

## Conceptual Clarity and the Fox Hunting Debate

In this short essay my primary intention is not to take sides in the debate on foxhunting, though it will become apparent which way I think the arguments run. Rather I aim to make clear exactly what sort of arguments are and are not relevant. To do this we need to think hard about the concept of hunting. Part 1 discusses the issue of whether there is something wrong about using dogs to hunt wild animals,<sup>1</sup> and Part 2 discusses the separate issue of whether there is something wrong in making a sport out of hunting with dogs, on the assumption that the hunting itself is permissible.

But first we must distinguish the moral from the legal: it could be the case that hunting wild animals with dogs is morally permissible, it is just so distasteful or offensive to the majority in our society that they decide to ban it. To give a rather gruesome analogy, if a historical society was formed which recreated not the battles of the English Civil War, but the concentration camps and gas chambers of the Holocaust, we would almost certainly be justified in banning it, even though it would be hard to find a moral objection to the activity. I am going to concern myself exclusively with the moral issues surrounding fox hunting and related activities, for it seems that those alone would be sufficient to justify a ban, were it established that hunting with dogs is immoral, like cock-fighting or bull-baiting.<sup>2</sup> And, for the record, if there is no moral objection to hunting with dogs, I think that the squeamishness of the majority would be a very bad reason to ban the activity, but that is a different debate.

### Part 1: Hunting with dogs

Hunting with dogs involves killing animals, and if killing animals were always unacceptable the debate would be over very quickly. Similarly, if there was no moral objection to humans ever killing non-human animals for any reason whatsoever, it would be hard to find a moral objection to hunting with dogs. So I shall assume that it is sometimes right for humans to kill other animals, and in particular that there are three cases where it is right to do so:

1. When the animal is being killed for food.
2. When the animal is being killed to protect a source of food.
3. When the animal is being killed because it poses a risk to the life or health of a human.

In contemporary Britain most killing for food is conducted in abattoirs and very little if any involves hunting with dogs.<sup>3</sup> Furthermore, as we all know from Oscar Wilde, foxes are 'uneatable'.<sup>4</sup> Some animals hunted with dogs, such as rats, do carry diseases which pose a risk to human health, but the primary justification is nearly

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<sup>1</sup> The proposal before Parliament is to ban the hunting of wild mammals with dogs, but much of what I say about hunting in general applies to fishing and shooting birds, so I will tend to talk about hunting animals.

<sup>2</sup> It is not hard to establish that the main objection to cock-fighting and bull-baiting is a moral one.

<sup>3</sup> I suspect that the debate about shooting should go very differently, for there can be no justification for killing grouse or pheasants under 2 or 3. But grouse, pheasants and game fish are all eaten.

<sup>4</sup> People should be careful to contextualize this quotation from Wilde. I do not know Wilde's own attitudes to hunting, but the character who speaks the famous line immediately proceeds to defend the House of Lords on the grounds that it is out of touch!

always going to be that the animal being hunted is a threat to livestock or grain supplies or something similar.

This gives us a location for the first possible anti-hunting argument, namely that no wild animals which are hunted with dogs need to be killed to protect sources of food or human health. If one is aiming to show that all hunting is immoral, it will not do to argue that some or even most hunts cannot be justified in terms of protecting food or human health.<sup>5</sup> That would merely establish the case for the regulation or licensing of hunting with dogs. So let's move on.

Let us assume that the populations foxes, rats, mice, rabbits, mink and maybe some deer need to be controlled,<sup>6</sup> that is a certain number of these animals need to be killed year on year. Thus the end is sometimes justified, so the moral debate needs to focus on the means.

We can divide the ways of killing wild animals into direct and indirect. Indirect ways are, amongst others:

- i. Poisoning
- ii. Introducing or encouraging wild predators
- iii. Removing food supplies

The direct means is to possess oneself of some instrument of death, be it a club, a spear, a bow, a gun, a trained dog or even just a car you can run it over with, and then trick or force the animal into a position in which you can use that instrument.

I shall take these two elements to be definitive of every activity we can call hunting: first you must flush your quarry from its cover, then you must kill (or capture it). Flushing the quarry from cover includes any activity which brings the quarry into a position where the means of killing or capture can be used, and thus includes spotting, tracking and chasing as well as simply getting it to leave its hiding place. For example, if there is a mouse in my kitchen which threatens my food supplies or health, I might choose to hunt it as opposed to poison it. Given the confines of my kitchen the best means of flushing it from cover is bait (a tasty morsel located where the mouse needs to make little or no effort to find it), and a trap can be set to kill or capture the mouse when it breaks its cover. Chasing is not an integral part of hunting as defined, but only occurs when the quarry reaches new cover, which may just be getting sufficiently far away from the hunter, before it can be killed or captured.<sup>7</sup> So be warned that from now on I will use the word 'hunting' to cover any activity which involves the two elements of flushing from cover and kill/capture. There is no implication that dogs, let alone horses, are involved.

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<sup>5</sup> It is sometimes reported that hunts are actively encouraging fox populations to grow so that there is better sport. There could be no justification for this hunting under the three heads I have listed. The question might then arise whether there can be a moral justification for a blanket ban which covers both permissible and impermissible activities. That way lies tyranny.

<sup>6</sup> This list is not intended to be exhaustive. While thinking about this I realized that I had never heard of anyone hunting muntjac, which are certainly a pest in many parts of the country.

<sup>7</sup> Animals bred for food, such as cows and sheep, are bred not to take cover, though the sheep's propensity to wander off affords a degree of cover and the shepherd must use a dog to round them up before sending them to the abattoir. The idea of breeding out the instinct to preserve themselves from out killing is explored in the story 'Old Macdonald had a farm' by Mike Resnick explores this issue.

Before we engage in debate about the relative merits of these different means of achieving the same end, it is essential to distinguish two roles dogs might play in hunting: they might be used to flush the quarry from cover, or they might be used to make the kill. In fox hunting, the hounds are used for both purposes but the terriers are only used to flush the quarry. If someone hunts rabbits with a ferret and a lurcher, the dog is only used to make the kill (unless we count running away as a form of cover and running faster as a means of flushing from that cover, which is a good description of coursing). Working dogs have been carefully bred over thousands of years to perform specific tasks, for example a pointer will locate the quarry but it has the wrong sort of head and mouth to kill it.

Here is an example of why this distinction matters. Some people have suggested that an alternative to hunting foxes with dogs is lamping, where the fox is hunted at night in an off road vehicle and caught in the glare of a powerful light before being shot. It seems that the reason this is deemed to be preferable is that the fox is shot rather than killed by a dog. Leaving that aside, we should also ask whether the means of flushing from cover is also preferable. Lamping works because any wild animal caught in the beam of a powerful light is so terrified and confused that it does not run away (at least not for a few seconds). In other words we put it in an unnatural situation which it does not know how to respond to and exploit its blind panic to enable us to shoot it, which we would otherwise find rather difficult. In contrast, when we flush a fox with dogs, it knows exactly what to do: it is being chased by a predator and it can use all the resources of speed and cunning that nature has given it to defend itself. We must not anthropomorphize here:<sup>8</sup> humans would find being trapped in a spotlight considerably less terrifying than being hunted by a pack of dogs, but lamping only works because foxes find being trapped in the spotlight so terrifying that they forget to defend themselves by running and hiding. I have never heard of a fox so scared by an approaching pack of dogs that it stands still, though one can easily imagine a human reacting like that.

Now there are some very powerful arguments that indirect means of pest control, especially when used on a wide scale in the countryside, have seriously detrimental side-effects. If they are too successful, they affect the food chain and leave a niche for another pest to expand into. And even if they are suitably limited in their effects, they can have a detrimental affect on other species. A poisoned fox might be eaten by a Red Kite. A predator might also prey on other species (the hedgehogs on the outer Hebrides were introduced to eat slugs in gardens, but they also have a penchant for the eggs of plovers and lapwings and other ground nesting birds). Perhaps humans will become sufficiently ingenious to use indirect methods to control all the pests which threaten their food sources and health, and then direct means of killing, that is hunting, would be unnecessary, but now is not that time. And even if hunting is unnecessary, it may be a morally permissible option. But our question is not the morality of hunting in general, but of hunting with dogs, for most who want to

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<sup>8</sup> It is common to find people arguing that dogs killing foxes is 'inhumane'. The word appears to have lost touch with its etymological roots here, but I suspect something lingers on. Most people tend to regard as humane the sorts of death that humans would choose, without considering whether they might be very alien and unpleasant (though painless) to the animals in question. People have been known to choose a dignified or honourable death over a painless one. If animals could prefer one sort of death over another, they would be unlikely to make the same choices as humans.

ban hunting with dogs are happy that we should still use mousetraps and shoot rats, or foxes or rabbits.

In purely practical terms, when hunting wild animals in rural areas, dogs are nearly always the best means for flushing the quarry from cover (which includes tracking, remember). In many, but not all, cases where dogs have been used for flushing, using some other means of making the kill would be impractical or put the dogs at risk. There are some cases, but not many, where, practically speaking, dogs are not the best way to flush the quarry but are the best way to make the kill. For example, if you have a rat up a drainpipe, you could flush it with some hot water and then try to kill it with a club as it came running out, but a terrier would do the job much more effectively.

The facts about the practicalities have been disputed, and they may seem irrelevant to the moral debate, but they are not. If there are sound practical reasons for hunting with dogs, then the burden of proof lies with those wanting a ban. But if there are no good practical reasons for continuing the practice, then the burden of proof will be to show those who find it distasteful that it is not immoral. I do not know enough to be certain about the practicalities, but farmers are generally very practical people so the criterion for me is how farmers choose to have their pests dealt with. In my experience, which may not be a good basis for generalization, most but not all will call in a pack of foxhounds or a terrier man to do the work.<sup>9</sup>

We have two separate questions to address: using dogs to flush quarry and using dogs to kill. If either of these was such that it could never be justified as a means to any end, then the argument would be over. I have never seen an argument strong enough to reach that conclusion. So we either need an argument to the effect (i) that using dogs for either of these purposes cannot be justified as the means to the end of pest control, or (ii) that the use of dogs cannot be justified as means given the alternatives that are available. If one is to argue for either of these conclusions, one would need to show that there is something wrong about using dogs to hunt for us which does not apply to hunting for ourselves or using other instruments like guns or 4x4s. I will take them in turn.

The only general argument which would seem to have any chance of showing that it is always wrong to use dogs as a means to the end of pest control would be that there is something wrong about using dogs (which have to be specially bred and trained) for human purposes, about treating them as instruments for our ends. But few if any would want to endorse that as it stands, since there does not seem to be any objection to guide dogs for the blind, hearing dogs for the deaf, drug-sniffer dogs, police dogs, guard dogs etc.

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<sup>9</sup> Some farmers do not like the hunt on their land because of the damage the horses do. Since nearly all the horses are ridden by 'spectators', this is irrelevant to the question of practicality. It only needs two or three people on horseback to guide and control a pack of foxhounds, and hunts like the Blencathra in Cumbria proceed entirely on foot. But one must also remember that hunts do not charge farmers for killing foxes on their land, and they only survive financially because of the contributions of those who want to follow the hunt on their horses. The ethics of hunting as a spectator sport is a completely different matter, which I discuss in Part 2.

Sometimes this general argument is made a little more specific: what is wrong is using dogs to kill for us. If the killing of pests is regarded as a necessary evil, or at least as something only permissible when done to protect vital human interests, then it might seem that the dogs are being exploited and corrupted. An animal which kills another for food or self-protection is within its 'rights', but dogs used in hunting are doing no such thing. Under the assumption that the killing of pests by humans is sometimes acceptable, this argument is very confused and presumably does not apply to using dogs to flush the quarry. First, it is not even wrong to use another person to kill for us (where the killing is permissible). That is what soldiers do, and what the pest control officer you call to deal with vermin in your house does. Of course, in the human case, the person knows what they are doing and has freely chosen to do it (unless conscripted), but the dog has no choice. This fact would seem to be relevant only if the activity in question was somehow unpleasant or degrading and thus one which we would only ask volunteers to do. But dogs enjoy hunting, both the flushing of quarry and the making of the kill. Of course, it is possible to breed and train this out of them, but the question is: if we could make sense of asking for volunteers, would any dogs volunteer to hunt? And the answer is obviously affirmative.

Our distaste for killing animals<sup>10</sup> makes it something we will only do if there is adequate reason for us to do it, thus someone who was coerced or had their nature manipulated to enjoy killing, and was then used as a means to kill for purposes normally deemed inadequate or inappropriate to justify a human killing an animal, would thereby have been degraded. Hunting dogs are bred and trained to enjoy killing the quarry, but the kill they make has no 'canine' justification since it is not to provide food or protection. Have they therefore been equally degraded or exploited?

There is, I think, a touch of anthropomorphism creeping into the debate again here. Setting aside the issue of whether wild animals ever kill for reasons other than food or self-protection, the confusion seems to arise from the underlying assumption that some killings of one animal by another might be justifiable actions on the part of the killer and others not. We may think it better that a feral cat should kill a bird because it is hungry than that a well-fed domestic cat should kill the same bird for sport. But here we are not expressing the incoherent thought that one cat was justified in what it did while the other was not, but a preference for the world to be a certain way. A dog is no more capable of acting in a morally justified or unjustified way than is a cat, or a hawk, or a spider. Some animals may have beliefs and desires and their actions may be explainable as those which would best satisfy their desires given their beliefs, but they do not engage in moral reasoning about whether actions are right or wrong, justified or not, and hence it makes no sense to talk as if some killings of animals by other animals were justifiable actions and others were not. If I breed and train a dog to kill rabbits, the actions which are justifiable or not are all mine.

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<sup>10</sup> We all agree that it is wrong to kill animals unnecessarily. Some also find the process of necessary killing an action they would be unable to perform themselves, whereas others lack such scruples. It might be suggested that the latter group lack the moral sensitivity of the former, but that is far from obvious, for they might find unnecessary killing as abhorrent as everyone else does. Perhaps some people actually take pleasure in (necessary) killing, but that raises a whole new set of moral issues which I discuss in Part 2.

I did not set out to argue for or against the moral permissibility of hunting with dogs, but it should be apparent from the way the discussion has gone, that the only persuasive argument against hunting with dogs will have to be an argument that somehow shows that using dogs rather than any other instrument, either to flush from cover or to kill the quarry, is not permissible. Maybe there is such an argument, but I have not found it yet.

However, it might be possible to argue that, while there is nothing intrinsically wrong with using dogs to hunt, there are alternatives which are morally preferable. This argument will depend upon exactly what alternatives are available. We are working under the assumption that there are at present no sufficiently effective indirect methods which lack unwanted side-effects. So the alternatives in question must all be forms of hunting without dogs.

Sometimes a farmer will come across a fox in the open while he has a loaded gun, but relying upon such accidents is not sufficient for pest control. So the fox must be flushed from cover. The only practical alternative to using dogs is lamping, and we have discussed the relative merits of lamping already.

So there needs to be an argument to show that using dogs to kill the quarry has certain morally undesirable characteristics which are lacked, or occur to a lesser extent, in an alternative. The only serious alternative appears to be shooting the animal.<sup>11</sup> One very important area of comparison is the relative speed and success rates of the two methods. That is, how long does it take the animal to die and what are the chances of making a clean kill. The question of how long it takes the animal to die needs scientific investigation, but if we assume that the shot is accurate and hits a vital organ, and equally that the dog gets a good grip with its first bite, there may not be much difference.<sup>12</sup>

The real difference occurs when we consider what happens in less than ideal circumstances. If the bullet hits the fox in the lower body, it will crawl away to hide and die a slow and painful death which may take several days. Similarly for any other animal one shoots: if the shot merely wounds, the animal will die, but very unpleasantly. Dogs, however, so long as they are bred and trained for the task in hand,<sup>13</sup> will either make an immediate kill or the animal will escape largely unscathed.

However, I do not think that this line of argument gets to the heart of people's concerns here. The common objection is that being killed by a dog is a cruel and unpleasant way for a fox to die, whereas being shot is less so. I suspect anthropomorphism again, for it would certainly be less cruel to shoot a human than to set a pack of dogs on him. But what about foxes or other wild mammals?

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<sup>11</sup> There are a variety of methods of shooting (shotgun, rifle, crossbow, longbow) which may differ in relevant ways, but I will stick to shooting with a rifle in what follows.

<sup>12</sup> There is a common misconception that a pack of dogs kills the quarry by ripping it to pieces. In fact hunting dogs all apply the same method (so long as the quarry is small enough relative to the dog): they pick it up and break its back in their jaws, then shake it vigorously to interrupt the blood supply to cause brain death.

<sup>13</sup> If you set a terrier on a fox a vicious fight will ensue, which might well result in the fatal wounding of both combatants. A foxhound should be able to kill a running fox before it has a chance to fight.

In order to abstract from the distinct questions of which is a better way to flush the quarry, and how long it takes for the animal to die, let us consider the following two scenarios. In scenario A a farmer carrying a loaded rifle sees a fox on a wall, shoots it through a vital organ and it takes 10 seconds to die. In scenario B a foxhound on its own comes across an unsuspecting fox and kills it before it can run or fight. It also takes 10 seconds to die. Which death is less cruel / more humane? I have no idea how to answer this question, but what is clear is that we must not do it by considering, either explicitly or implicitly, which death we would prefer. One difference between humans and foxes which seems to be relevant is that we would know what has happened if we were shot, for we are familiar with the apparent action at a distance which guns produce, but a fox would have no idea what caused this sudden and excruciating pain.<sup>14</sup> We cannot think ourselves into the fox's point of view, but it would seem like the difference between scenario B and scenario A is the difference between being killed by a predator and being killed by a mysterious, powerful external force. Which is more cruel?

When we get really clear about what has to be shown in order to argue that hunting with dogs is not morally permissible, given that some hunting is permissible, it becomes apparent how hard it is to mount a serious argument. Perhaps it can be done, but much more work would be needed. If some hunting is permissible, then it is hard to see how using dogs as an instrument to flush the quarry from cover, or even to kill it, can be objectionable on moral grounds.

## **Part 2: Hunting as a sport**

The arguments above all focussed on the pure activity of hunting with dogs as a means to control pests, but many people object to hunting with dogs because it is a sport.<sup>15</sup> The thinking seems to be that sports are activities done for pleasure, hunting with dogs involves killing animals and it is wrong to take pleasure in killing animals.

There are two really important points to note here. Even if this argument were watertight, it would not provide a reason to ban hunting with dogs, but only to ban sporting meets in which spectators watch or participate in the hunting. It would be equally wrong to take pleasure in killing cows in an abattoir, but that does not give us a reason to ban that activity. If it gave us a reason to ban anything, it would be people going to watch the killing for fun. If we banned hunting with dogs as a spectator sport, then much of it would cease, for it is the spectators who largely finance the operation.

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<sup>14</sup> One technique I have been recommended for training a dog which tended to become over-interested in his own business and fail to come to call, was to throw a small pebble at its flank. The dog feels a (slight) pain which it cannot understand, which scares it sufficiently for it to willingly return to the security of its master. This method exploits the fear and discomfort an animal feels when it suffers inexplicable pain.

<sup>15</sup> One thing that irritates the pro-hunting lobby immensely is the palpable ignorance displayed by equating hunting with dogs with the formal meets of mounted fox hunts. If you ban all hunting with dogs, and not just hunting with dogs for sport, you also ban someone using a pair of terriers to get the rats out of a barn.

However, and this is the second important point, the fact that there is a sport of hunting which gives many people great pleasure and involves killing does not entail that those people take pleasure in killing. We need to distinguish carefully between taking pleasure in an activity which involves killing an animal and taking pleasure in killing. To go back to the abattoir example: someone may take great pleasure in running an efficient abattoir without taking any pleasure in killing animals. So someone might take great pleasure in hunting with dogs without taking any pleasure in killing animals.

Perhaps some people enjoy killing or watching animals being killed. If so they will be naturally drawn to sports which involve killing. And given the human ability to make a sport out of just about anything, these people will find their gratification somewhere or other, unless all killing of animals by any means and for any purpose is banned. So they are not our primary concern.

What should concern us is whether there is anything wrong with taking pleasure in an activity, either as participant or spectator, which essentially involves killing or trying to kill an animal. If the activity does not essentially involve killing, then it can easily be replaced by one in which the animal is captured and released (e.g. coarse fishing) or one without an animal quarry at all (e.g. drag-hunting and greyhound racing).<sup>16</sup> Let's start with an easy example: coursing versus greyhound racing.<sup>17</sup> If the pleasure is being taken in the skills of the dogs, then greyhound racing only tests speed whereas coursing also tests the ability to follow and possibly out-think the jinking hare. Without a live quarry, these skills would not be tested, so coursing involves at least trying to kill an animal, even if the success rate is low. It seems that people who follow fox hunts (or stag hunts, or beagles) are also taking pleasure in an activity which essentially involves trying to kill an animal. The so-called 'thrill of the chase' is not merely the pleasure taken in riding fast across countryside on an unpredictable route. If it were, then drag-hunting would be just as popular as fox hunting, but it is not.<sup>18</sup> It seems that the activity which is giving the pleasure is the flushing of the fox from cover. Foxes are very good at hiding, are fast and cunning when pursued, and are thus strongly resistant to being flushed from cover. So there is an element of competition between fox and foxhounds, and ultimately between fox and huntsman. This competition only occurs because the hunters are trying to kill the fox, so if someone takes pleasure in this competition, they are taking pleasure in an activity which essentially involves trying to kill an animal.<sup>19</sup> Most, perhaps all, sport involves taking pleasure in a competition. In any sport which involves hunting with dogs, those taking pleasure, be they participants or spectators, are taking pleasure in the competition between the dogs and the quarry. Is there something inherently wrong in that?

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<sup>16</sup> Coarse fishing involves harming the fish, so someone might want to argue that we should not take pleasure in any activity which essentially involves harming animals.

<sup>17</sup> If the premise of any defence of hunting with dogs is that the killing is justifiable, then coursing faces the problem that hares do not present a serious threat to human food supplies or health.

<sup>18</sup> Many people use the evidence that foxhunters prefer live quarry to drag-hunting as proof that these people take pleasure in killing.

<sup>19</sup> If the fox gets away then it has won, and given the way a dog kills a fox, there is a chance of it getting away up until the very last moment of its life. Hence the desire the foxhunter sees to ensure the fox is killed, can be explained in terms of the pleasure in winning the competition. Similarly, someone who sets a dog on a rabbit for sport wants to see a kill, because he wants the dog to win the competition.

Clearly we think it wrong to take pleasure in competitions such as cock-fight, dog-fighting and bull-baiting. One obvious difference between this and hunting with dogs is that in the latter case the competition between dog and quarry is a by-product of the activity of using dogs as a means of pest control. (Note that the issue of foxhunting as a sport only arises if hunting with dogs is a permissible option for pest control.) The situation is that we have a permissible activity which has a competitive dynamic and some people choose that competition as the focus for a sport.<sup>20</sup> In cock-fighting, dog-fighting and bull-baiting there does not seem any justification for the competitive activity other than the pleasure it might bring if treated as a sport, but since they also involve harming and killing animals, that is not good enough.

I think we have here hit upon the fundamental issue. Most sports today involve artificial competitions between people or animals, that is competitions which are created solely for sporting purposes. It would clearly be wrong for such a competition essentially to involve killing or harming an animal, or a person for that matter.<sup>21</sup> In contrast, sports like foxhunting take an independent activity which happens to have a competitive structure and make a sport out of it. That is what makes it such an alien activity to so many who find football perfectly normal, and also why it matters so much to people who live in the countryside, for it takes an integral part of country life,<sup>22</sup> that is controlling pests by hunting with dogs, and makes it part of their leisure and entertainment. At that level at least, it is much like entering livestock into local shows. Which why it is so often talked about as part of the fabric of rural society, because it is connecting a fundamental aspect of country life with the universal human instinct to take pleasure in watching and participating in competitions.

If someone rarely (if ever) sees animals being killed, then to see such a thing would be unpleasant. But if the (necessary and justifiable) killing of animals is part of everyday life, as it is for so many in the country, then it would seem possible to take pleasure in watching a competitive activity which essentially involves killing an animal without taking pleasure in the killing. And if the activity is itself justified and necessary, it is hard to see how there could be anything morally objectionable in that. Some may find it distasteful, but they could not find it wrong.

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<sup>20</sup> Why choose that rather than some other competitive activity? The reasons which attract people to one sport rather than another are obscure to say the least, but very strong. Try telling someone who enjoys watching and playing cricket that there will be no more cricket ever, but that is OK since they can always watch baseball instead.

<sup>21</sup> That is the main case against boxing: it essentially involves harming or trying to harm a person.

<sup>22</sup> Here I am assuming for the sake of arguing about sport, that hunting with dogs is permissible and also practical as pest control.