critically endangered that it could no longer fulfill its role in a healthy ecosystem.” Even the precedent-setting fur seal convention is of a piece with the “complex network of legal regimes designed to protect [North Pacific marine mammals] as a series of mere stop-gap measures ill-fitted to the ecological realities of the North Pacific.”⁸¹⁹

To work around this diplomatic flaw, the Russian delegation suggested bringing other nations to the table—if a little late and after the conference had already begun. Botkin and Nol'de wrote: “The only way to directly prohibit marine hunting by nationals of third-party states would be to invite these states to the conference and to sign the convention.” The Russians did not naively believe that all nations of the world would sign the same agreement, but that some of the more worrisome nations, like Mexico and nearby China, could be, along with a few other carefully picked “third-party states,” compelled to attend. Throughout the conference, Botkin and Nol'de repeatedly brought up the problem of nations not in attendance. They emphasized the importance of maintaining the integrity of the free sea: if denied a free sea, third powers would probably “immediately challenge the power of the convention; in such an unnecessary dispute, the right would be on the side of these latter, and the states that signed the convention would lose.”⁸²⁰ Eventually, the Russians decided not to persevere on the issue of nations not in attendance. They did not seriously believe that another country beyond those already sealing would be able to or interested in striking up a sealing industry that could rival that of the four involved states. Since the treaty was built to last for fifteen years, they did not think that any serious contenders would emerge in that period with the equipment and knowhow to slaughter pelagic seals en masse. It had taken the Japanese about seven years to build their

⁸¹⁹ Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” 988.

⁸²⁰ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 7.

sealing vessels and infrastructure, and it only happened with intensive government support and heavy initial setbacks and losses. The Russian delegation finally admitted that “The difficulties of hunting are so great that only the proximity of the prey, many years of experience, natural skills, and favorable economic conditions make it possible to actually count on some income from seal fishing.”⁸²¹ Thus, they finally conceded, inviting third-party states did not make much sense. Another reason not to involve third parties was that it would give those states “cause to demand remuneration, in one form or another, for their promise not to produce” which, anyway, “they had never engaged in.”⁸²² Russia, the U.S., and Japan were already paying out a significant amount without adding new countries into the mix. The Russians believed in 1911 that “There [was] every reason to hope that the bindings of mutual assistance and common interests of Russia, the United States, England and Japan will be able...to protect themselves from the emergence of new predators...Circumstances will better show whether it is necessary to actually do something.”⁸²³ Time would prove that, indeed, it was not necessary to do anything. The North Pacific Fur Seal Convention was publicized globally, but no one else swooped in to take advantage of the gap vacated by the four proximal parties. If they did not want sealskins, no one else did either.

The Mundanity of Enforcement

The convoluted numbers game that the treaty set up was guaranteed to produce a new transnational recordkeeping regime and fresh bureaucratic jobs. The importance of a system to reliably count seals is evident, and each signatory nation needed to be able to trust all of the

⁸²¹ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 7.

⁸²² Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 9.

⁸²³ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 9 ob.

others' systems. If any state doubted that another was honestly documenting killed seals, the treaty would have broken down. When Elliott first started counting seals in the early 1870s, he employed a suspicious system that relied heavily on guesswork. From 1911, with the integrity of a commercially, diplomatically, and environmentally valuable multinational treaty hanging in the balance, the Pacific rim demanded something more sophisticated. Uchida and Dauké proposed that “each of the Parties to this Convention may send from time to time its authorized agent to the breeding grounds of the others to study the actual conditions prevailing thereon, and that the said Parties mutually agree to accord to each other proper facilities in this respect.”⁸²⁴

Transparency was the key. The Russian delegation demanded a strict and thorough registration process for each seal killed—a procedure that was infinitely easier to fulfill on land than when previously killing seals from boats buffeted by waves. The receiving country (any of the four, but most often Japan and Canada) had to bear the costs of transportation for the agent(s); the sending country (Japan, Russia, or the U.S.) had to bear the costs of killing the seals, removing their skins, salting them, and transporting them.

A 1913 count on the Pribilof Islands offers insight into the immediate consequences of the 1911 treaty and its compliance procedures. Two years after the ratification of the convention, the House of Representatives' Committee on Expenditures in the Department of Commerce appointed a two-man team to count seals on the Pribilofs and report on whether government money was being properly spent. The team included Elliott and his colleague, Andrew F. Gallagher, who made a “personal survey” lasting ten days. They reported: “We looked into every harem, and made as reasonable and accurate a count of the bulls and cows therein as men of

⁸²⁴ Untitled, undated, AVPRI f. 148, op. 487, d. 1134, l. 16. Original document in English.

common sense can make.” In a footnote, Elliott and Gallagher admitted that the currently accepted method of counting seals was flawed:

A careful study of the work as it has been done on St. George and St. Paul Islands, beginning in 1901 and ending in 1912, warrants our statement that it is not an accurate census when said to be so made. It is an estimate only, and one that is arrived at by making a highly injurious disturbance on the breeding grounds; it should be prohibited as idle and positively detrimental. The unanimous objection of the natives to this job of “counting” live pups as one of the chief causes of injury to the herd... That the men who have officially done this work of “counting live” pups for an “accurate” census since 1901 to date do not believe in it, and think it is inaccurate and should be stopped...⁸²⁵

The count had become more sophisticated over time but was not without error. A 1926 U.S. Bureau of Fisheries report implied that some guesswork was involved, with such qualifying terms as “estimated” or “by inference” used to describe numbers of seals. Some categories of seal, like “harem bulls,” bore the label “counted,” while others did not—which implies that some seal categories were just guessed at. Musing up the calculations that year was an incident noted at the bottom of the report: “Apparently a large number of 3-year-olds credited to St. Paul Island hauled out on St. George Island.”⁸²⁶ Note that this data comes from the final year of the original fifteen-year treaty period, 1911-1926. The 1926 counters listed numbers of seals in the following very specific categories: pups, breeding cows, harem bulls, idle bulls, yearling females, yearling males, 2-year-old females, 2-year-old males, 3-year-old males, 4-year-old males, 5-year-old males, 6-year-old males, and surplus bulls (7 years and older).⁸²⁷ These age breakdowns—which would not be possible without branding at birth—show that animal management depended on some kind of tagging system. This procedure allowed for biopolitical projects accounting for age

⁸²⁵ Henry W. Elliott and Andrew F. Gallagher to the Chairman Hon. J. H. Rothermel, Report of the Special Agents, August 31, 1913, Washington, D.C., in *The Report of the Special Agents of the House Committee on Expenditures in the Department of Commerce upon the Condition of the Fur-Seal Herd of Alaska and the Conduct of the Public Business on the Pribilof Islands* (Washington, D.C.: Government Printing Office, 1913), 4.

⁸²⁶ Ward T. Bower, “Alaska Fishery and Fur-Seal Industries in 1926,” Appendix IV to the Report of the U.S. Commissioner of Fisheries for 1927, Bureau of Fisheries Document 1023 (Washington, D.C.: United States Government Printing Office, 1927), 334-336.

⁸²⁷ Bower, “Alaska Fishery and Fur-Seal Industries in 1926,” 334-336.

and gender—including to spare males for breeding—and the diplomatic project of determining the national identity of each seal.⁸²⁸

Branding was its own brand of violence in a post-1911 plan designed to decrease violence against these animals. Indeed, Elliott described the system on the Pribilof Islands in 1912 in this gruesome way:

We drove up the pups in little pods, and then the natives caught the little animals and held them by the sides of the neck or under the ears, and [we] took red-hot irons and burned a little impression, and [*sic*] imperfect T, on their heads—that is, we drew a line down the forehead between the eyes and another across the top of the head in such a way as not to connect. We heated the irons on a gasoline furnace.⁸²⁹

Elliott testified in a hearing that a seal pup’s head skin was so thin as to be almost translucent, and that the brain was so strikingly close to the point of “red-hot iron” impact, that this “T” method of branding meant certain death for the pup. Blood clots on the brain were imminent from the moment of imprinting, but since they did not show evidence of their existence immediately, hunters did not know the consequences of easy herd identification.⁸³⁰ Since sealers branded males to spare them for breeding, it is likely that branding contributed to the decreasing fertility of the herd. In the years before the 1911 convention, Pribilof sealers employed branding from 1896 to 1905. Other methods employed on the Pribilofs included ear clipping (1870-1871) and shearing (1904-1911).⁸³¹ Ostensibly employed to make animal lives better, branding regimes

⁸²⁸ Alton Y. Roppel and Stuart P. Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” *The Journal of Wildlife Management* 29, no. 3 (July 1965): 457.

⁸²⁹ Henry Wood Elliott, compiler and annotator, *The Pups Branded to Kill! 1912* (annotated pamphlet), Enclosure No. 12 in Hearing No. 2, 529, February 21, 1914, Ho. Com. Exp. Dept. Commerce, in Folder 1, Container 1, 1871-1984 Pribilof Islands Administrative Correspondence, Pribilof Island Program, National Marine Fisheries Service, RG 370: National Oceanic and Atmospheric Administration, National Archives and Records Administration (NARA), Seattle, Washington.

⁸³⁰ Elliott, *The Pups Branded to Kill!* in Hearing No. 3, 724, 729, 730, March 10, 1914, in Folder 1, Container 1, 1871-1984 Pribilof Islands Administrative Correspondence, Pribilof Island Program, National Marine Fisheries Service, RG 370, NARA.

⁸³¹ After 1926, Pribilof foremen started placing checkmarks on seal flippers. See Table 1: History of Killing Quotas and of Seals Marked for Various Purposes, Pribilof Islands, Alaska, 1870-1964 in Roppel and Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” 452-453.

are of doubtful efficacy and morality. Some scholars have combined science and technology studies and animal studies to analyze such regimes—most compellingly Charles Bergman in “Inventing a Beast with No Body: Radio-Telemetry, the Marginalization of Animals, and the Simulation of Ecology.”⁸³² He writes that “science-based conservation,” such as radio-telemetry, “is typically championed as the hope for wildlife, yet what may appear as an improvement in the condition of wildlife—designation as endangered—may in fact be a new form of control.”⁸³³ The control begins with an often violent trapping procedure, after which an animal is tagged with an insertion into their bodies or an attachment to their bodies. Bergman writes that the birds he observed getting tagged with neck collars were “obviously stressed” and they “clearly suffer stress in the handling.” Collard writes that three sea otters tagged after the 1989 *Exxon Valdez* oil spill died right after the procedure—which involved stomach surgery for a radio transmitter and anal insertion of a transponder chip—while one pregnant otter drowned during capture for the study.⁸³⁴

The 1911 treaty created an organized seal patrol, a multinational fleet composed of American, Canadian, Russian, and Japanese vessels.⁸³⁵ Each country had had a seal patrol with

⁸³² Bergman argues that the more that wild animals are surveilled through the new branding—radio-telemetry—the more they become simulations of their real selves. The radio signal is a harbinger of their own disappearance (i.e., death). He writes, “The animal with the radio-transmitter disappears as a visible, embodied creature. It emerges from its life into ours as a particular frequency on a receiver. While the radio-transmitter allows the animal to be followed and known in new ways and in new detail, the coded patterns of the beeps on the transmitter constitute signs of the creature’s disappearance. Under surveillance, the endangered animal is disembodied as a creature and signals its own loss. It becomes something like what Jean Baudrillard calls a ‘simulacrum’ of itself.” Bergman goes on to say, “A postmodern body snatcher has made off with the creature, and left its signals as evidence.” An animal is reduced to a single aural “ping.” The compelling ping signals a “double disappearance”: “Not only have the wild animals being studied disappeared from sight, but they are increasingly creatures that are disappearing from life.” See Charles Bergman, “Inventing a Beast with No Body: Radio-Telemetry, the Marginalization of Animals, and the Simulation of Ecology,” *Worldviews* 9, no. 2 (2005): 257, 266, 268.

⁸³³ Bergman, “Inventing a Beast with No Body: Radio-Telemetry, the Marginalization of Animals, and the Simulation of Ecology,” 261.

⁸³⁴ Bergman, 258; and Rosemary-Claire Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” *Antipode* (2018): 11.

⁸³⁵ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, ll. 29, 31. Original document in both Russian and English. This is a provision of Article VII.

varying quantities of ships earlier; the *Zabiiaka* and others like it acted as seal patrol in Russian waters in 1892. American revenue cutter ships provided some minor protection of the Alaskan seal islands in the decades after the purchase and, starting from the 1880s, American and Canadian naval vessels patrolled the area. The failing American seal patrol operating in the Bering Sea in the 1890s cost about one million dollars.⁸³⁶ But once the sealing countries declared a coordinated seal patrol effort as a requirement of the 1911 treaty, it did not matter what the cost was; it had to be done. The coordinated surveillance operation worked relatively well. This four-pronged seal patrol would guard the sanctity of the rookeries from internal seal hunters and from one another. Each country set some of its armed naval ships to the task of seal patrol, though there were not enough ships available to deploy for the purpose to ensure that no enterprising sealship could possibly kill seals. The next section will focus specifically on how the Russian navy crafted its seal patrol and what powers it granted to its commanders two decades after the informal, ad hoc seal patrol of Captain De-Livron and friends.

“Let the Predator Go”: How the Russian Navy Moved Forward⁸³⁷

In 1892, Canadians and Americans were up in arms about Russia’s informal seal patrol. But in 1911, Russia’s regionally sanctioned seal patrol could cover the entire North Pacific without fear of recrimination.⁸³⁸ After ratification, the Russian navy quickly issued official instructions to the commanders of its “protective fleet” in the Far East as to how to satisfy the treaty’s conditions. The new Russian seal patrol had a mandate to cover the western portion of the Bering Sea above 30°N latitude and west of 170°E longitude, with the Commander Islands at

⁸³⁶ Hornaday, *Thirty Years War for Wild Life*, 172.

⁸³⁷ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4373, list 38.

⁸³⁸ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 8 ob.

the “center of surveillance.”⁸³⁹ This placed most of Japan within Russian jurisdiction, as the plan was to divide the region in half: “Under an agreement with the interested governments, to the west of 170°E longitude, the security vessels of Russia and Japan will be placed, and to the east of the aforesaid meridian, the security vessels of England and the United States.”⁸⁴⁰ The Russian navy permitted its commanders to roam east of the line, and to even stop, inspect, and detain foreign ships there, because “such passages into our zone can be expected from the American and British protective fleets.”⁸⁴¹ Unlike in previous seasons when expectations were unclear, commanders after 1911 understood that the multinational seal patrol could work together for the protection of seal lives and industry profits. Since the countries were no longer working at cross-purposes, a ship from any signatory nation caught pelagically sealing could be, “together with its entire crew, detained and transferred to Russian authorities.”⁸⁴² The Russian navy now had the mandate it lacked in 1892, both from its own government and from the broader Pacific world. At first, the Russian seal patrol consisted of only one cruiser: the *Commander Bering*. It mostly shuttled between Vladivostok and Kamchatka. The Russian navy added the gunboat *Mandzhur* to cover the Commander Islands in 1912 and, soon after, the transport *Kolyma*, to do duty on the

⁸³⁹ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 36.

⁸⁴⁰ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 36.

⁸⁴¹ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 37.

⁸⁴² Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 37.

eastern coast of Kamchatka.⁸⁴³ Then, transport *Bakan* came on the scene to help the *Mandzhur* protect the Commander herd.⁸⁴⁴

The Russian navy followed different procedures depending on whether suspicious ships bore the flag of a convention country or not. If a ship sailed under the Russian, Japanese, American, or British flag, it would be punished for sealing anywhere beyond its own territorial waters—and possibly even within its own waters, depending on the internal policy of that country that season. Vessels offending within Russia’s three-mile territorial zone went straight to Russian authorities without resort to their governments.⁸⁴⁵ A wayward ship would be conveyed with all haste to a rendezvous point agreed to earlier with the ship’s government. The contracting nations tried to select one place on the eastern side of the Bering Sea and one on the western side to send all problematic ships. The Russians and Japanese picked Petropavlovsk on their side, the reliable standby that had been the recipient of confused and stressed sailors for decades. But now it had a telegraph line to connect it to the wider world, and the population stood at 10,681, compared to the 300 people who lived there in 1892.⁸⁴⁶ The choice of Petropavlovsk also allowed the bustling port of Vladivostok to be reserved for trade. News of any ship capture

⁸⁴³ Secret, From the Chief of the Main Naval Staff, Vice Admiral M.V. Kniazev, to the Commander of the Siberian Fleet, March 14, 1912, No. 416, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 18-19; From the Chief of the Main Naval Staff, Vice Admiral M.V. Kniazev, to the Department of Foreign Affairs, March 1912, No. 463, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 68; and From the Vice Director of the Ministry of Foreign Affairs, Kozakov, to the Main Naval Staff, March 1912, No. 1811, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 69.

⁸⁴⁴ Log, Interagency Meeting on the Subject of the Elaboration of Instructions for the Commanders of the Ships Engaged in the Protection of the Fur Seal Industry in the Waters of the Pacific Ocean, February 20, 1912, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4231, list 48 ob.

⁸⁴⁵ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 40.

⁸⁴⁶ *Obzor Kamchatskoi oblasti za 1912 god: prilozhenie ko vsepoddanneishemu otchetu – Petropavlovsk na Kamchatke, 1914 [Survey of the Kamchatka Region for 1912: Appendix to the Report on All Subjects - Petropavlovsk on Kamchatka, 1914]* (Petropavlovsk-Kamchatskii: Typografiia M. M. Ponomareva, 1914), 19. After the first empire-wide census in 1897, the next record I was able to find for the population of Petropavlovsk-Kamchatskii was 1912.

needed to be reported immediately by telegraph to the Minister of Foreign Affairs in St. Petersburg.⁸⁴⁷ The North Americans argued over their rendezvous point; the Americans wanted the former Russian capital of Sitka, though the even older Russian capital of Kodiak was located much closer to the Pribilof action. The Canadians lobbied for Prince Rupert in British Columbia.⁸⁴⁸ Prince Rupert is on an island very close to the southernmost point of Alaska, closer to the Lower 48 than is Sitka. The British navy had a base not far from Prince Rupert at the interior-facing port of Esquimalt, British Columbia, close to Washington state and down the road from the provincial capital of Victoria on Vancouver Island. Prince Rupert is closer to the mainland U.S., easier to access, and less urbanized; the Canadians argued that it was more convenient for everyone. They asked the Russians to weigh in.⁸⁴⁹ Knowing Sitka better, the Russian Minister of Foreign Affairs chose that port town. It was also closer to the seal hunting action than was Prince Rupert. Sitka became the official post-convention eastern rendezvous point.⁸⁵⁰

If a ship suspected of sealing did not hail from one of the treaty countries, captains needed to act “with the utmost caution.”⁸⁵¹ After 1911, kid gloves were a must when dealing with nonsignatory flagships. Such a vessel could only be punished for hunting within the three-mile zone under the tenuous global *modus operandi*. Ships could still attempt to sail “under a false flag”—pretending to be from a country not subject to the convention—so the Russian navy

⁸⁴⁷ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, 39.

⁸⁴⁸ From the Ministry of Foreign Affairs to the Main Naval Staff, April 3, 1914, No. 2715, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 4373, list 57.

⁸⁴⁹ Memorandum from the Embassy of Great Britain to the Ministry of Foreign Affairs at St. Petersburg, March 16/29, 1914, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 4373, listy 58-58 ob. Original document in English.

⁸⁵⁰ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, ll. 38-39.

⁸⁵¹ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 39.

was advised, “with extreme caution,” to stop each ship and inspect its flag.⁸⁵² In addition, captains should “take care not to disturb in vain commercial shipping.”⁸⁵³ Especially in cases in which Russian captains disrupted the merchant marine, they had to quickly let the ship go on its way, whether it came from a convention country or not, and get on with its rightful business at full tilt.⁸⁵⁴ The smooth sailing of the merchant marine mattered to every person on earth who was linked into the global consumer market; everyone wanted goods to arrive cheaply and reliably, and this global circulation of goods depended on the merchant marine.

Regardless of flag and objective, every ship sailing through the western Bering could be stopped by the Russian seal patrol. If it were impossible to investigate and/or arrest a wayward ship because of “bad weather conditions or extreme circumstances,” the commander was to simply “let the predator go.” If the weather were normal, an initial inspection would be conducted in a low-profile manner, with one Russian officer leaving his ship in a small boat to conduct a “simple interview.” That officer needed to prearrange a signal with the officers remaining on the Russian ship to ask for backup, if required.⁸⁵⁵ If the officer released the detained ship, he needed to write in its logbook the reason for the stoppage and how long it lasted; then he would give all of the documents back to the captain and wish him a safe journey.⁸⁵⁶ All needless detainments had to be recorded in the foreign ship’s logbook and reported to Russian authorities, so that they would be prepared for the conversation if a foreign

⁸⁵² Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, ll. 39-40.

⁸⁵³ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis’ 1, delo 4373, list 41.

⁸⁵⁴ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 41.

⁸⁵⁵ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 42.

⁸⁵⁶ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 44.

government asked them what went wrong.⁸⁵⁷ If it were immediately obvious that a foreign ship was violating Russian law, the Russian captains were instructed to promptly send “two officers with an armed command, not counting the rowers.” One officer would inspect the ship while the other kept an eye on the foreign crew.⁸⁵⁸ Together, the two officers would convey a lawbreaking ship to Petropavlovsk.

If a Russian naval captain confirmed illegal sealing activity, he and his sailors would collect all sealskins, weapons, and other evidence that would help to prove the vessel had been hunting seals. No detail should be overlooked that would support a charge of sealing, which meant a search could potentially be quite exhaustive. It was a tough balance between collecting evidence and not detaining a ship so long that the crew would complain to its government.⁸⁵⁹ When arresting a ship, Russian officers had to look at the commissions of three of the officers from the offending ship and record the following: the nationality, type, and name of the vessel; the names of the captain and the owner; the number of crewmembers; the name of the home port; the “calling”—to use the English terminology of the time—for which the ship had left the home port; the intended location for the pursuit of the calling; what the vessel was doing just before its encounter with seal patrol; the coordinates at which the vessel was first spotted engaging in illegal activities, and where it was finally stopped—if it had attempted to escape the area; if it was found near a coast; and any other relevant details. With all of this data in hand, St.

⁸⁵⁷ Instructions for the Commanders of the Russian Vessels Sent to Protect the Fur Seal Industry in the Waters of the Pacific Ocean, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, ll. 39-40.

⁸⁵⁸ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 42.

⁸⁵⁹ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 41.

Petersburg officials would later be able to reach a “reasoned decision” as to the guilt and punishment of the foreign crew.⁸⁶⁰

If a suspicious ship tried to escape detainment by the Russian navy—as did many of the North American schooners in the 1890s—Russian seal patrol captains had the authority to scare them. An inspector should always have “sufficient armed force behind him to instill respect for his demands and thus prevent the possibility of resistance from the industrialists.”⁸⁶¹ First, the naval captain was to fire an “idle gunshot,” a warning shot. After two warning shots, if the vessel still did not stop, the Russian cruiser was permitted to fire directly at the departing ship. The Russians would then use the International Code of Signals (INTERCO)—nautical flags—to communicate their demands. If all of this failed, then the navy would use actual force and real weapons, rather than rubber bullets.⁸⁶² Together, these instructions served to standardize Russian naval practice in the North Pacific and Bering Sea in the new century.

Conclusion: “Mutual Coercion Mutually Agreed Upon”⁸⁶³

By 1911, only one animal could survive in the North Pacific: either the seal hunter or the seal. It was up to four governments to decide which one to force into extinction. They chose the former. The mechanism was, as Hardin writes, “mutual coercion mutually agreed upon.”⁸⁶⁴ Dorsey asserts, “A diplomatic resolution came at the darkest moment,” as is typical in conservation measures, “when the herds were at their lowest, because the costs of failing to cooperate had become so high.”⁸⁶⁵ The governments were convinced that these seal populations

⁸⁶⁰ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 41.

⁸⁶¹ Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 42.

⁸⁶² Procedure for Stoppage by the Seal Patrol: The Survey and Inspection of Commercial and Fishing Vessels Suspected of Unlawful Sealing, March 22, 1912, RGAVMF f. 417, op. 1, d. 4373, l. 42.

⁸⁶³ Garrett Hardin, “The Tragedy of the Commons,” *Science* 162, no. 3859 (December 13, 1968): 1247.

⁸⁶⁴ Hardin, “The Tragedy of the Commons,” 1247.

⁸⁶⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 134.

had lost the critical mass necessary to survive long-term. I argue that none of the men involved in the 1911 convention should be considered heroes of animal protection. While the convention was quite successful—with the exception of driving low-wage seal hunters toward other forms of labor—we must recognize with sobriety that the industry was already on the edge of collapse when the men gathered in Washington, D.C. It was not especially heroic to try to do something to fix the situation as late as 1911. McEvoy writes of the California fisheries: “Managing the fisheries meaningfully required the exhaustion both of the fisheries and of the political conflict over their use.”⁸⁶⁶ In the North Pacific, political exhaustion attained in 1911.

Since multinational cooperation to save an animal species was unprecedented in 1911, some of the delegates to the convention were squeamish about elevating the gamboling critters over human hunters. Pope wrote that the treaty “after all does not affect two hundred persons in Canada, most of whom are Indians.”⁸⁶⁷ With one brief remark, Pope criticized the First Nations people of British Columbia, expressed no concern for the preservation of seal lives or the preservation of seal hunters’ jobs, mocked the decades-long battle to secure peace in the North Pacific, and undermined the time spent convening in Washington for two months as a waste. His cynicism may have been inspired by his position in Great Britain, so far away from the lived concerns of the North Pacific. Yet even the Japanese doubted the importance of the seals close to home: though the country worked hard to assert itself and its right to be a major hunting power on a par with the others, “the prevailing mood in the [foreign] ministry” was that “it would be a mistake to stain Japan’s reputation for the sake of a few furs.” The Japanese Foreign Ministry “saw sealing as a minor industry, with its main product being ill will.”⁸⁶⁸ Despite an underlying

⁸⁶⁶ McEvoy, *The Fisherman’s Problem*, 226.

⁸⁶⁷ Dorsey, *The Dawn of Conservation Diplomacy*, 156.

⁸⁶⁸ Dorsey, *The Dawn of Conservation Diplomacy*, 159.

sense that seals were not very important, the four governments effected a model for multinational environmental cooperation that prevails today. The 1911 fur seal agreement was a success by nearly all counts—except by that of the seal hunters and sealship owners.

The North Pacific Fur Seal Convention, signed by Russia, Japan, the United States, and Great Britain—on behalf of Canada—stipulated that no pelagic seal hunting could legally occur above 30°N latitude for a period of fifteen years. After fifteen years went by, the pelagic hunt remained forbidden, since all parties to the agreement viewed the new protection regime as a wild success and wanted it to continue in force. Dorsey writes that “the [North American] seal population rebounded within ten years.”⁸⁶⁹ The meaning of a rebound of an animal population, however, depends on what year is used as a baseline. Dorsey considers a rebound to be the return of the herd to about two million seals.⁸⁷⁰ Yet I suggest that, given all of the errors in Elliott’s 1870s counting method—and various problems with Russian period counting methods in Alaska—it is impossible to say with certainty whether the seal population ever recovered to its “original” levels.

Readers must understand that the convention was an instrument of *pelagic* policy that purposely did not protect rookery seals.⁸⁷¹ The pelagic seals’ salvation came at the cost of an ongoing slaughter on land; though these were the same seals, only surplus males could be targeted on land, whereas it was more difficult to identify the gender and age of a seal caught at sea. Within the three-mile limit of sovereignty, states could theoretically target seals with impunity. But after 1911, the need to keep accurate records and send percentages of revenues to

⁸⁶⁹ Dorsey, *The Dawn of Conservation Diplomacy*, 17.

⁸⁷⁰ Dorsey, *The Dawn of Conservation Diplomacy*, 163.

⁸⁷¹ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 31. Original document in both Russian and English. This provision is in Article V.

other countries served to protect against an indiscriminate slaughter. Thus, the North Pacific Fur Seal Convention was a conservative measure in that it did not protect all seal lives, but it allowed populations to rebound, and it was also moderate enough that both rookery-owning powers and outsiders could support its ratification. Further, it satisfied the American and Canadian presses that the seal slaughter was finally over. North American conservationists could turn their attention to other causes—such as inland fisheries on the U.S.-Canada border and migratory birds—and refer to the fur seal convention as a model. After the initial five-year ban internal to the U.S. and Russia, the Pribilof hunt continued, but at a reduced rate. Just as Russians had not engaged in sustained, organized sealing since abandoning the Pribilofs in 1867, they were not particularly interested in hunting on the Commanders after the 1911 treaty. It is impossible to say what might have occurred if seal fashion had experienced a meteoric rise in popularity after 1911, but it did not; fashions slowly shifted, and the publics in all four sealing countries slowly forgot about the seals.⁸⁷² With the convention, the fur seal issue went from a crisis to a matter of routine enforcement.

Through the lens of Collard’s disaster capitalism framework, the 1911 convention shifted seals from their orientation to capitalist structures as “commodities-in-waiting” to “the underground” army of “useful but not priced” beings.⁸⁷³ “Useful but not priced” animals can slowly recover. Near extinction is one way in which animals can take control of human activities—as long as humans care at least enough to respond to a near extinction event. There must be, at minimum, a basic human concern that a particular animal might cease to exist on the

⁸⁷² Around 1914, innovations in fur-dyeing made it possible to imitate sealskin with muskrat, opening “a whole new chapter of the fur industry.” See James Laver, *Taste and Fashion, From the French Revolution until To-day* (London: G.G. Harrap and Company, Ltd., 1945), 170.

⁸⁷³ Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 6.

planet. Collard argues that otters became knowable after the 1911 treaty.⁸⁷⁴ I argue that this statement is even more true of seals. They became knowable in the form of data as their commodity status fell away. They were no longer simply waiting in line to die. Humans relate differently to commodity-in-waiting animals compared to animals perceived as worthy of life for their own purposes. When animal lives are appreciated for their own sake, humans realize that the former experience their own *losses*. In 1911, the North Pacific nations did not only decide that fur seals deserved to live. They decided, I contend, that fur seals experience loss and violence—that they have culture. Yet without the diplomatic entanglement, this realization would not have occurred.

Once the convention was complete, the Russian delegation determined that placing animal protection authority in the hands of private enterprise—as with the ACC lease on the Commanders—was foolhardy. In their report to their superiors, Botkin and Nol'de wrote: “We believe that the new conditions created by the Washington Convention make it desirable for Russia to abandon the previous system of putting the fisheries business in the hands of private individuals, which hardly provides for precise control by a supermarket economy.”⁸⁷⁵ It was not only Russia that would retreat from this “supermarket economy” that poorly managed living animal resources: the U.S. government also ceased to renew the NACC lease when it expired in 1910 and did not reassign the Pribilofs to a different company. Rather, the U.S. Department of Commerce and Labor took on full management responsibility for the islands. Elliott agreed with Botkin and Nol'de that private enterprise should not manage animal resources: “Private interests

⁸⁷⁴ Collard, 2. Collard writes, page 5, that by the time the sea otter pelt industry died, in 1910, a single pelt was worth \$1,700, and only *thirty-four* were caught in a year. Unlike fur seals, who occupy rookeries on land and can be found easily in groups, sea otters are quite spread out and more difficult to find.

⁸⁷⁵ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 12 ob.

must be entirely eliminated from the situation now and forever, and by so doing, this anomalous and wonderful marine life can be saved.”⁸⁷⁶ Both the Russian and American governments—at the same time and as a result of interimperial dialogue with each other—decided to make animal conservation a government issue going forward. It was not out of a great desire to save seal lives, but rather to protect national economic interests. The example of the North Pacific fur seal industry shows how capitalist enterprises typically destroy natural resource bases by being unable to stop sucking up the resource until it is already too late for it to recover. Expecting industry to guard itself is like asking the fox to guard the henhouse: it is unlikely that a single hen will survive. While governments can certainly fail to protect animals properly, Botkin, Nol’de, and Elliott understood that governments are typically not firstly motivated by profit, as are private enterprises. Botkin and Nol’de wrote that “only government control systems” could adequately do the work of regulating industry and animal population loss.⁸⁷⁷ Unfortunately, governments have other motives if not the profit motive, such as competition with other states.⁸⁷⁸ A strong economy and powerful industries are important elements in interstate competition. At least initially, however, as conservation movements gained steam in North America, it appeared as if governments could more honestly manage the protection of the planet’s resources.

This chapter has argued that the northern fur seal was the first animal in history to be protected by a multinational treaty because of its profitability across the globe and because of the diplomatic conflict engendered by its mobile nature. The convention’s success depended upon the willingness of three countries to deliver portions of their profits to other countries for doing absolutely nothing. Grotius surely would not have supported this twentieth-century method of

⁸⁷⁶ Elliott, “The Loot and the Ruin of the Fur-Seal Herd of Alaska,” 436.

⁸⁷⁷ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 12 ob.

⁸⁷⁸ Dorsey, *The Dawn of Conservation Diplomacy*, 14.

conducting maritime diplomacy. The consequences of the convention show that Grotius was right about freedom of navigation but wrong in thinking that marine resources were unlimited. The idea that a portion of sealskins could be allocated to someone who applied no labor to the effort would be unthinkable to Grotius. Both the hypothetical future revenue that Canadian and American seal hunters demanded of the Russians after 1892 and the payouts that the three rookery-owning powers made to compensate the others went against the realist sensibility of Grotius' sea. Botkin and Nol'de wrote that, "No matter how convincing are all the arguments in favor of preserving this breed, one cannot but admit that, from the point of view of international law, hunting for seals in the open sea is a completely legitimate trade."⁸⁷⁹ I believe that the convention stopped four empires from exercising their freedom, but the sea remained a free sea. The convention ultimately decided that Grotius was right about the sea being free, but wrong about its resources being unlimited.

As the first of its kind, the fur seal agreement set a valuable precedent for future environmental agreements exempting local tribal nations from a generalized prohibition on hunting.⁸⁸⁰ America's monumental Endangered Species Act of 1973 follows the model set in 1911.⁸⁸¹ The Alaska Department of Fish and Game has had a Division of Subsistence since 1978.⁸⁸² The 1911 treaty allowed subsistence hunting by indigenous people, as long as they did not sell or give any of their catch to nonindigenous people. This prohibited any white person who

⁸⁷⁹ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, AVPRI f. 148, op. 487, d. 1143, l. 2.

⁸⁸⁰ Collection of Laws and Regulations Issued by the Senate: Convention for the Protection of Fur Seals, December 30, 1911, RGAVMF f. 417, op. 1, d. 4373, l. 31. Original document in both Russian and English. This provision is in Article IV.

⁸⁸¹ Jennifer M. Regis-Civetta, "The Effect of the Endangered Species Act on Tribal Economic Development in Indian Country," *Journal of Urban and Contemporary Law* 50, Urban Law Annual (January 1996): 303-345; and R.L. Stoney Burk, "The Endangered Species Act: Should It Affect Indian Hunting and Fishing Rights?" *Public Land and Resources Law Review* 2 (1981): 123-137.

⁸⁸² "Subsistence Section: Section Overview," Alaska Department of Fish and Game, accessed March 15, 2020, <http://www.adfg.alaska.gov/index.cfm?adfg=divisions.subsoverview>.

happened to live off the land as a subsistence hunter from legally living off of seals. An unstated admission of this provision and future iterations of it for other animals is that killing protected animals is not actually a problem for governments. The problem is large-scale, commercial industries linked to global capitalism. As long as seals were hunted from canoes or other small vessels “propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms,” the governments would not mourn the animals’ loss. The treaty also showed that sovereign tribal nations in all four countries would be safe from the consequences of state-to-state meetings to which they were not invited. While this allowed coastal tribal nations to maintain their seal hunting traditions without interference, it also served to render indigenous people as intentionally retrograde. This provision of the agreement both privileges Natives and places them outside of society as a racialized other. Native canoes replaced two- and three-masted sealing schooners in the harbors and rookeries of the North Pacific frequented by seals, as depicted in Figure 5.4. One Alaska Native sealer said in the early 2000s that, after the 1911 treaty, his predecessors reverted back to hunting with traditional gear after having used the toggle harpoon for years—“perhaps the most ingenious indigenous innovation in the Far North.”⁸⁸³ Assumptions about how indigenous people were expected to behave in traditional ways did not match lived reality in 1911, but Natives were forced by multinational policy to act in an intentionally retrograde manner.

⁸⁸³ Untitled collection of articles about Herman Kitka, Tlingit sealer from Sitka, 1914-2009, Word document, From Rebecca Poulson to Amanda Bosworth, July 10, 2019, 8.

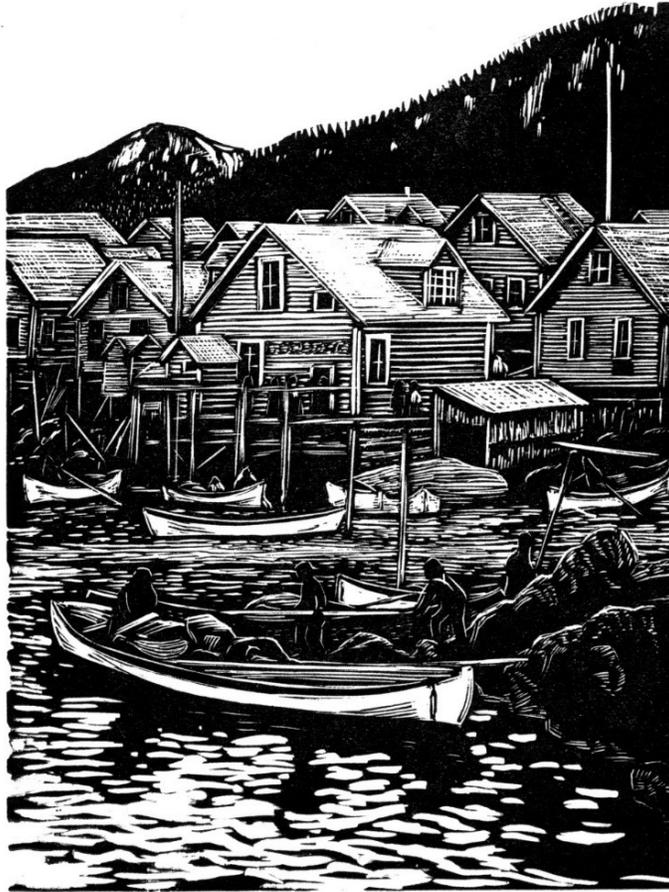


Figure 5.4: Rebecca Poulson, *Sealing Boats*, 2003, wood engraving, 3 inches x 4 inches, Sitka, Alaska. According to the Sitka-raised artist, this wood engraving is based on a photograph from the E.W. Merrill Photograph Collection, owned by the National Park Service. Merrill lived in Alaska from 1897 until his death in 1929. Though the original photograph is undated, it was taken some time between 1898 and 1928. The Native sealboats in this image are a direct result of the fur seal treaty, which encouraged Native pelagic hunting and prohibited commercial hunting. Source: Rebecca Poulson, July 10, 2019. Used with permission.

The North Pacific Fur Seal Convention of 1911 was a major achievement of diplomacy and conservation that would serve as a model for both going forward. Each chapter of this dissertation has led up to the 1911 convention by depicting attempts by different North Pacific nations to establish the boundaries of their maritime sovereignty, with reference to the most important issue collectively facing them at sea: seals. Chapter 1 showed the United States working out its new understanding of marine borders vis-à-vis fur seals after obtaining Alaska, Chapters 2 and 3 depicted Russia doing so, Chapter 4 showed Japan doing so, and Chapter 5 has brought them all together to form a collective, transnational boundary around the seals. Notably,

the one country with a fur seal interest absent from this schematic was Canada. Since Canada was never a rookery-owning power in its own right, it acted only offensively, but not defensively, in pursuing its interest in seals. In that position, the Canadian government also had the most to gain from the 1911 convention through rookery revenue sharing.

Epilogue/Conclusion: People Die, Seals Live, Whales Die:
The End of Steam and a New Coveted Mobile Resource

Once the 1911 agreement was on the books and diplomats could safely ignore the seals, the population on both sides of the North Pacific arc recovered by leaps and bounds. Hornaday estimated that the Pribilof Island seals totaled only 130,000 in 1914, but that by 1931 there were one million.⁸⁸⁴ It was likely a combination of the North Pacific Fur Seal Convention and the distraction of World War I that allowed the seals to recover. World War I stretched for five seal hunting seasons, refocusing governments and industries away from the North Pacific and aiding in the restoration of the seal population. Ironically, seals were saved by diplomacy and war while the Russian Empire fell to pieces.

This epilogue offers a quick summary of how some of the trends discussed in this dissertation continued after 1911, into World War II and beyond. Japan was the first and only of the signatories to the North Pacific Fur Seal Convention to reject the treaty and bow out. From 1925—one year before the initial fifteen-year treaty period was set to end—Japan was chafing under the conditions of the agreement. Despite this, seal populations rebounded significantly after 1911, allowing a new coveted mobile resource to emerge in both the North Pacific and the broader world ocean. The new resources organizing and stressing sea-based foreign relations were whales. This epilogue explores Japan's activities vis-à-vis the seals after 1911 and how whales arose to take the place of seals, before shifting to some broader conclusions about the free v. closed sea and legacies of the convention. Further research covering the period 1867-1911 from the Japanese perspective and with Japanese archival documents would contribute much to

⁸⁸⁴ William T. Hornaday, *Thirty Years War for Wild Life: Gains and Losses in the Thankless Task* (New York: Published for the Permanent Wild Life Protection Fund by Charles Scribner's Sons, 1931), 171.

our understanding of the North Pacific fur seal crisis. This Epilogue/Conclusion argues that, from 1912 through World War II and beyond, as the effects of the pelagic sealing ban were fully realized, a new animal—whales—emerged at the center of North Pacific relations, replacing seals as the organizing principle in transpacific encounter. The fur seal treaty has had the long-term effect of enclosing the sea and prompting increasingly controlling biopolitical regimes.

Japan Surfaces...Again

In the decades after the fur seal convention, Japan continued to be the most intransigent member of the seal team. It relied economically much more on Pacific resources than did the large empires whose economic centers were far away. The archipelagic nation was desperate to bulk up its pre-World War II economy through marine resource extraction. In February 1912—before the first hypothetical post-convention seal hunting season would have begun in earnest—the Russian Marine Ministry expressed fears that the Japanese government could take advantage of its seal patrol duties near Russian shores to “study Russian waters” for future exploitation. The successful 1911 agreement did not completely solve deep issues of mistrust. The Russian Main Naval Staff wanted to change the sailing program of the *Commander Bering* from shuttling between Vladivostok and the Commander Islands, to instead monitoring seals along the Japanese coast. The Russians were concerned about Japanese hunters over-targeting their *own* seals and perhaps underreporting the number of kills. Slaughtering one’s own seals would be easier to hide than attacking Russia’s. The Main Naval Staff, however, quickly decided against deploying the *Commander Bering* to Japanese rookeries, because it assumed the Japanese would just respond in kind by patrolling Russian coasts in the extreme. To avoid a “predatory battle,” authorities in

St. Petersburg advised the Russian seal patrol to stay further away from Japanese shores than the Japanese were doing in Russia.⁸⁸⁵

When an American scientific expedition headed to the North Pacific in the summer of 1922—perhaps to check that the Russian and Japanese seal patrols were doing their jobs—it encountered the Bolsheviks. They had just secured the Siberian coast in their revolutionary sweep eastward, so the Americans stayed away and did not spy on Bolshevik or Japanese adherence to the treaty.⁸⁸⁶ The government entities of the emerging Soviet Union were in complete disarray and fur seals in the Far East were very low on the list of official priorities.

Japan was the first—and only—signatory to become restless in regard to the 1911 convention. In 1925, one year before the original fifteen-year treaty was set to expire, Japan started agitating for a meeting of convention signatories, to reevaluate based on how much Japanese fishermen were suffering on account of the treaty. Japan's local seal herds had rebounded to such numbers that they were now irritating salmon fishermen and stealing their catch.⁸⁸⁷ It was proof that the treaty had worked—too well. Japanese officials blamed the irritation not only on increasing seal numbers, but also on American seals moving west in search of better breeding grounds. There is no evidence that seals were suddenly displeased with their Pribilof residences, nor that northern fur seals make lateral migrations at all. This did not stop the Japanese from claiming that, of the 400,000 seals on the Kurils and Robben Island, 370,000 of them were Pribilof in origin. Ambassador to the U.S., Tsuneo Matsudaira, complained that the

⁸⁸⁵ Copy of Secret Letter from the Minister of Foreign Affairs to the General Manager of Land Management and Agriculture, February 21, 1912, No. 170, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 4231, listy 61-61 ob.; and Copy of Secret Letter from State Secretary Krivoshein, February 24, 1912, No. 193, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond 417 (Main Naval Staff), opis' 1, delo 4231, list 63.

⁸⁸⁶ James Thomas Gay, *American Fur Seal Diplomacy: The Alaskan Fur Seal Controversy* (New York: Peter Lang, 1987), 139.

⁸⁸⁷ Gay, *American Fur Seal Diplomacy*, 140; and Kurkpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle: University of Washington Press, 1998), 241.

convention had “always been very unpopular in Japan and the 1911 agreement had been made against the desires of the people.”⁸⁸⁸ Matsudaira was part of a new generation of Japanese diplomats that had not contributed to the diplomatic labor that went into the 1911 agreement. This response was of a piece with a phenomenon of the period of rising powers challenging existing treaty commitments that seemed unfair with the passage of time and the rise of new diplomatic agents. A key example is Germany violating the conditions of the Treaty of Versailles that ended World War I. In early 1928, Great Britain and Canada separately expressed their disinterest in renegotiating the convention with Japan.⁸⁸⁹ Canada had its own diplomatic service starting in 1927, and it exchanged ambassadors with the U.S.⁸⁹⁰ While the seal nations did their best to ignore Japanese overtures, American officials observed increasing numbers of Japanese vessels cruising near the Aleutian Islands. In 1935, an unknown Japanese official approached the U.S. Division of Far Eastern Affairs to unofficially request that America renegotiate the fur seal convention. The U.S. had just established official diplomatic relations with the Soviet Union in 1933, and Japan was hoping for recognition of its desire to renegotiate the treaty. The State Department chose not to answer but grew increasingly worried about its relations with Japan, which worsened as the century progressed.⁸⁹¹

The issue of reevaluating the fur seal treaty went unresolved until after World War II began, deepening tensions between Japan and the other North Pacific powers.⁸⁹² With its orientation to the sea, Japan “had *twice* the fisheries production of any other nation on earth” at

⁸⁸⁸ Gay, *American Fur Seal Diplomacy*, 142-144.

⁸⁸⁹ Gay, 145.

⁸⁹⁰ A.L. Burt, “How Does Canada Govern Itself, Or Does Britain Do It?” in *EM 47: Canada: Our Oldest Good Neighbor* (Washington, D.C.: American Historical Association for the U.S. War Department, GI Roundtable Series, 1946), [https://www.historians.org/about-aha-and-membership/aha-history-and-archives/gi-roundtable-series/pamphlets/em-47-canada-our-oldest-good-neighbor-\(1946\)/how-does-canada-govern-itself-or-does-britain-do-it](https://www.historians.org/about-aha-and-membership/aha-history-and-archives/gi-roundtable-series/pamphlets/em-47-canada-our-oldest-good-neighbor-(1946)/how-does-canada-govern-itself-or-does-britain-do-it).

⁸⁹¹ Gay, *American Fur Seal Diplomacy*, 148.

⁸⁹² Gay, 149.

the start of World War II.⁸⁹³ Unlike during the Russo-Japanese War—when Japanese naval ships worked in service of the fisheries industries—the fishing and whaling industries halted their normal operations to aid the war effort.⁸⁹⁴ With no new action on fur seal diplomacy, the Japanese finally backed out of the 1911 convention in October 1940, giving their required twelve-months’ notice, and the treaty ended in October 1941.⁸⁹⁵ Interestingly, it was the Japanese delegates who had pushed for the option of backing out of the convention while the parties were composing it.⁸⁹⁶ The Soviet Union, Great Britain, Canada, and the U.S. hardly cared about seals during the deadliest conflict in human history. Although the U.S. did not join the war effort until after the Japanese attacked Pearl Harbor, Canada joined the British crown when the European war began in September 1939.⁸⁹⁷ In 1942, the United States and Canada exchanged notes to confirm that their positions on fur seals remained the same as in 1911, despite Japanese displeasure.⁸⁹⁸ One historian writes that this 1942 Fur Seal Agreement shows that “War did not

⁸⁹³ William M. Tsutsui and Timo Vuorisalo, “Japanese Imperialism and Marine Resources,” in Simo Laakkonen, Richard P. Tucker, and Timo Vuorisalo, eds., *The Long Shadows: A Global Environmental History of the Second World War* (Corvallis, Oregon: Oregon State University Press, 2017), 258. Italics mine.

⁸⁹⁴ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 259. The same was true for European commercial ships during the war, especially in the Nordic countries—positioned as they were at a distance from the center of battle. See Poul Holm, “World War II and the ‘Great Acceleration’ of North Atlantic Fisheries,” *Global Environment* 10 (2012): 69.

⁸⁹⁵ Gay, *American Fur Seal Diplomacy*, 151; Dorsey, *The Dawn of Conservation Diplomacy*, 241; and Alton Y. Roppel and Stuart P. Davey, “Evolution of Fur Seal Management on the Pribilof Islands,” *The Journal of Wildlife Management* 29, no. 3 (July 1965): 456. Bhargava writes that the convention “lapsed in 1941 with the onset of World War II,” but it was a conscious choice by the Japanese rather than a “lapse.” See Michael Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” *Ecology* 32 (2005): 958.

⁸⁹⁶ Report, Russian Imperial Delegation at the Washington Conference for the International Protection of the Seal, July 13, 1911, Arkhiv vneshnei politiki Rossiiskoi Imperii (AVPRI) fond 148 (Pacific Ocean Section), opis’ 487, delo 1143, list 14 ob.

⁸⁹⁷ A.L. Burt, “What Was Canada’s Role in World War II,” in *EM 47: Canada: Our Oldest Good Neighbor* (Washington, D.C.: American Historical Association for the U.S. War Department, GI Roundtable Series, 1946), [https://www.historians.org/about-aha-and-membership/aha-history-and-archives/gi-roundtable-series/pamphlets/em-47-canada-our-oldest-good-neighbor-\(1946\)/what-was-canadas-role-in-world-war-ii](https://www.historians.org/about-aha-and-membership/aha-history-and-archives/gi-roundtable-series/pamphlets/em-47-canada-our-oldest-good-neighbor-(1946)/what-was-canadas-role-in-world-war-ii).

⁸⁹⁸ Ronald B. Mitchell and the IEA Database Project, “Agreement List,” North Pacific Fur Seals Lineage, International Environmental Agreements (IEA) Database Project, University of Oregon, 2002-2019, accessed February 26, 2020, https://iea.uoregon.edu/base-agreement-list-lineage?field_lineage_value=North%20Pacific%20Fur%20Seals.

diminish the desire for international cooperation for conservation purposes.”⁸⁹⁹ I argue that it was certainly easier for Canadian and American officials—positioned as they were far from the center of conflict—to think about pinnipeds while the Soviet Union and Great Britain faced the Germans at home. Throughout the war, U.S. officials worried that Alaska—and especially the Pribilof Island rookeries—were vulnerable to Japanese attack. Neither naval nor commercial ships targeted the Pribilofs, but the Japanese did attack the Aleutians, prompting the Battle of Attu.⁹⁰⁰

From 1941 to 1957, there was no formal sealing plan in the North Pacific. In that interval, the signatories other than Japan voluntarily honored the original agreement. The Soviet Union inherited the foreign policy of the Russian Empire. In the early postwar years, “diplomacy neglected the fur seal because of Japan’s occupation (Japan lost her rookeries to the Soviet Union) and increased tensions between the Soviet Union and the west.”⁹⁰¹ The Soviet Union became a stronger rookery-owning power with the acquisition of the Kuril Islands. In 1957, the U.S., Soviet Union, Canada, and Japan signed the Interim Convention on the Conservation of North Pacific Fur Seals. Since the 1911 agreement had allowed the herds to rebound so well, the focus this time was not on protection, but rather on MSY. The countries continued to prohibit pelagic sealing, however, while allowing indigenous subsistence killing. The rookery-owning powers of the U.S. and Soviet Union continued to send a portion of their kill proceeds to Canada and Japan—this time, fifteen percent. The new agreement also set up organized, multinational scientific research on the population, under the auspices of the North Pacific Fur Seal

⁸⁹⁹ Gay, *American Fur Seal Diplomacy*, 154.

⁹⁰⁰ Gay, 154. One Siberian Yupik woman who grew up on St. Lawrence Island discussed World War II with this author, called it only the “Japanese War.” From the perspective of maritime Alaska, it was indeed a war against Japan. See Katherine Anderson, Interview with Amanda Bosworth, November 6, 2017, Sitka, Alaska.

⁹⁰¹ Gay, *American Fur Seal Diplomacy*, 154. Parenthetical remark is in the original.

Commission.⁹⁰² The global fur market shifted from London to, of all landlocked places, St. Louis, Missouri.⁹⁰³ Sealskin coats remained in demand to a decreased degree until 1966, when even rookery seal hunting was banned.⁹⁰⁴ By 1984, the environmental movement in North America persuaded most people to stop buying real fur from any animal.⁹⁰⁵ Fur coats and hats are still quite popular in Russian urban centers, typically among conspicuously wealthy women. The Alaska Commercial Company name lives on—not hunting seals but supplying groceries to residents of twenty-seven rural towns and villages in Alaska; see Figure 6.1.



Figure 6.1: The Alaska Commercial Company in its twenty-first-century guise as a supermarket in Sitka, Alaska. Source: Amanda Bosworth, October 30, 2017.

⁹⁰² Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” 958.

⁹⁰³ Gay, *American Fur Seal Diplomacy*, 138. A private furrier in St. Louis, Funsten Brothers-cum-Fouke Fur Company, stepped in to act as middleman between the U.S. government and fur sellers, despite the fact that the price of each fur would go up with a middleman.

⁹⁰⁴ New England Aquarium, “Northern Fur Seal.”

⁹⁰⁵ Dorsey, *The Dawn of Conservation Diplomacy*, 112, 241.

Whales: The New North Pacific Coveted Resources

I argue that, from 1912, as the consequences of the pelagic sealing ban were slowly realized, a new animal emerged to replace seals as the organizing principle in transpacific, transnational encounters. Seals functioned as a kind of gateway, transitional, species between humans and whales. After the 1911 convention and World War I, whaling exploded across the globe. In the twentieth century, whales of all types, traversing ocean space in all climates, faced endangerment while northern fur seals swam and reproduced freely.⁹⁰⁶ Throughout the nineteenth century, American whalers were virtually alone in exploiting the global whale population. The epicenter of the industry was New Bedford, Massachusetts. But as the “Boston men”—as Far Eastern Russians called them—steamed further into the Pacific and Arctic, San Francisco became the second headquarters of American whaling. In San Francisco, a community of sealers and whalers were in routine contact with one another. But the last sealing voyage left San Francisco in 1911, and the last American whaling voyage departed in 1924.⁹⁰⁷ Polar whaling was the last to go, after whales in more amenable climes had been hunted to near extinction. At almost the same time that Americans vacated the industry, brand new whaling countries arose in force to take their place. The key difference was that whaling industries born in the twentieth century produced hulking, ironclad factory ships in which all aspects of production were centralized in one place. As a new industry for every country but the U.S., whaling was not hamstrung by intentional retrogression the way that sealing had been. There was no limit to the number of whales that could be killed. New shipping technologies born from the world wars

⁹⁰⁶ Seals are not whale prey, except for orcas—who are not technically whales, but rather dolphins. Orcas, as the smallest and fiercest of the “whales,” have never been useful targets for whalers. While it is tempting to assume that fewer whales meant seals were no longer whale prey, a causal relationship does not hold. However, it is true that a decrease in whale numbers increased seal access to fish prey.

⁹⁰⁷ For an assessment of the various reasons that American whaling ended when it did, see “Yankee Whaling,” New Bedford Whaling Museum Archives, last modified August 3, 2016, <https://www.whalingmuseum.org/learn/research-topics/overview-of-north-american-whaling/american-whaling>.

made finding and quickly killing massive numbers of whales much easier than it had been for the Americans under sail. Soon, however, enough nations began to take notice of an emerging sustainability problem, and whales became new marine mediators between states.

In the interwar period, many nations filled the American whaling vacuum, including the Japanese and Soviets in the North Pacific.⁹⁰⁸ See Figure 6.2. They were now pelagic whalers instead of pelagic sealers. International bodies, starting with the League of Nations in 1924, got involved in whaling regulation.⁹⁰⁹ In the 1930s, Great Britain had the largest share in the industry, Norway the second largest, and Japan the third—with twelve percent of the global whale catch.⁹¹⁰ The first Convention for the Regulation of Whaling convened in 1931, with an abortive attempt to establish an International Whaling Commission (IWC). Finally, in 1946—after the war ended and many of the whaling states that opposed regulation were severely weakened—the IWC began.⁹¹¹

⁹⁰⁸ Kurkpatrick Dorsey, *Whales & Nations: Environmental Diplomacy on the High Seas* (Seattle: University of Washington Press, 2013), 26.

⁹⁰⁹ Dorsey, *Whales & Nations*, 34.

⁹¹⁰ Tsutsui and Vuorisalo, “Japanese Imperialism and Marine Resources,” in Laakkonen, Tucker, and Vuorisalo, eds., *The Long Shadows*, 258.

⁹¹¹ Dorsey, *Whales & Nations*, xxi, 47, 49.



Figure 6.2: Soviet *Whalemen* Vase, 1939, Porcelain, polychrome overglaze painting, gilding with selective polishing, Shape by S.E. Yakovleva, Painted by I.I. Riznich, Imperial Porcelain Factory Museum, St. Petersburg, Russia. Source: Amanda Bosworth, March 18, 2018.

These international measures were not effective at saving whales. The northern fur seal issue was easier to solve, I believe, because it was a regional issue rather than a global one. It involved concrete sets of land-based, branded, knowable, and known populations, rather than a global spread of mobile whales of multiple species with varying migration patterns, eating patterns, and temperaments when threatened. Dorsey wrote a later book, *Whales & Nations: Environmental Diplomacy on the High Seas*, “about the failure of efforts to create a sustainable whaling system.” He writes, for example: “The stocks of great whales in the Antarctic seas that

numbered in the hundreds of thousands are gone, reduced to mere remnant populations.”⁹¹²

Unlike in the fur seal matter, “the people who benefited from hunting whales demonstrated why the restraint necessary to make whaling sustainable was in thin supply.”⁹¹³

Northern fur seals survived through war (the Russo-Japanese and World War I) and revolution (the Russian). Their sentimental appearance and character, combined with their relative smallness, helped them to appear worthy of saving. Shifting fashions also aided their salvation. Even as Soviet whaling efforts ramped up, the government issued a stamp urging citizens to “Save the Seals,” in Figure 6.3. Such a public relations campaign may have helped to deflect attention from the whale slaughter. Today, humans mostly leave fur seals alone, with a negligible measure of subsistence killings, whereas whales continue to be desirable mobile resources causing public relations nightmares and diplomatic strain for Japan, Norway, and Iceland.⁹¹⁴



Figure 6.3: “Save the Seals” Soviet Postage Stamp. This 1960 Soviet stamp was one of a “Marine Fauna” series of three, along with two types of fish. Source: Amanda Bosworth, August 30, 2019.

⁹¹² Dorsey, *Whales & Nations*, xxii.

⁹¹³ Dorsey, *Whales & Nations*, 13.

⁹¹⁴ Melissa Hogenboom, “Why Do Some Countries Still Hunt Whales?” *BBC*, last modified December 3, 2015, <http://www.bbc.com/earth/story/20151203-why-do-some-countries-still-hunt-whales>.

The Grotian Thread

After a regional community saved the fur seal population, was the sea freer or less free? In her maritime legal history set in 1914, Mawani takes for granted that the “three-mile territorial border” from a nation’s coast governed the boundaries of a North Pacific voyage.⁹¹⁵ By the time World War I began, the three-mile standard was normalized in a way that it was not at the time of the Alaska transfer. Google Books Ngram Viewer shows that the phrase “freedom of the seas” spiked in popularity during World War I, after having little attention paid to it from 1763 until 1914.⁹¹⁶ The English-reading community had a renewed interest in what was permitted or not at sea with the onset of World War I. Interest dropped again after 1920. It seems that the British, Americans, and Canadians were as confused about what international maritime law meant vis-à-vis navigation and war as they had been in earlier decades regarding exploitation of mobile marine resources. Mawani points out that, rather than liberating the sea, Grotius’ volume led to a “juridification of the sea,” with all the attendant treaties, agreements, laws, restrictions, and permits that already plagued life on land.⁹¹⁷

Given all of the obstacles inherent in promoting international law, the three-mile standard would not be codified until 1982 with UNCLOS. Even that measure is only enforceable among states that voluntarily participate. Those states and ships that wish to stay in the good graces of the international community and avoid war act as if they are in a panopticon and generally

⁹¹⁵ Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham, North Carolina: Duke University Press, 2018), 128, 232. That voyage was from Hong Kong to Vancouver.

⁹¹⁶ “Freedom of the Seas,” Google Books Ngram Viewer, accessed April 20, 2020, https://books.google.com/ngrams/graph?content=freedom+of+the+seas&year_start=1800&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cfreedom%20of%20the%20seas%3B%2Cc0#t1%3B%2Cfreedom%20of%20the%20seas%3B%2Cc0; and Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), xxi. The year 1763 has no significance here; it is simply the opening date parameter for Google Books Ngram Viewer. The year 2011 is the nearest to the present closing date parameter in English for the tool.

⁹¹⁷ Mawani, *Across Oceans of Law*, 5.

observe the three-mile suggestion. Using the principles laid out in UNCLOS, the Russian government enclosed the Sea of Okhotsk against non-Russians in 2014.⁹¹⁸ The trend toward enclosure of seas and oceans is only increasing, and the fur seal treaty provided a model for enclosure.

The successful fur seal treaty brought the population back from the brink of commercial—and perhaps complete—extinction, and it helped to convince global decision-makers that biopolitical control, combined with diplomatic cooperation, was the ideal way to save living resources. This was nowhere more evident, I argue, than in the December 1966 United Nations “resolution supporting the idea of turning over all resources of the high seas to United Nations jurisdiction.”⁹¹⁹ Since competition over finite marine resources became extreme in the era of ships that were now floating diesel and nuclear power plants, the U.N. took action. The Secretary General at that time, U Thant, wrote: “All this presupposes the existence of some kind of administrative machinery with adequate authority to allocate exploration, exploitation and other rights,” and he recommended that this machinery be the United Nations.⁹²⁰ In a 1967 speech, American fisheries specialist Dr. Wilbert McLeod Chapman defended the U.N. resolution before the Fisheries Council of Canada. He asserted that “customary international law might not be able to cope with future problems regarding the oceans’ resources.” Chapman held up the 1911 fur seal convention as the “precedent for what might be needed on a world-wide scale to conserve and regulate the oceans’ resources.”⁹²¹ In the United Nations debate that

⁹¹⁸ Paul Goble, “Moscow Closes Okhotsk Sea to Outsiders,” *Eurasia Daily Monitor* 11, no. 79, last modified April 29, 2014, <https://jamestown.org/program/moscow-closes-okhotsk-sea-to-outsiders/>. Since the United States has refused to sign on to UNCLOS since 1982, it was completely unable to weigh in on Russian use of UNCLOS.

⁹¹⁹ Gay, *American Fur Seal Diplomacy*, 157.

⁹²⁰ David S. Browning, “The United Nations and Marine Resources,” *William & Mary Law Review* 10, no. 3 (1969): 693.

⁹²¹ Gay, *American Fur Seal Diplomacy*, 157-158.

followed, “some nations said that title to the seabed should be vested in the United Nations.”⁹²² The passing of U.N. Resolution 2172 created the International Decade of Ocean Exploration from 1970 to 1980, and it slowly allowed for the creation of a new world ocean management infrastructure. In this respect, the fur seal treaty has had the long-term effect of helping to enclose the sea and prompting increasingly controlling biopolitical regimes. From the perspective of the Anthropocene, these structured biopolitical programs so far seem to have had the opposite of the intended effect. Humans are comforted by the illusion of control, even while whatever natural resource they believe they are managing and protecting is slipping away. Bergman might say that humans are “inventing a beast with no body,” as they impotently try to save natural resources in the Anthropocene.⁹²³

Ever increasing attempts by humans to control nature since the fur seal convention fit with Collard’s exposition of “overcare” in her disaster capitalism model. In my assessment, the fur seal has gone from both “officially valued (as a commodity)” and a “reserve army of potential commodities or unrecognized workers” (1867-1911), to the “outcast surplus, seen as superfluous to capitalist production” (1911-before the proliferation of oceanaria and marine parks, beginning in the 1950s and 1960s), to “hidden underground of ‘useful’ but unpaid or unpriced work and inputs” (the present era of oceanaria and marine parks).⁹²⁴ Though their

⁹²² Browning, “The United Nations and Marine Resources,” 693.

⁹²³ Charles Bergman, “Inventing a Beast with No Body: Radio-Telemetry, the Marginalization of Animals, and the Simulation of Ecology,” *Worldviews* 9, no. 2 (2005).

⁹²⁴ Rosemary-Claire Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” *Antipode* (2018): 3. In Collard’s example, her rehabilitated *Exxon Valdez* oil spill otters from Alaska often did not go on to perform in shows, nor were they the main draw to marine theme parks. They were not headliners but sidelines, attracting a few new visitors to the entertainment park while allowing the park to brand itself as an educational and rehabilitative institution. At some aquaria and marine parks—such as the New England Aquarium in Boston—seals and sea lions are the headliners. The New England Aquarium even has northern fur seals. At larger facilities like SeaWorld, seals have been outpaced by orcas—until the show stopped in 2019 due to the backlash from the film *Blackfish*—and dolphins, but they still remain a focus of attention as large, charismatic, sentiment-drawing animals. See Brian Clark Howard, “SeaWorld to End Controversial Orca Shows and Breeding,” *National Geographic*, March 17, 2016, accessed February 27, 2020,

bodies are typically not commodities for sale today, northern fur seals and their close relatives are commodified as valuable marine megafauna representing the wild ocean to paying customers who usually get to stay dry. The dominant human-marine mammal relationship in the Anthropocene is that of the “violence of care”—a violence that “allows for and creates order.”⁹²⁵ Humans now enclose small samples of seals in oceanaria, ostensibly to love them closer. Efforts to save seals, sea otters, and other marine mammals by keeping them captive often result in their premature deaths. The “violence of care” identifiable in today’s seedy theme parks with shiny veneers is a violence of attrition. Collard calls this new animal life, this slow death from overcare in unnature, “life in ruins.”⁹²⁶ In life in ruins, “even though biopower is directed at fostering life, violence and harm do not disappear; rather, they are rationalised as necessary for the flourishing of the population. Harm and care entangle under ‘the sacrificial logic of population: individuals can be harmed in the name of universal well-being.’”⁹²⁷ This is indeed what is at work in today’s marine parks. SeaWorld’s slogan in early 2020 is: “See It Here. Save It There.”—confirming Collard’s sense that these facilities believe captured and captivity-bred specimens are worth sacrificing to save their kin, even while SeaWorld parks contribute to corporate-scale trash production and climate change.⁹²⁸ Collard’s marine mammal shift from commodity to the

<https://www.nationalgeographic.com/news/2016/03/160317-seaworld-occas-killer-whales-captivity-breeding-shamu-tilikum/>.

⁹²⁵ Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 14, and Christopher Mayes, “The Violence of Care: An Analysis of Foucault’s Pastor,” *Journal of Cultural and Religious Theory* 11, no. 1 (Winter 2010): 123.

⁹²⁶ Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 10.

⁹²⁷ Collard, “Disaster Capitalism and the Quick, Quick, Slow Unravelling of Human Life,” 13. Collard is quoting K. Srinivasan, “Caring for the Collective: Biopower and Agential Subjectification in Wildlife Conservation,” *Environment and Planning D: Society and Space* 32, no. 3 (2014): 506-507.

⁹²⁸ “See It Here. Save It There.: We’re on a mission, and it’s BIG,” accessed February 27, 2020, SeaWorld.com. This introduction page to all three of SeaWorld’s remaining American parks is topped by a charming photograph of a young girl’s awed and inspired face while she gazes upon a shark aquarium. The “See It Here.” half of the slogan is evident, while the second half is not so visible. The slogan of SeaWorld of Ohio, which existed from 1970 to 2000, was: “The ocean is closer than you think!” See “SeaWorld Ohio,” Wikipedia, accessed February 27, 2020, https://en.wikipedia.org/wiki/SeaWorld_Ohio. This slogan is reminiscent of Bergman’s discussion of the simulacrum: the Ohio ocean was a pathetic simulacrum of the ocean. With the region’s humid continental climate

violence of care has been illustrated by the evolution of what I call “domination photographs.” These images typically feature men with an arm or leg on a defeated nonhuman enemy; President Theodore Roosevelt is probably the most famous man to engage in this type of image creation.⁹²⁹ See Figures 6.4, 6.5, 6.6, and 6.7 below. Figure 6.4 predates photography: Elliott intended to simply depict the “typical dress of Pribylov Natives,” but he inadvertently contributed to a visual discourse relating human men to animals that they have killed. Note the Aleut man’s foot up on a conquered seal. Thirty-eight years later and with the accessibility of a camera, Figure 6.5 shows the same position but with beluga whales in Anchorage. Figure 6.6 shows that posing dead marine animals and manipulating their carcasses was practiced in Russia as well. Finally, Figure 6.7 shows that the violence of death has now shifted to the violence of care, with humans finding new ways to dominate animals for human entertainment.

and winter closures, eventually the corporation decided that the ocean should not be in Ohio. See Bergman, “Inventing a Beast with No Body: Radio-Telemetry, the Marginalization of Animals, and the Simulation of Ecology,” 257.

⁹²⁹ See also Donna Haraway, “Teddy Bear Patriarchy: Taxidermy in the Garden of Eden, New York City, 1908-1936,” *Social Text* 11 (Winter 1984-1985): 20-64. Haraway writes, page 28, that after the big game hunt, “Once domination is complete, conservation is urgent. But perhaps preservation comes too late.” À la Theodore Roosevelt and Carl Akeley—big game hunter, taxidermist, and designer of the American Museum of Natural History’s Africa dioramas—killing large animals came to be associated, perversely, with their conservation. Akeley hunted charismatic megafauna—especially male-gendered megafauna—with both gun and camera. The camera could “insure against disappearance” of animal species. See page 42. In this role, Akeley acted as a “transitional figure...from nature worthy of manly fear to nature in need of motherly nature.” See page 39.



Figure 6.4: Typical Dress of Pribilof Natives. Source: Henry W. Elliott, *The Seal-Islands of Alaska* (Washington, D.C.: Government Printing Office, 1881), 22-23.



Figure 6.5: Domination Photograph: Belugas stranded on mud flats near Anchorage, 1919. Based on other photographs in the same archive, I assume that this man is named Lee Wise. The image is so *embodied*, with the belugas' empty faces toward the camera, making viewers aware of their sentience. Sara J. Piasecki, archivist and photograph specialist at the Anchorage Museum, believes that in 1919, white men would not have been hunting belugas, and Natives would not have been snapping domination photographs. She believes that this picture was probably taken by a white *tourist*. However, the Whittington Collection states that the belugas were shot with rifles, so perhaps they were killed by this white man. It was probably sport hunting—not hunting for food. Source: Whittington Photographs Collection, B1965.004, Anchorage Museum Library and Archives, Anchorage, Alaska.

Figure 6.6: Domination Photograph: Butchering a Dead Walrus near Cape Ykan, Russia, circa 1912-1914. Source: Butchering a Dead Walrus on the Deck of an Expedition Ship, Photograph 262, Rossiiskii gosudarstvennyi arkhiv voenno-morskogo flota (RGAVMF) fond R-2241 (De-Tranze Nikolai Aleksandrovich, Polar Researcher [1886-1960]), opis' 1, delo 43, list 35.

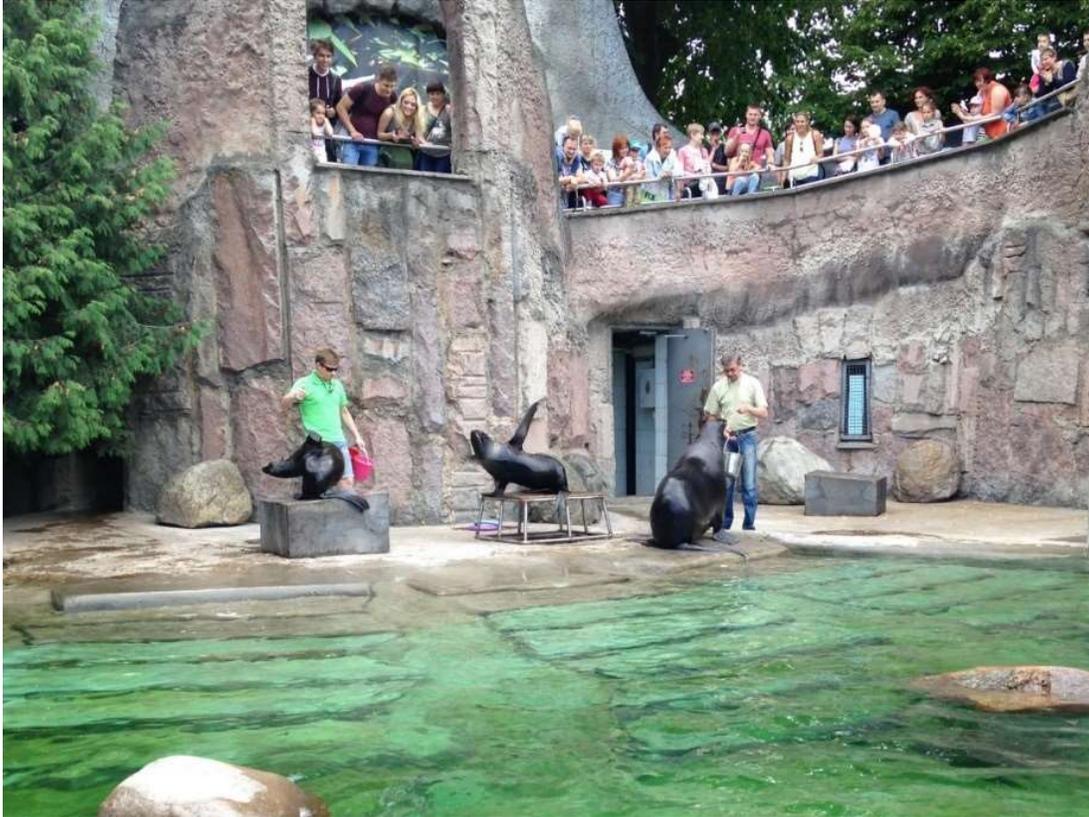


Figure 6.7: Domination Photograph: Northern fur seals at the Moscow Zoo, put to new use for the twenty-first century. Marine mammals have shifted from trophies to entertainers, but they have long been spectacles.⁹³⁰ Source: Amanda Bosworth, July 6, 2018.

Conclusion: “Vulnerable”⁹³¹

This dissertation has argued that the transfer of Alaska and, thus, of the fur seal interest, from Russia to the United States created the conditions within which the precedent-setting North Pacific Fur Seal Convention became desirable and possible. This action both saved a species from commercial extinction and contributed to the broader enclosure of the free sea envisioned by many Western thinkers since Grotius. This narrative of North Pacific fur sealing has been one

⁹³⁰ The display in this photograph is in defiance of Marsh’s argument: “While the harbor seal learns to disport itself in apparent delight before the crowds at the Zoo and the sea lion acquires a dexterity and docility that is exploited by the showman, the fur seal is impatient of all restraint. Though supplied with all apparent necessities, when it realizes captivity a nervous stress and worry seems to possess its mind and it pines away, refusing food to the bitter end.” See M.C. Marsh, “Fur Seals and the Fur Seal Question,” *Alaska-Yukon Magazine* 3, no. 6 (August 1907): 467-468.

⁹³¹ T. Gelatt, R. Ream, and D. Johnson, “Northern Fur Seal: *Callorhinus ursinus*,” International Union for Conservation of Nature (IUCN), Red List of Threatened Species, last modified March 26, 2015, <https://www.iucnredlist.org/species/3590/45224953>.

of shifting marauders, but the Canadians took the brunt of the ire in the period 1867-1911. Throughout, Russia was virtually always on the offensive and Canada on the defensive. This dynamic arose because Far Eastern Russians were never much interested in pelagic sealing, while pelagic sealing was all the Canadians had. To some extent, the Russians, Americans, and Japanese each had their own biopolitical projects to foster seal lives, but these projects proved unsustainable in the end. In my view, Russia's lack of interest in sealing from the Far East was due to the general lack of development of the region. Vladivostok, Petropavlovsk, Sakhalin Island, and other easterly population centers were dominated by convicts and former convicts, indigenous people, and foreign business projects—like Kunst and Albers German general-store-*cum*-trading-empire that began in Vladivostok.⁹³² Although the city grew into a global port in this period, it lacked large numbers of ethnic Russians with capital who were interested in exploiting marine resources—unlike San Francisco and Victoria. Especially after Alaska ceased to be a Russian colony, the fur seal industry in Russia had a “been there, done that” quality. While the Russian and Canadian roles remained steady during this period, the United States and Japan held shifting roles, as alternately rookery-owning powers and pelagic sealers. Though Japan emerged as the greatest plunderer by the twentieth century, and it seemed so when the convention occurred, in truth Canada was the greater aggressor for the majority of the time between the Alaska transfer and the resolution of the pelagic sealing issue.

The period from 1867 to 1911 witnessed numerous technological changes and intellectual developments. Sail gave way to steam, the telegraph spread around the globe and then gave way to the telephone, and the horse and buggy gave way to the automobile and the “iron horse”—the railroad. Crowded and polluted urban spaces were a key outcome of this dramatic technological

⁹³² See Lothar Deeg, *Kunst and Albers Vladivostok: The History of a German Trading Company in the Russian Far East, 1864-1924* (Berlin: Epubli, 2013).

transformation. The North Pacific represented both an escape from that new industrialized world and the spread of it to even the furthest corners of the earth. Petropavlovsk did not have a telegraph in 1867 or 1892, but it had one by 1911. The Marconi wireless telegraph—which allowed for the rescue of the survivors of the *RMS Titanic* shipwreck in the Atlantic in 1912—made it possible for ships at sea to communicate with each other and with land for the first time in history.⁹³³ Dorsey notes a “general global tension that characterized the era,” undoubtedly prompted, at least in part, by rapid lifestyle changes.⁹³⁴ I argue that saving natural spaces within territorial borders became especially important as rural life transitioned into urban life for many Russian, American, Canadian, and Japanese people. Although many historians of the U.S. have dubbed the 1890s to the 1920s the “Progressive Era,” progressivism was a transnational phenomenon. The era was characterized by attempts to solve the social problems consequent to rapid technological advancement and industrialization. Progressive reformism, including capitalistic, efficiency-based natural resource conservation, was a transnational movement, and many so-called American progressive ideas were borrowed as Americans exchanged ideas as part of the international community.⁹³⁵ Yet as is evident in the course of the fur seal narrative, conservationist impulses took a significant backseat to diplomatic and economic imperatives.

Over the course of this account, fur seals have played multiple roles as coveted mobile resources by multiple nations. They served as inspiration and method for states to delimit their maritime borders more strategically, in order to avoid the questions of sovereignty that come with boundary uncertainty. The North Pacific remained a distant borderland after 1911, though

⁹³³ A Russian scientist, Aleksandr Stepanovich Popov, developed wireless telegraphy at the same time, but Marconi is typically credited as the inventor.

⁹³⁴ Dorsey, *The Dawn of Conservation Diplomacy*, 4.

⁹³⁵ Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1998), 31, 33-34.

the fur seal convention became a model that placed the region at the center of sustainability conversations. Seals became a focus for regional norm creation and regional arbitration that reflects the broader popularity of international arbitration during this period. The Russian detentions and confiscations of foreign ships in 1892 marked a rupture that starkly highlighted why a regional agreement to save the seal population was necessary to preserve diplomatic relations. The resulting settlements between Russia and Canada, and Russia and the United States, were critical steps to resolving the foreign relations crisis caused by the fur seal industry, but they did not go far enough. These settlements, including the Alaska Boundary Dispute between the U.S. and Canada, made it clear that a more robust agreement involving all of the North Pacific countries would be needed to solve the fallout from the fur seal industry and stave off further diplomatic crisis. As with the 1899 peace conference, the strengthening of mediation infrastructure was intended to avoid war, though it was not always successful. Nicholas II and other supporters of arbitration were comforted by the false sense of security that came with building new infrastructures of peace, such as a court of arbitration, but those systems were based on voluntary participation and, thus, not as useful as they were intended to be. As the nineteenth century gave way to the twentieth, Japan interrupted the *modus operandi* to which the U.S., Canada, and Russia had become accustomed in North Pacific relations, making the need for a permanent solution to the northern seal question all the more acute. This dissertation argues that the failure of the 1897 International Fur Seal Convention—of which Japan was an essential participant—as well as Japan’s victory in the Russo-Japanese War, contributed to the conditions that finally led to the decisive 1911 convention.

The northern fur seal was the first animal in history to be protected by a multinational treaty because of its profitability and the diplomatic conflict engendered by this commodity’s

mobile nature. Seals showed the world that cooperation across states to conserve migratory animal lives could really work. One historian wrote in 1987 that “signs of international cooperation in the Antarctic region...between the United States, Canada, and Japan” formed “part of the legacy of the Fur Seal Convention.”⁹³⁶ Especially since those three countries had a history of cooperation over marine resources, it seemed logical that they could work out a compromise for fish as well. However, when an issue stretches beyond one regional ecosystem and involves numerous countries, I do not believe that the very specific pecuniary promises the fur seal countries made to each other would still be possible. Just as Armitage argues that Grotius’ view of the sea suffers from a “contingent applicability,” I assert that the promise of the fur seal convention does as well.⁹³⁷ The specifics of the countries involved and their ability to satisfy each other’s needs were critical elements that permitted cooperation. Even Russia’s ability to convince Japan to agree to the convention was eventually contingent; having not truly bought in in the first place, Japan was the first, and ultimately only, party to back out.

The convention that determined the fate of seals and of seal hunters concluded, in due time, that Grotius was right about freedom of navigation but wrong about the inexhaustibility of resources. Yet despite all of its promise, the fur seal treaty reminds us a century later that, even if hunters no longer endanger a species, habitat loss surely will. The conservationists of the transnational Progressive Era believed strongly in the human capacity to solve problems through cooperation—though conservation was not the principle aim of the stakeholders involved in this dissertation. Today, the indirect consequences of centuries of extractive capitalism have emerged as problems much more intractable than the complexity involved in humans from disparate

⁹³⁶ Gay, *American Fur Seal Diplomacy*, 159.

⁹³⁷ David Armitage, Introduction to Hugo Grotius, *The Free Sea or A Disputation Concerning the Right Which the Hollanders Ought to Have to the Indian Merchandise for Trading*, trans. Richard Hakluyt (Indianapolis, Indiana: Liberty Fund, 2004), xviii.

nations searching for common ground with one another.⁹³⁸ Bhargava and Dorsey both write that, when it comes to environmental issues, humans tend to wait until the situation is already desperate, irreversible, and unsolvable; both writers would probably have little hope in the human ability to reverse climate change.⁹³⁹

The most recent estimate of the global northern fur seal population was 1.29 million in 2014. This includes 650,000 “mature individuals” (of reproductive age), and the population is on the decline. The International Union for Conservation of Nature—whose Red List of Threatened Species is the most comprehensive global source of animal population data—ranks the northern fur seal as “Vulnerable” on the following scale:

Least Concern—Near Threatened—Vulnerable—

Endangered—Critically Endangered—Extinct in the Wild—Extinct⁹⁴⁰

Since 1998, northern fur seals have been below their optimal rate for sustainability.⁹⁴¹ As W. Jeffrey Bolster says of the North Atlantic fisheries, so too for the North Pacific seal fisheries: it is a “sea of ghosts.”⁹⁴² In the more than one hundred years since the fur seal convention, with a lack of robustness in the fisheries and the slow but steady effects of a warming planet, human ingenuity and cooperation may not, in the end, be able to save the fur seal.

⁹³⁸ See Arthur F. McEvoy, *The Fisherman’s Problem: Ecology and Law in the California Fisheries, 1850-1980* (New York: Cambridge University Press, 1986), 254; by the 1970s, fisheries scientists understood that it was the “interaction between harvesting and environmental change, not either of the two alone,” that led to resource depletion.

⁹³⁹ Bhargava, “Of Otters and Orcas: Marine Mammals and Legal Regimes in the North Pacific,” 940; and Dorsey, *The Dawn of Conservation Diplomacy*, 245.

⁹⁴⁰ Gelatt, Ream, and Johnson, “Northern Fur Seal: *Callorhinus ursinus*,” IUCN, Red List of Threatened Species, last modified March 26, 2015, <https://www.iucnredlist.org/species/3590/45224953>.

⁹⁴¹ Don MacGillivray, *Captain Alex MacLean: Jack London’s Sea Wolf* (Vancouver: UBC Press, 2008), 259.

⁹⁴² W. Jeffrey Bolster, *The Mortal Sea: Fishing the Atlantic in the Age of Sail* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2012), 11.

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