

THE ETHICS OF HUNTING: KILLING AS LIFE-SUSTAINING

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In recent years there has been a great deal of discussion and political activity in regard to firearm ownership and use. But, there has not been the same degree of discussion in regard to hunting. What makes this surprising, if for nothing else than its political implication, is that 48% of all firearms owners in the United States have stated that they own guns in order to hunt.¹ Anti-gun advocates would make their case much stronger politically if they could ban hunting as immoral (following the same basic line that went into Prohibition) and thus close off the gun ownership debate through the back door. But, oddly enough, neither the anti-gun advocates nor the pro-gun advocates deal directly with the hunting issue. Both seem to take for granted the morality of hunting, that is, killing animals for sport.

Such complacency in regard to hunting, for either side, would seem to be ill-advised. Three factors present in our society indicate a shifting of mood in regard to the morality of hunting, a shifting that could affect the political environment in the near future. The three factors are: 1) a growing movement among philosophers to develop theories of animal rights in the strict sense;² 2) the general impact of the media upon children in regard to the "personalization" of animals, as in Disney animated cartoons; 3) the affective distance/separation between predation and eating that has occurred due to the industrialization of the food-gathering process. These three factors, one intellectual, two affective, have had and may continue to have a reinforcing effect on the emotional attitudes of people in regard to the killing of animals, especially if that killing is done not for food directly nor defense, but for the challenge of sport hunting.

In this paper I would like to discuss the ethics of hunting. I will discuss the problem of animal rights to life and freedom from harm, as well as the ethics of fair chase and proper weapon and shot selection. I will do this from within the perspective of general rights theory as

its has been developed in Western Society, but especially during the past two hundred years or so.

My principal thesis is this: hunting under both forms of food-gathering and trophy is moral so long as it occurs under proper legal and moral restraints. These restraints derive from man's moral obligation to himself to survive in a complex, biologically interrelated world in which reproduction, food supply, and adequate predation are essential ingredients to survival.

HUNTING AND ANIMAL RIGHTS

The basic argument against hunting of any sort is that it violates the animal's right to life. A right, we generally agree, is an entitlement to something that limits access or use of that thing by another without the permission of the title holder. Rights indicate ownership of one kind or another and with that, the necessity of informed consent by the owner if that entitled object is to be used by another.

Now in order to advance the thesis that hunting is unethical because it violates animal rights, one must clearly show that animals possess those specific qualities known as rights which provide the principle of limitation or restraint upon another's actions in this regard. Since traditionally only persons or rational beings are said to have rights, in order to advance a theory of animal rights in the strict sense, the distinction between human persons and animals must be blurred. Either humans must be viewed as merely sentient animals, and thus claim that rights are entitlements granted because of sentience or solely by law or agreement, not by any unique human characteristic, specifically intelligence and volition, or that animals must be viewed as possessing intelligence and volition.³ In either case, the clear distinction between human and non-human sentient animals must be blurred or done away with completely.

In general, the emphasis seems to be to lower man to the level of a highly complex sentient animal and thus deny any special status to intelligence and volition. Rights, in such a theory, generally are said to be due to sentience or, depending upon the theory being advanced, upon positive imposition by law or contract.

But, as stated above, there is also the tendency to elevate animals, at least some of the higher types, to the level of rational beings by trying to show certain mental activities on their part that seem to be similar to specifically human activities, namely, reflection and the ability to make serial distinctions.⁴

The latter position, of course, is the more rigorous position and the one that if established would have the most telling effect on the argument. It is the latter position that attempts to establish true personal inviolability. If successful in argumentation, then it would be mandatory on the part of the state to forbid hunting the same way it forbids and punishes all acts of aggression upon innocent persons.

The former position, while suggesting the continuity and common-

ality of man with animals, possesses greater plausibility from within an evolutionary perspective, but loses any secure ground as far as identifying clearly what rights are and who possesses them. I suspect that in the end such a theory would identify rights with positive contractual agreements, and by extension, to whatever or whomever one agrees to extend them to.

I believe the most important argument is the latter argument that attempts to deny hunting on the grounds of strict violation of animal rights to life and well-being. Therefore, I want to address this issue briefly.

The general theory of rights identifies rights with persons insofar as persons possess intelligence and freedom. In the late 18th century Immanuel Kant provided one of the finest formulations of the theory of rights through his second formulation of the categorical imperative: always treat the humanity of your own person and that of others as an end and never as a means only. This meant for Kant that each person had to be treated as an intelligent and free agent who possessed the right to consent freely to how he/she was to be treated by others. Kant derived this principle from his conviction that only rational beings could recognize the universal implications of their motives and thus universalize them into absolutely binding moral laws. Man for Kant was thus a moral legislator and due the respect of all other moral legislators.

Animals, on the other hand, evidence no such rational and volitional traits. They certainly evidence enormous powers of sensation and instinctual responsiveness. But, so far as our evidence shows, they do not exhibit the ability to know and articulate *universal* concepts and values that form the basis of moral law and personal rights. Though there have been some interesting experiments with chimps that indicate the ability to do some kind of serial reasoning, these experiments, to the best of my knowledge, have yet to establish the presence of clear universal concepts that form the basis of what we strictly mean by intelligence and moral reasoning. It is precisely the status of universal concepts in the reasoning and volitional process that distinguishes between human and non-human though sentient activity.⁵ Without such evidence a theory of rights as applied to animals seems only to be far-fetched, arbitrary and fanciful, or merely anthropomorphic.

The attempt to anthropomorphise animals finds little support in the Judeo-Christian tradition of morality. There exists no blurring of distinction between man and animal. Adam names the animals and thus is "lord" over them. Throughout the Old and New Testaments the sacrifice of animals is an integral part of worship. Christ is mythologized by the Christian tradition as the Paschal Lamb who is led to the slaughter.

But, on the other hand, one must not forget that neither the Bible nor Western Tradition view man as separate from the natural world. Biblical man, though little less than the angels, is very much a citizen

of the world. Philosophically, there have been traditions stemming back to Plato and including a number of the modern rationalists which have tended to portray man as merely a soul entrapped in a body and thus alien to the world of nature. But, though this is a deep part of Western Tradition and one that critics claim fuels our disdain for animals and all things natural, it is not the main and deepest vein of Western Thought insofar as that Thought combines both philosophic insight and the Judeo-Christian view of man, God, and the world. Even Plato corrects his stark dualism in his later works, and tradition cannot be referred to without reference to the hylomorphic theory of Aristotle.

Therefore, though viewed as essentially different from mere sentient animals and religiously "little less than the angels," man is very much an animal in continuity with other animals in this world. And it is as an animal, though a rational and free animal, that his rights to kill and thus his rights to hunt are founded.

Alfred North Whitehead wrote a half-century ago that "life is robbery."⁶ For something to live, something else needed to die. The ancient Greek philosopher Heraclitus wrote that the basic law of reality is the law of sustained violence—sustained counterforce. He simply said that all things change according to a *logos* or rule. That rule is the rule of opposition, the law of balanced violence. Life processes continue only if there is a sustained balance of violence of one living being on another, so long as there is balanced predation.

Because all living beings live off the death of others, life itself exists within and on the basis of a delicately balanced system of contravening violences which constitute the ecosystem. When Whitehead wrote that life is robbery he also wrote that robbery or death had to be in the service of sustaining life.⁷ Predation is the act of killing, but it is killing for the sake of life. Predation, in other words, is "life sustaining." When such predation is lost, paradoxically, killing becomes rampant and disorderly and as a result, killing ceases to be life-sustaining. History and ecological studies have taught us this lesson quite well.

Our right to kill, therefore, stems from our right to life. We have every right to kill other living beings other than man because we have a right and an obligation to sustain our existences and the conditions for our existences. As predatorial animals we have obligations to ourselves as rational controllers of the ecosystem (given our massive urbanization, industrialization, and highly competitive existences), to manage the life systems through controlled killing, not only to feed ourselves but also to sustain that proper balance of competitive species which the sustaining of life requires. We have, in short, the right *and* obligation to take life because the taking of life is crucial to the sustaining of life.

This is an extremely important point. The right to kill and the obligations of restraint, which we will discuss further on in this paper, are generated through the basic right of life that belongs to man. It is

this right to life and the conditions of life, given this ecosystem that obliges him to kill in order to sustain his own life and the conditions necessary for life sustenance. There are no other rights involved and therefore no other sources of obligation.

HUNTING FOR SPORT

Apart from and beyond the ethical issue of the right to kill animals, a second and much more troubling question for the hunter is raised in regard to hunting purely for sport, trophy hunting. The basic questions are these. Can killing for sport pure and simple be moral? Does not killing inflict unnecessary pain upon animals? Is this ethical since food procurement is not the issue? Shouldn't animals be given a fair chance to escape, if nothing more?

The basic question really comes down to this: haven't animals at least the right to be free from undue harm and suffering, let alone death, if food-gathering needs are not strictly present in each act of killing?

In response to these questions, at least one general reply must be made: killing may never be done wantonly nor indiscriminately. In every act of killing there must be a proportionate reason for the killing. A proportionate reason must be present because killing is an evil, though not necessarily a moral evil. Some moralists call such non-moral evils ontic or material evils. They mean by this that in such acts there is a loss of something good, in this case, the life of the animal. And for there ever to be the deliberate taking away of something good, there needs to be a proportionate good that provides an adequate reason for this deliberate loss. If the reasons are not proportionate then the material or ontic evil (assuming the motive is the reason) becomes a formal or moral evil.

Under this general principle, may hunting for sport be moral? May, in other words, hunting for sport be a sufficient reason for justifying the killing of a non-threatening animal?

As stated above, ecological balance requires the taking of life for life to be sustained. But sport hunting is neither for the sake of food-gathering nor ecological balance, strictly speaking. It is for fun, plain and simple. The hunter stalks his game for the thrill of taking the game. The eating of the game is secondary to the pursuit. The thrill is in the predational act itself, not in the corollary benefits of food and/or natural balance.

In the strictest sense such forms of hunting do not violate any moral law so long as sufficient reason exists for the action. If animals haven't a strict right to life, they haven't the right either not to be pursued for sport. Only human rights have bearing in this discussion. Therefore, from a strict interpretation of rights and obligations, animals haven't *in se* any rights that could or would limit the hunter in his pursuit of his quarry.

The sufficient reason necessary to justify the action is the challenge

involved in the pursuit. Trophy or sport hunting always entails limiting or handicapping conditions, otherwise known as "fair chase", which tend to balance instinct against intelligence and technology in such a way that the hunter must employ tremendous skills in finding, stalking, and taking of game. This exercise of skill and challenge is a sufficient reason for the hunt and kill. The killing is part and parcel of a rationally restrained use of human skills and this use is sufficient to justify the ontic evil of taking the life of the quarry.

If animals haven't a right to life and if the challenge of pursuing game in their natural habitat under constrained conditions is sufficient reason to justify the taking of animal life, then why discuss the ethics of hunting? What more is at stake?

Three other related areas of ethical concern in hunting remain to be discussed. They are: 1) ecological balance and excessive killing; 2) fair chase; 3) unnecessary infliction of pain and the proper selection of weapons and their use.

In regard to the first issue, ecological balance and excessive killing, the basic moral principle is that the killing must always be proportionate to the numbers of animals and the ratio of animals to habitat. In other words, ecological balance and killing, even for trophy, must be correlative to each other. So long as the killing is life-sustaining to the herd or species, then no moral issue is involved. Only if the killing is destructive of the species or seriously harmful to it, and thus dysfunctional in terms of the life systems involved, does a moral issue arise. Excessive killing is immoral because it endangers the system upon which man depends and survives, even if remotely and indirectly. Put simply and practically, so long as the hunt is legitimate and not wanton and so long as the animals taken fall numerically within the amounts biologists and game managers identify as life-sustaining rather than life-diminishing, trophy or sport hunting is moral. Killing a moose, for instance, from a passing jeep while on military duty in Alaska simply because the moose, weapon and opportunity are there is not ethical because the killing is wanton rather than a piece of the general process of culling the herd. The desire to kill the moose is insufficient to justify the killing because of the scarcity of the game and the risk of harming the herd (since if one can do it all can do it).

Generally, the observance of basic game laws and the principles of fair chase cover the morality of trophy hunting. Killing under these conditions is rarely wanton and rarely negatively effect the herd. If fact, killing under these conditions is generally accepted by biologists and game managers as life-sustaining.

The second issue, the ethics of fair chase, is more complicated. If killing for sport is moral and animals have no intrinsic moral rights, why must they be sought under the handicapping conditions of fair chase?

In order to answer this question, I will come through the back door of an objection. If hunting were for food under the conditions of necessity, fair chase would be meaningless. It would be as absurd for a

hunter in need of food to wait until dawn to kill a deer as it would be for a cougar to wait. Whatever fair chase may mean, it cannot mean that the animal has a right to be pursued in this manner. If this is true, then, why should the hunter be handicapped in his pursuit of game? Why is fair chase a moral condition of sport hunting?

The morality of fair chase evolves from two interrelated issues: the efficiency of modern weapons and the need for maintaining the delicate balance of the ecosystem.

The efficiency of modern weapons and calibers, the extension of effective hunting ranges and times through modern sighting systems, the modern means of transportation, ground and air, and the pressure on game populations due to the density of hunters in the woods create an ever-increasing risk that animal populations will be unduly depleted and a general dysfunction will occur in the ecosystem if restraint upon these modern technologies is not kept in place. Our hunting technologies have become so sophisticated that the animal's natural instinctual defenses cannot cope with them. The unrestricted use of these technologies would simply devastate animal populations. Instincts for survival have not evolved sufficiently quickly enough to match the modern weapon, sighting system, and means of transportation. The polar bear, for instance, has no defense against a hunter firing a high-powered, well-scoped rifle from an airplane. If polar bears were to be hunted in this manner, hardly any would survive. A magnificent species of animal would be lost and with it a link in the biological-ecological chain. The balance of arctic life would be negatively affected.

In such an unrestricted manner of hunting, killing would not be life-sustaining but life-diminishing. Hunting in the long run would become the wanton destruction of life and life systems and thus threatening not only to the general animal kingdom, but threatening to the life of man himself.

Fair chase, then, is a significant element in the morality of hunting because it is a self-imposed form of restraint upon killing, a restraint that is intended to ensure that killing will be life-sustaining. It is required therefore by the rights of man who is a participant in and dependent upon the ecosystem.

The last condition for the morality of trophy hunting concerns the proper selection of weapons/calibers and shot selection.

Hunters generally agree that the taking of game must be done quickly, cleanly, and with the least pain possible to the animal. Therefore, hunters are quite explicit in recommending minimum allowable calibers for specific game, along with proper bullet weights, velocities and ranges. They also strongly recommend sufficient practice with the weapon to ensure clean, quick kills. Poor shot selection because of improper caliber, excessive range, or poor judgment in regards to personal skills are usually strongly condemned by experienced hunters. The reasons are simple and clear. Failure to use weapons properly means 1) unnecessary suffering on the part of the animal, and

2) lost game because of wounded and/or unretrievable game. In the latter case, killing risks becoming excessive since more than the allowable number of game tends to be taken.

What is the reason for the necessity of quick and clean kills? The answer is basically the same as given in regard to killing in general. Suffering, like death, is a material or ontic evil. One may not increase suffering without due reason. The act of killing is not sufficient reason for increasing suffering if the suffering could be avoided. The right to kill is not the same as the right to make suffer. We are obliged by our own rational dignity to minimize the amount of pain involved in all our actions, even the action of killing. It is irrational to do what is evil, even materially or ontically evil, if it can be avoided. The willing of pain for its own sake or even its tolerance, when it could be avoided, is a failure to live up to the rational requirements of doing good and avoiding evil.

Proper weapon selection, practice, and shot placement ensure that the taking of game, whether for food or sport, is done quickly and cleanly, inflicting the least amount of pain possible.

Secondly, and of almost equal importance, is that the improper use of weapons leads to wounded game which eventually die and are lost to the hunter. The ecosystem, it is true, will absorb these animals. The coyotes will feed better on a given day. Furthermore, the damage done in a single instance is insignificant. *But*, the issue is the ethics of the hunter's actions and this must be considered universally. Even though one or a few particular acts are insignificant, wholesale acts of this sort would be devastating. If everyone used improper weapons and took unwise shots, a great deal of game would be lost and this would be harmful. The old problem of exception comes in here. How does one judge him/herself to be sufficiently unique to bypass the generally agreed upon restraint which safeguards against wanton destruction of game through careless shot selection and placement? If one could argue that he or she is an exception, all could and probably would.

If done on a wide enough scale, not only would there be a large and unnecessary increase in animal suffering, but also an increase in the erratic taking of game, thus making game management next to impossible. On a large scale, ecological balance might be in jeopardy. The problems in Africa in regard to poaching and attempts at game management are testimony to what can occur if restraint is not present. Therefore, even weapons and shot selection must factor in the taking of game. These are not entirely arbitrary issues.

When one looks at such an argument, one might be tempted to say that such an imbalance is virtually impossible and thus that the argument is implausible. But, if one simply recalls the devastation that occurred in the wetlands of America due to the devastation of the beaver population during the last century, or the impact of the loss of timber wolves and coyotes on the elk population, one will not be too quick to claim that disbalance is not possible or probable.

The system of legal restraints imposed by the state under the rubric of game management attempts to balance reproduction, habitat, and restricted predation. The observance of these laws, laws that include game allowed to be taken, season lengths, numbers allowable, and weapon selection, generally ensures this balance. The observance of these laws is therefore a moral issue, at least indirectly, since these laws are geared to uphold and sustain the balance of nature which we as humans depend upon for our existence. Thus, though it may sound preposterous, it is nevertheless true, that weapons selection, practice, and shot placement are all part and parcel of a broad moral issue, the issue of human survival in a very complex, very delicately balanced ecosystem.

CONCLUSION

The importance of any discussion in ethics is to discover consistent principles which lend themselves to intelligent application in human affairs. I have tried to do this in this paper. My thesis throughout has been simple. All killing of non-human animals is moral if there is proportionate reason. This reason must in the final analysis be consistent with the general principle that man alone among the animals has rights to life and the conditions for life. Thus, under this principle, hunting is moral if it contributes to man's welfare, the welfare of the ecosystem. To refer once again to Whitehead's remark, hunting is moral if it is in the end life-sustaining.

1. NRA Firearms Fact Card, NRA-Institute for Legislative Action, Washington, D.C.
2. Tom Regan, *The Case for Animal Rights* (Berkeley, Cal.: University of California Press, 1985); Regan and Peter Singer, *Animal Rights and Human Obligations* (Englewood Cliffs, N.J.: Prentice-Hall, 1976); Singer, *Animal Liberation* (New York: Avon, 1977); Singer, "Animals and the Value of Life," (ed.) Regan, *Matters of Life and Death* (New York: Random House, 1986), pp. 338-380.
3. Singer, "Animals and the Value of Life," p. 360-364.
4. *Ibid.*, p. 362.
5. Singer, using Goodall's experiments with chimps, argues here that serial judgments are being made by the animals, along with choices. This of course would imply intelligence in the strictest sense. My response is this. There appears to be evidence of very sophisticated responses to stimuli. And there certainly appears to be evidence of certain characteristics of response that resemble human choice making. But unless evidence is found for true universal concepts and general values, the identity of kind between chimp and man is not established. Singer is not entirely clear here. I'm not sure anyone could be clear here unless a clear and intelligible language employing universal concepts were to be discovered. But, and this is my second point, if such were to be discovered, then the attribute of person should be attached to these animals and, in my judgment, they should be given the same protection of law against aggression as would be received by a child.
6. Alfred North Whitehead, *Process and Reality* (New York: Torchbooks, 1929), p. 160.
7. Whitehead, *Science and the Modern World* (New York: Macmillan, 1925), pp. 296-297. Also confer Paul Grimley Kuntz, *Alfred North Whitehead* (Boston: Twayne Publishers, 1984), pp. 70-77.