

Why

PART
ONE

Fair Chase?

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Photos by Neal & Mary Jane Mishler

In June of 1985, I sat in a rain-soaked blind in Northern Ontario peering out at a bait bucket filled with meat parts and bones placed there hours before by my guide. At about eight in the evening a bear came out from the bush to my left and sauntered steadily to my right towards the bait.

As she raised her head to nose the bait I

shot her. She spun around and bolted to my left. I shot a second time. She dropped and lay motionless. She was a nice bear.

In November, 1993, I climbed into a tree stand in East Central Missouri. It was nearly three in the afternoon and I had just still-hunted a ravine. Within five minutes I saw a buck moving across the field to my right. I brought up my rifle and began to set my sights on the quickly moving deer. The instant the cross hairs settled behind his shoulder, I touched off the shot. He jerked to the right and stood motionless. I bolted a second round into the chamber and squeezed off another shot. He dropped where he stood. The distance between the tree stand and the deer was one hundred and fifty-four strides.

I believe most people familiar with hunting would likely agree that the methods used in killing the deer were consistent with prin-

ciples of fair chase. I also believe these same people would be less likely to believe that the methods used in killing the bear were consistent with these same principles. Why the difference in attitude?

One response might be that in the view of many people the use of bait appears to lessen or virtually eliminate the chance element of the hunt. The use of bait, by luring the bear into a habitual feeding pattern, affects the bear's instinctual behavior and defenses and thus gives the hunter an unfair advantage over the bear. In their view, the chase is unfair because the bear is disadvantaged in the contest between hunter and bear. We hear this view expressed often among hunters and non-hunters when it is said, "The animal didn't have a chance."

On the other hand, the use of a tree stand, though a significant aid to the hunter, does not affect the deer's behavior. The stand sim-



ply allows the hunter to take advantage of the deer's normal instinctual behavior including the deer's survival instincts. The chance element remains unaffected and intact and so the chase remains, in their view, a fair chase. There are others who feel the use of bait or any other lure may still be consistent with the principles of fair chase because an element of danger exists for the hunter. The bear can and quite possibly may be stalking the hunter. Parity of risk, not parity of chance, makes the chase a fair chase.

Is Fair Chase Really Fair?

Whether one suggests that fair chase principles entail the elements of chance and/or risk, the moral principles involved are analogous to those that govern any contest in which each participant has a rightful claim to be treated fairly by the other participant. The right to fairness in competition, that is, the right to be informed about and to consent to participation in the contest, comes under the more general theory of rights because the right to fairness presupposes the right to autonomy. This right to autonomy entails the right to enter or exit relationships without outside coercion or internal deception. This last entailment is especially relevant if the relationships pose risks to one or both parties.

It follows, therefore, that an animal purported to have the right to be treated fairly in the hunter-hunted relationship also has the more basic right to be informed about and to consent to the risk involved in the relationship. Obviously, informed consent on the part of the animal hunted is impossible. The animal cannot be informed about being hunted, let alone be allowed to give its consent. It lacks the requisite intelligence. Consequently, if hunting is only morally justifiable when conducted under the principles and conditions of a fair chase contest, hunting

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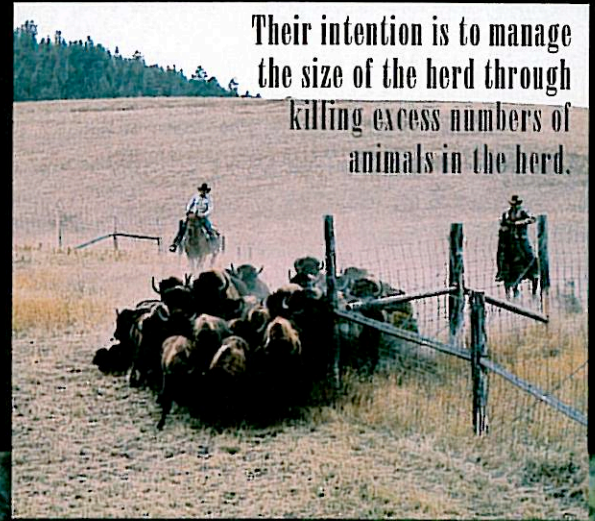
would be inherently unfair and immoral. It would violate the more basic right to autonomy on the part of the animal hunted.

Thus, whatever fair chase may mean, it cannot mean a fair or just relationship between contesting parties entailing parity of risk or parity of chance. The concept of fairness, if applicable at all, can only apply to a subject capable of being treated in a fair or just manner. It must apply to the human hunter in the hunter-hunted relationship because only the human hunter possesses the kind of

rights that ground the obligation for fairness or justice. Only the human hunter is "due something" in justice because only he or she is entitled to be treated as an autonomous agent.

In light of this basic philosophical principle I believe that fair chase must be understood as a method of acting. Fair chase is a way of hunting, by and through which the hunter and the hunting community fulfill personal and corporate obligations to enhance and protect all relevant goods required for personal and communal moral and spiritual development and well being. More specifi-

cally, fair chase must be understood as a normative set of formal and informal principles and rules which impose upon the individual hunter and the hunting community restraints upon hunting practices. The purpose of which is to a) enhance or protect the well being of the environment upon which the individual and the human community depend, thus fulfilling the basic obligation to preserve oneself and one's species, and b) enhance the quality of the hunting experience of the individual hunter, thus fulfilling the moral obligation on the part of each individual to act in virtuous ways for the sake of personal excellence.



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Some Necessary Distinctions

Before I engage in this philosophical discussion, I need to distinguish between hunting and other forms of killing animals, especially wildlife. Hunting, as distinct from other forms of killing, requires an explicit intention to enter into the predator-prey relationship for the purpose of experiencing fully all that this relationship entails. Farmers, in contrast to hunters, even though acting as predators, are not hunting when they kill a steer. Their intention is to produce food, not to experience the predator-prey relationship. It is for this reason that farmers kill efficiently, without ceremony and ritual, without handicapping themselves in any way.

Game keepers, too, are not hunting when they cull a herd to protect the environment from over-foraging or over-grazing. Their intention is to manage the size of the herd through killing excess numbers of animals in the herd. They do not intend to act or experience themselves as predators in the predator-prey relationship. Game managers, like farmers, use whatever means are available to

cull the herd as quickly and painlessly as possible. There are no ceremonies, rituals or handicaps.

The hunter, on the other hand, intends to enter into a predator-prey relationship precisely as such. He or she intends to pursue the game within the context of the natural habitat of the animal hunted and under conditions of sportsmanship (what I will initially define fair chase to mean) wherein the hunter pits his or her trained skills against the instinctual survival skills of the prey. It is only under these latter conditions that fair chase is morally relevant to the activity of killing. Let me now explain.

Subsistence hunting, in contrast to sport or trophy hunting, is perhaps the purest form of hunting. In subsistence hunting, the hunter hunts to survive. Even though the hunter is not explicitly intending to experience the predator-prey relationship as such, in fact he or she does so implicitly.



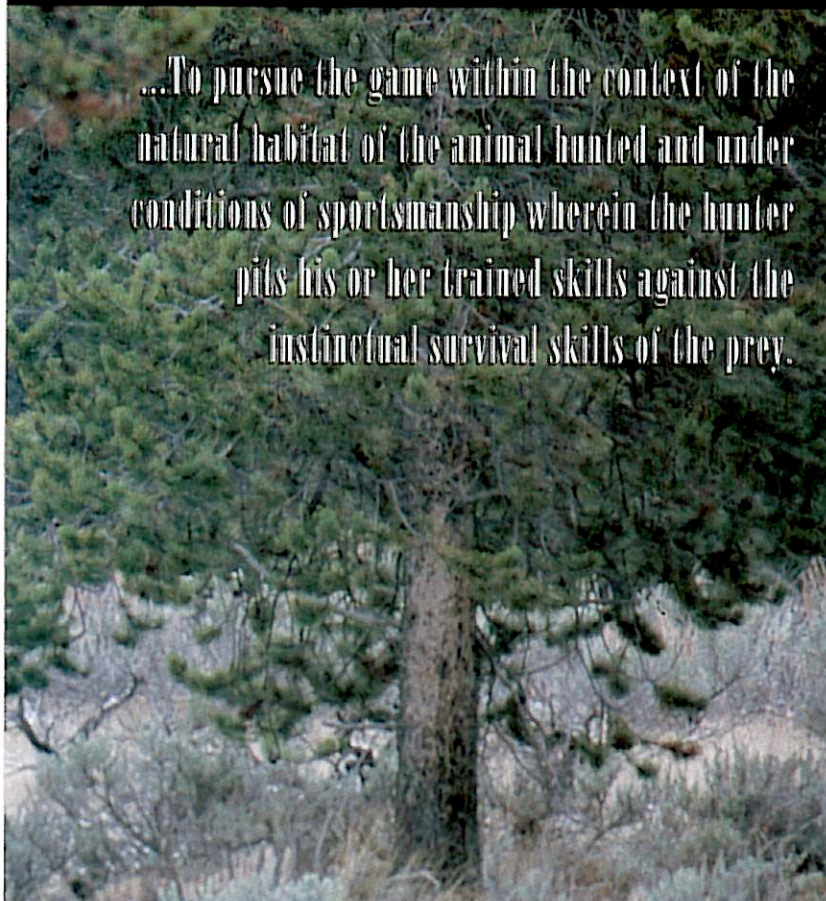
The subsistence hunter is the pure predator experiencing at its most fundamental level this primal relationship. From a moral perspective, the subsistence hunter does not need to practice sportsmanship, fair chase, if and when he or she pursues game for food. The subsistence hunter, like any other predator in the wild, is morally permitted to take game any way he or she is able.

The professional game manager, as I alluded to above, is also not obliged to be a sportsman when systematically culling herds. If the culling of a particular herd is required for the protection of the overall environment and when the normal use of sport hunting as a game management tool is not available or adequate for the task, the game manager is morally permitted to use any method that works well to cull the herd so long as it does not inflict undue suffering on the animals. The principles of sportsmanship are morally irrelevant to the task at hand because a) the manager does not intend to enter into the predator-prey relationship as such and b) because the utility value of the kill, that is, the value of managing the herd for environmental reasons, constitutes the moral justification for the actions taken.

The morality of fair chase becomes an issue when the hunter hunts for both food and sport, especially when the hunter hunts for sport alone. Fair chase or sportsmanship becomes an essential

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element in the moral equation because the hunter's intention to kill for sport must be justified beyond the secondary utility value such a kill may or may not have been intended to achieve. In other words, because the hunter primarily intends the pleasure of the hunt, and only secondarily its utility value if at all, the moral justification for the hunter's action depends proportionately on the quality of both the hunter's intention and the quality of pleasure derived from the hunt. The principles of sportsmanship, as fair chase is understood, are essential to the moral quality of the hunt because they govern the moral quality of the hunter's intention to hunt for pleasure.

Hunting as a Human Enterprise

In order to understand the nature and role of fair chase in hunting ethics, it is imperative that we understand the uniquely human character of hunting. This is necessary because it is the uniquely human character of the hunting experience that warrants the principles of fair chase. The morality of hunting rests upon the causal relationship of hunting pleasures to human virtues and the latter in turn to human excellence. The normative relationship between hunting pleasures and human excellence is established by the presence of relevant virtues. For hunting to be moral it must contribute to the well being of the human hunter, not just the environment. It must be virtuous and so must its pleasures. Put the opposite way, in order for the pleasures derived from hunting to be moral, and the intention to enjoy these pleasures to be moral as well, these pleasures must be derived from virtuous or good hunting practices, virtuous human actions, intentions, and judgments, which constitute and contribute to human happiness and well-being.

The human hunter, unlike the non-human animal which kills by instinct, consciously intends to enter into the predator-prey relationship because the experience of this relationship is important and valuable to the human hunter. The human hunter, unlike the urbanized citizen who is removed from the life-death continuum that constitutes the essence of food procurement, consciously enters into this continuum. The hunter seeks through hunting to recover the most basic of all human-animal relationships, that of being a predator in the continuum of life and death. In so doing, the hunter often achieves, even if unintentionally and by accident, a kind of basic insight or wisdom into the natural continuum of life and death. He or she is able to overcome, as a result, and even if only intuitively, one of the great delusions of so-called civilized existence, namely, the delusion that life is possible apart from death.

Furthermore, beyond this primordial form of wisdom grounded in the basic hunting experience, the hunter practices uniquely human virtues, so-called hard virtues of self-imposed discipline and restraint, both physical and psychological, in the pursuit of game. The hunter often willingly endures long hours in difficult situations, handicaps him- or herself at every turn by limiting the actual times for hunting, the kinds of vehicles, weapons and sights used in the pursuit in order to enhance the quality of the pursuit. The hunter hunts in ways uniquely virtuous only to the human hunter. As a result, the hunter often develops important habits and attitudes that counter the tendency towards softness and passivity, even voyeurism, prevalent in urbanized society. In other words, the hunter hunts in ways that are not only uniquely human in contrast to animals, but hunts in ways that enhance his or her own humanity through the practice of important human virtues.

But, beyond these hard virtues, and beyond the fundamental insight into the predator-prey relationship achieved through hunting, the hunter also acquires a very unique kind of wisdom, an enduring insight into the most fundamental of all relationships, the relationship of kinship of all living beings on this planet...the ultimate community of nature. As a result of this insight, this root or radical wisdom, the hunter gains a profound attitude of respect for and a sense of gratitude to, even humility before, the animals he or she hunts and the natural order that nurtures and sustains all, including him or herself. This wisdom and honesty distinguishes the human hunter from the non human hunter which displays no such wisdom or respect for its prey, and from all fellow humans who do not actively participate in the predator-prey relationship.

Look for the conclusion of Reverend Vitali's discussion in the next issue of Fair Chase.