

Humboldt Universität zu Berlin
Centre for British Studies
MBS Course 2002/2004

MASTER THESIS

THE DEBATE ABOUT FOX HUNTING

A SOCIAL AND POLITICAL ANALYSIS

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1. Introduction

Fox hunting is mostly associated with men, immaculately dressed in red coats, on beautiful horses, surrounded by a pack of hounds in the picturesque English countryside. This idyllic picture has recently been disrupted by a controversial and very emotional debate about the future of the sport. Even though the controversy is about hunting with hounds in general, i.e. fox hunting as well as deer, hare and mink hunting, this paper will concentrate largely on fox hunting, as it receives the most attention of the public and the media and therefore is the most symbolic of the hunting activities.

At first sight, the issue of hunting might seem rather traditional and maybe even outdated. However, the fact that the topic nowadays is very much on people's minds is proven by a heated and often very emotional public debate and the accompanying high level of media coverage. Moreover, it is rendered even more interesting by being very interdisciplinary, combining historical, social, political, legal and environmental aspects. Although every single one of these aspects would deserve a detailed paper of its own, this thesis will try to convey a general insight into the complexity of the debate as well as to analyse social and political implications in particular.

Literature, especially on historical aspects of hunting, is available only to a rather limited extent, as many works date back several decades or even more than a century and are not accessible any longer. Due to the extensive public interest, a lot of current material is available on the internet, on websites of the government, newspapers and interest groups.

First of all, the thesis will outline the historical development of the field sport. Then the social history of fox hunting from its early beginnings until modern days will be dealt with. That chapter is also trying to answer the question of whether fox hunting is still a traditional pastime of the upper classes only. The origins of opposition will also be considered. Next, the development of the political debate is analysed, focussing especially on recent attempts to introduce legislation to stop hunting, besides showing the political complexity of the matter. As well as examining the influence of different interest groups on the political process, the thesis will hold forth on some speculation concerning the future of hunting.

2. Historical Background

Fox hunting is rightly regarded as a typically English field sport as England is the country where it was first developed. Its beginnings probably lie in the 15th century, although it may have originated even earlier than that. However, until the late 18th century it was not very popular to hunt foxes with hounds. Instead, stags, deer and hares were the favourite quarry of the hunts. There was rather little interest in the fox and there were not yet any hounds especially bred to chase 'Old Reynard'.¹

¹ cf. Fox Hunting. *Encyclopaedia Britannica Online*. 2003. Available at URL: <http://search.eb.com/eb/article?eu=35707>(last visited 08/12/03)

2.1. The Rise of Fox Hunting

The sport of hunting was significantly transformed by Hugo Meynell, a wealthy squire from Leicestershire, who was mainly known as a dog breeder. Using a new technique of in-breeding dogs, he achieved to create a pack of hounds that were fast, had a lot of stamina and were capable of keeping track of the scent left behind by a fast running fox.²

Of course, this new, sophisticated breeding technique was not the only reason for fox hunting becoming more and more popular in the course of the late 18th and early 19th century. Meynell's new breed of dogs coincided with the development of the rural landscape at the time. The enclosure of common land changed the countryside significantly, paving the way for big landowners. Vast spaces of the country now belonged to only few persons, who had to employ tenant farmers in order to cultivate the land.³ In the course of the enclosure, many forests were destroyed, which led to a reduction of the number of wild stags and deer. This, in turn, helped to boost fox hunting as well, as hunters switched from the traditional quarry species to pursuing foxes.⁴ Furthermore, fox hunting was gradually gaining ground because new breeding techniques did not only produce hounds that were better adapted for the chase, but also the breeding of thoroughbred horses became more sophisticated. This resulted in horses, so-called hunters, which were bred for jumping, besides speed and stamina.⁵

With all these prerogatives favouring the sport, fox hunting relatively quickly became one of the favourite pastimes of the large landowners. In the

² cf. Holt, Richard. *Sport and the British – A Modern History*. Oxford: Clarendon Press, 1989, 50

³ cf. Cox Richard, Jarvie, Grant and Vamplew, Wray, Eds. *Encyclopedia of British Sport*. Oxford: ABC-Clio Inc., 2000, 142

⁴ cf. Hibbert, Christopher. *The English – A Social History 1066 – 1945*. London: Paladin Press, 1988, 358

⁵ cf. Hibbert, 359

beginning of the 19th century, fox hunting was practised in most parts of England. It was also becoming more highly organised and was regulated by the Master of Foxhounds Association.⁶ Although it was an upper-class pastime, dominated by the landed aristocracy and country gentlemen, “the poorer sections of the community followed the spectacle on foot”⁷. The contemporary novelist Anthony Trollope even called fox hunting the ‘national sport’.⁸

2.2. Rising Costs

Until approximately the mid 19th century, the golden age of foxhunting, most large landowners financed and maintained the hunts out of their own pocket, providing free sport for their friends and associates.⁹ This was an extremely costly business, with some landowners having expenses of around £6,000 a year. Additionally, ever rising standards of breeding and maintaining horses and hounds ultimately led to a point when all but the wealthiest landowners could no longer afford to keep their hunt.¹⁰ In order to solve this problem, a new system for financing the packs was developed. Several people joined together and paid a fixed sum per year as a contribution to the maintenance of the pack, e.g. £500 per year for a hunt that took place only one day a week, £1,000 for a hunt that went out twice a week and so forth.¹¹ This system of the so-called subscription pack originated as early as in the mid

⁶ cf. Cox et. al., 142

⁷ Brown, Richard. *Society and Economy in Modern Britain 1700 – 1850*. London: Routledge, 1966, 438

⁸ cf. Ridley, Jane. *Fox Hunting*. London: Collins, 1990, 65

⁹ cf. Holt, 52

¹⁰ cf. Cox et. al., 142

¹¹ cf. Mingay, G.E.. *Land and Society in England, 1750 – 1980*. Harlow: Longman Group Limited, 1994, 133

18th century. It soon set a precedent and by 1850 the subscription pack was the norm rather than the exception.¹²

Now people did not have to be invited to the hunt by the landowner any longer but could buy their right to participate. This made it possible for wealthy urban gentry and professionals to join the hunts in their free time. But not only the system of subscription packs led to the change in the social pattern in the group of the hunt followers, but also the spreading of railway lines throughout England played a part. People could relatively easily go to the countryside just for a hunting weekend.¹³

Even though fox hunting had “ceased to be the preserve of the landed”¹⁴ due to these new developments, it was still taken very seriously by the participants. In the local hierarchy the Master of the Foxhounds ranked even higher than the Bishop or the MP.¹⁵ Also within the hunt itself, the Master of the Foxhounds, short MFH, filled – and still fills - the most important position, followed by the huntsman, several whippers-in and the rest of the field.¹⁶ Due to this strongly hierarchical, almost military, organisation, fox hunting was regarded as a good training for war. The most passionate fox hunters, however, allegedly “did not believe the war to be nearly so serious as the suspension of hunting”¹⁷.

¹² cf. Ridley, 37

¹³ cf. Holt, 53

¹⁴ Holt, 56

¹⁵ cf. Cannadine, David. *The Decline and Fall of the British Aristocracy*. Avon: The Bath Press, 1990, 356

¹⁶ cf. Encyclopaedia Britannica Online, for detailed URL, see footnote 1

¹⁷ Ridley, 114

2.3. Relative Decline

During and after World War I and throughout the 20th century in general, fox hunting suffered a relative decline. There are several reasons for this development.

With the invention of the gun, shooting became a serious competition for hunting with hounds. Shooting game birds was cheaper and thus increased in popularity rather quickly.¹⁸ Game birds like pheasants and partridges were reared in captivity and then released for shooting. Obviously, game birds and foxes did not cohabit very well, so that game preservation in favour of the birds soon led to a decline in fox numbers, which contributed to the relative decline of fox hunting.¹⁹

Other new inventions had a similar effect, one of them being the increased use of barbed wire fences. Again, they were used because they were considerably cheaper than wooden fences. For the hunts, however, they were totally unsuitable as it was much too dangerous to jump them with horses.²⁰

Just as railways had done some decades earlier, cars now advanced into the countryside more and more. Not only did they scare hounds and ruin the scent, they also replaced the horse as the main means of transportation and therefore put an end to its necessity in general.²¹ As they did not need them any longer for travelling, fewer people kept horses as they increasingly became a 'luxury good' and many could not afford to maintain a stable of horses only for the pleasure of hunting.

¹⁸ cf. Cox et. al., 142

¹⁹ cf. Cannadine, 366

²⁰ cf. Ridley, 91

²¹ cf. Ridley, 152

The decline of fox hunting also went hand in hand with another change in the rural landscape. The large estates were gradually broken up and the big landowners as the main benefactors of the hunt were replaced by numerous smallholders. This issue will be dealt with in greater detail in the following chapter. Last but not least, general shortages and hardships connected to World War I led to a decline of fox hunting.²²

With World War II, hunting suffered even more drastically. A few hunts had to be given up altogether and many packs were reduced to only some pairs for breeding, the rest of the hounds being destroyed. Now it was mainly due to the farmers, who kept the hounds, that hunting was supported throughout the war.²³

Most hunts survived the war, but soon after were faced with first serious anti-hunting sentiments expressed by organisations like the League against Cruel Sports. As early as 1949, there were also the first political attempts to ban hunting with hounds.²⁴ These issues will be discussed in greater detail in later chapters.

3. Social History of Fox Hunting

One of the arguments that was, and sometimes still is, used mostly by fervent opponents of fox hunting is that it is élitist and preserves class distinctions, which is not appropriate in our times. In order to determine whether this is really the case, the social implications of hunting have to be understood.

²² cf. Encyclopaedia Britannica Online, for detailed URL, see footnote 1

²³ cf. Ridley, 168

²⁴ cf. Ridley, 172/173

3.1. Aristocratic Beginnings

Still nowadays, fox hunting is often perceived as an upper-class pastime. However, the question arises whether this notion is still true.

Certainly it began as an exclusively upper-class field sport, dominated by the landed aristocracy and country gentlemen.²⁵ It was élitist in so far as these large landowners invited their friends and associates to participate in the hunts. As a result, no members of different, i.e. lower social classes could access the exclusive circles of the fox hunters, who socialised not only out hunting, but also in clubs, which were very popular especially around 1800. The hunt clubs, where members met to dine together, in most cases controlled the associated hunt socially as well as financially.²⁶

3.2. Intrusion of ‘Outsiders’

This began to change with the spreading of subscription packs, starting from around the mid 18th century. From then on, in principle anyone could contribute to the maintenance of the hunts by paying a yearly subscription. In effect, the social and the financial functions of the hunt clubs was separated. Prosperous industrialists and merchants, for example, might not have been able to become members of the hunt club, but they could go fox hunting with the packs they had ‘subscribed to’. Moreover, they could even buy themselves into the hunt committee, which was responsible for the organisation of the hunt and raised the subscriptions.²⁷

²⁵ see chapter 2.1, 3

²⁶ cf. Ridley, 35 ff.

²⁷ cf. Ridley, 37

This “fumbling and maladroit intrusion of the nouveaux riches into the hunting field”²⁸ was a thorn in the flesh of many real country gentlemen. A hunt historian in 1902 expressed his regret:

Gone are the landlords of the old school, the backbone of England, the fox hunting squires are few and far between; gone are the sport loving farmers of fifty years ago, gone that charming country life that made so many great Englishmen.²⁹

Correspondingly, these different social groups, the wealthy urbanites on the one hand and the established landed élite on the other hand, showed no signs of merging into one social class. The wealthy members of the upper-middle class who had declared fox hunting their chosen weekend pleasure did not have “any ambition to join the landed gentry or to become accepted as members of the county élites”³⁰. They did meet on the hunting field, but apart from that, they hardly ever socialised. What the wealthy people from the urban centres wanted, was to own land in the countryside, including an estate reflecting their financial status. However, they wanted all this only for recreational purposes, as a way to spend their money, without having to carry the burden of the many responsibilities that running a large estate for the purpose of making profit involved.³¹ What the two groups did have in common was their passion for sport and a set of values connected to it.³²

This leads to the conclusion that fox hunting began as an exclusively upper class field sport. With the arrival of wealthy urbanites, however, it became a pastime not only for the aristocracy, but also for the upper-middle class, sometimes also known as the new gentlemanly capitalists. It can be argued

²⁸ Thompson, 267

²⁹ Holt, 44

³⁰ Thompson, 163

³¹ cf. Cannadine, 358/9

³² cf. Thompson, 164

that in theory, it was the oldest tradition of the sport that it was open to all.³³ In practice, however, only the upper strata of the society in the 18th, 19th and early 20th century could afford an amusement as expensive as fox hunting. In fact, the access to the hunting circles was always limited by a person's financial means. And even those who could afford to participate in the sport itself, were not socially accepted by the traditional upper-class huntsmen.

3.3. Decline of the Landed Gentry

This did not change significantly in the course of time. However, the social pattern of the fox hunting field was altered considerably as the proportion of the country gentlemen declined further and further. This development had several reasons, both economic and political ones.

3.3.1. Rise of Democracy

The Third Reform Act, brought about in the end of the 19th century, increased the electorate from 2.6 million to 4.4 million people, which amounted to about two thirds of the adult male population. The change in the constituencies' representation in Parliament made the country more democratic, as, except for larger boroughs, every constituency sent only one representative to the House of Commons. The creation of County Councils in the 1880s also contributed to the fact that the social élite slowly but surely ceased to be the administrative élite at the same time. In effect, the landowners started to lose their grip on politics in the countryside.³⁴

³³ cf. Cannadine, 362

³⁴ cf. Mingay, 137

3.3.2. Absenteeism

When travelling became easier due to the proliferation of the railway and the motorcar, landowners tended to spend less and less time at home on their estates. Instead, they travelled about and left their tenants to run the farms. This led to the farmers becoming more independent, which in turn weakened the landowners' bond to their estates and the rural community in general.³⁵ As the community expected the local leaders to reside on their land for most of their time, the landowners' absence obviously had an adverse effect on their influence on local politics, besides preventing them from regularly participating in fox hunting.³⁶

3.3.3. Revolution in Landownership

After the collapse of the agricultural economy around 1870 and a sharp decline in corn prices, new wealth coming in from urban professionals and merchants helped fox hunting survive in spite of the hardships rural communities had to endure, but again reduced the established landed gentry's dominance.³⁷

The bleak situation in the agricultural sector after World War I ultimately forced many large landowners to sell their estates. In most cases, the land was split up and sold to the tenant farmers. This can be illustrated by the fact that between 1918 and 1921 alone, one quarter of all the land in England and Wales changed hands. Additionally, the proportion of owner-occupied land grew from 11% to 36% between 1914 and 1927.³⁸ Many landowners, first deprived of their political influence and now of their estates, moved away

³⁵ cf. Mingay, 140

³⁶ cf. Cannadine, 357

³⁷ cf. Holt, 53

³⁸ Ridley, 149

to the urban centres and invested in more secure, non-agricultural assets.³⁹ Their tenant farmers, who were now often the owners and occupiers of the land at the same time, kept up fox hunting and have played a central role in the sport ever since. But the old social hierarchy of the countryside had effectively ceased to exist.⁴⁰

3.4. Country Society Today

Still today, farmers and landowners are at the heart of fox hunting as a field sport. They represent a large proportion of the participants and also provide the land to hunt on.⁴¹ But is fox hunting still an upper-class activity? Cannadine claims that “in so far as it does exist, ‘county’ society today is primarily middle class in composition and preponderantly recreational in purpose”⁴². This suggests that the principle of fox hunting being open to everyone is still true – at least in theory. But again, the theory is refuted by practice. Fox hunting is still a costly business. In addition to the subscriptions that have to be paid, participants are charged a daily fee, so-called ‘caps’.⁴³ However, one has to keep in mind that this is only a small part of the real costs that active fox hunters are faced with. For to go hunting, a huntsman or -woman needs a horse and all the necessary equipment for riding and for the maintenance of the horse, which does not come cheap. This financial burden can only be carried mainly by members of the upper- and upper-middle class of society. People belonging to the middle class will not be

³⁹ cf. Mingay, 141

⁴⁰ cf. Cannadine, 366

⁴¹ cf. Lord Burns and Dr. Edwards, Victoria and Prof. Sir March, John and Lord Soulsby of Swaffham Prior and Prof. Winter, Michael. *Report of the Committee of Inquiry into Hunting with Dogs in England and Wales*. Available at URL: www.huntinginquiry.gov.uk/mainsections/report.pdf, 69 (last visited 16/01/04). Cited hereafter as Burns Report.

⁴² Cannadine, 691

⁴³ cf. Burns Report, 69

found in a hunting field very often, let alone representatives of the working classes. This theory is further supported by a survey of hunts, conducted by the Countryside Alliance, a strong supporter of field sports. High proportions of members of hunt clubs today are retired (20%) or professionals (14%), 64% of the members live in a village or a rural situation. The most interesting figures involve ethnic grouping. Of 124 clubs altogether, 80% have only 'white' members, only 16 clubs have one to three 'non-white' members.⁴⁴ These figures do present some rather unambiguous evidence for the class composition of hunt clubs.

However, fox hunting as a social activity has to be regarded in a wider context. The hunts today do not only organise the actual meet and the hunt itself, but many other kinds of social activities. These range from talks, dinners, dances, garden parties and barbecues to dog shows, horse trials, coach trips, darts matches, quiz nights and skittles evenings, to name but a few. In a recent report on the National Survey of Hunts it is estimated that "hunts organise nearly 4,000 functions a year, which are attended by over one and a quarter million people"⁴⁵. Besides raising funds for the hunts, these events are important especially during the winter months in remote rural communities, where cultural and entertainment facilities are very limited or even non-existent. In this context, it also should not be forgotten to mention that all these activities are open to everyone – in contrast to fox hunting itself in theory as well as in practice.⁴⁶

⁴⁴ cf. *Hunting – Focus on Figures*. The Countryside Campaign for Hunting. Available at URL: <http://www.countryside-alliance.org/cfh/010517hfof.htm> (last visited 16/01/04)

⁴⁵ Burns Report, 71

⁴⁶ cf. Burns Report, 69

4. Animal Rights and First Opposition to Fox Hunting

The earliest anti-sentiments against fox hunting date back as far as the 16th century. Before that, not much thought had been given to animals as living beings, let alone their welfare. Animals were “little more than commodities supplying food, transport or sport”⁴⁷.

4.1. Puritan Ideas

The first to criticize some animal sports because of their cruelty were the Puritans. However, they were not only concerned about the sport itself, but about the “idleness, drinking and profanity generally associated with it”⁴⁸. This idea was not shared by the contemporary King James I, who defended sports as ‘harmless recreations’ in his *Book of Sports* in 1617. Accordingly, the general notion has been for a long time that Puritans criticized the pleasure that cruel animal sports gave to participants and the crowd that was watching them, rather than being worried about the actual suffering that was caused to the animals. Also, the Protestant zealots were said to be opposed to all kinds of sport in general. Again, this idea was backed by the King, Charles II, at that time. Today, however, it is known that Puritans were not enemies of all sports, but what really worried them was the fact that many of the contemporary recreations were carried out on Sundays. Furthermore, they did not oppose the enjoyment created by these sports as such, but they did not like the cruelty of pastimes such as bear baiting or cock fighting. In

⁴⁷ *About the RSPCA – History*. Royal Society for the Prevention of Cruelty to Animals, 2004 Available at URL: www.Rspca.org.uk/servlet/Satellite?pagename=RSPCA/AboutTheRSPCA/AboutTheRSPCAHistory&articleid=0 (last visited 16/01/04)

⁴⁸ Holt, 29

their times, however, their ideas were regarded as radical, and it should take a few more centuries until the Puritans' attitudes became commonly acceptable.⁴⁹

4.2. Changing Attitudes towards Animals

Until these times animals had always been regarded as inferior to men and it was commonly understood that they had only been created for the use and the pleasure of the superior human being. But gradually, this idea began to be questioned. As sciences developed and new philosophical ideas were adopted, the notion that man was in the centre of all things was step by step replaced by the viewpoint that all species had an equal right to exist.⁵⁰ The radical philosopher Jeremy Bentham even went so far as to claim that animals had rights like human beings. He was also the first to ask the question whether animals could suffer. Another philosopher of the 18th century, John Lawrence, for the first time applied these new ideas directly to hunting. Although he was in favour of fox hunting for the purposes of pest control, he condemned hunters for cruelty to their horses.⁵¹

4.3. First Attempts to Introduce Anti-Cruelty Legislation

Besides philosophers like Bentham and Lawrence, the Methodists were among the most hostile towards animal sports in the 18th century, calling them 'the devil's entertainment'. They even tried to stop events like cock

⁴⁹ cf. Holt, 29

⁵⁰ cf. Holt, 32

⁵¹ cf. Ridley, 69

fights by preaching to the spectators about the torment they would suffer in hell for those sinful entertainments, with no significant success, however.⁵²

Another kind of opponents to animals sports were more successful in their attempts to stop cruelty inflicted on animals. Most of the eleven anti-cruelty Bills that were presented to Parliament in the years between 1800 and 1835 failed.⁵³ The first success was the so-called Richard Martin's Act of 1822, banning cruel practices to cattle. The next important legislation followed in 1835 with the Cruelty to Animals Act, widening the Richard Martin's Act to ban bull and bear baiting, as well as dog and cock fighting.⁵⁴ However, hunting was in no way affected by the first anti-cruelty legislation, as the new law only applied to domestic animals, not to hunting quarry.

4.4. Origins of the Royal Society for the Prevention of Cruelty to Animals

The 1835 Act had been supported by a relatively new organisation, the Society for the Prevention of Cruelty to Animals, short SPCA. The charity had been established in London in 1824 by 22 founders, most of them evangelical humanitarians.⁵⁵ One of the founding fathers was the MP Richard Martin, who had been the initiator of the 1822 Act named after him.⁵⁶ The aim of the SPCA consisted in further pushing the change of morals that had resulted in the first anti-cruelty legislation in 1822.⁵⁷ With this purpose,

⁵² cf. Holt, 33

⁵³ cf. Holt, 31

⁵⁴ cf. Ridley, 70

⁵⁵ cf. Holt, 34

⁵⁶ cf. URL: www.rspca.org.uk/servlet/Satellite?pagename=RSPCA/AboutTheRSPCA/AboutTheRSPCAHistory&articleid=0 (last visited 16/01/04)

⁵⁷ cf. Ridley, 70

the SPCA was the “first national animal protection society in the world”.⁵⁸ Not only did the organisation want to improve the situation of working animals and the procedure of slaughter, but it also wanted to outlaw animal sports. However, there was a significant problem connected to this target. Many members were passionate hunters themselves, and did not want to put their favourite pastime at risk, although they did vehemently support the welfare of the horses they used for hunting.⁵⁹ Also Queen Victoria was a supporter of the SPCA and gave it the royal prefix in 1840. Ever since, the organisation has been known as the Royal Society for the Prevention of Cruelty to Animals. However, Queen Victoria’s husband Edward was a keen fox hunter himself. Obviously Victoria would not have backed a campaign that wanted to outlaw her husband’s leisure enjoyment.⁶⁰ This leads to the conclusion that the RSPCA’s commitment to a ban on hunting must have been seriously compromised by this conflict of interests.

It has been claimed, for example by Ridley and Brown, that evangelicals, like the founders of the SPCA, did not have animals at the heart of their interests anyway. Instead, they were much more concerned about the brutalizing effect cruelty to animals had on the human character and on the morals of the perpetrators.⁶¹

⁵⁸ URL: [www.rspca.org.uk/servlet/Satellite?pagename=RSPCA/About The RSPCA/AboutTheRSPCAHistory&articleid=0](http://www.rspca.org.uk/servlet/Satellite?pagename=RSPCA/About+The+RSPCA/AboutTheRSPCAHistory&articleid=0) (last visited 16/01/04)

⁵⁹ cf. Holt, 34

⁶⁰ cf. Ridley, 70

⁶¹ see e.g. Ridley, 71 and Brown, 440/441

4.5. First Criticism of ‘Blood Sports’

The first time that hunting was criticized as being a cruel sport, happened in an essay published in 1839, written by Rev. John Styles, a controversial figure among the evangelicals. The new aspect was that Styles attacked hunting for being cruel not to the horses, but actually to the foxes.

Thirty years later, in 1869, the liberal historian Edward Freeman published an article on ‘The Morality of Field Sports’. He argued that killing as such was not morally wrong as long as it was necessary for obtaining food or for similar purposes. Hunting, however, was unacceptable because it caused needless suffering to the prey. This could not be tolerated just for the sake of sport.⁶²

Another important character in the movement against field sports was Henry Salt, who founded the Humanitarian League in 1891, an organisation that was opposed to all avoidable suffering to any sentient being. It was the socialist and freethinker Salt who coined the term ‘blood sports’. He caricatured fox hunters as “unthinking savages who baptized their children in the blood of a butchered fox”⁶³. To disprove the fox hunters’ belief that human beings were far superior to animals, Salt quoted the modern theory of evolution published in Darwin’s *The Origin of Species*.⁶⁴

The hunters, as far as they were concerned, saw the humanitarians’ hostility towards the sports that were considered to be manly, as a sign for the general decline in the nation’s vigour.⁶⁵ However, their resistance could not stop the gradual renunciation of the ideology that put men above all other living things. The idea that all species have an equal right to exist and that

⁶² cf. Ridley, 72/73

⁶³ Ridley, 75

⁶⁴ cf. Ridley, 74/75

⁶⁵ cf. Ridley, 77

inflicting unnecessary suffering on animals was morally unacceptable, slowly but surely replaced the traditional anthropocentric attitude.

In practice, the abolition of blood sports still proved to be very difficult in the 19th century. The support that hunting received especially from the most influential people in the country, the gentry and aristocracy, was an insurmountable obstacle in the way towards more rights for animals.⁶⁶ In this context, it is rather conspicuous that other blood sports, for example bull baiting, which was a pastime mostly of the working classes, had been abolished as early as 1835. Hunting with hounds, meanwhile, which was the only other sport for which animals were used to kill other animals, has survived until the 21st century. Thus, it can be argued that hunting survived because it was supported by far more influential people than e.g. cock fighting. This again suggests that social class and its political power did play a crucial role in the debate about blood sports.

5. The Political Debate about Fox Hunting

The following chapter will examine the complexity of the political debate from the mid 20th century until today, focussing on recent developments and on legislation discussed in both Houses of Parliament. Furthermore, the ways of argumentation of hunting advocates and opponents will be compared, also keeping an eye on the initial question of whether fox hunting is still a class issue.

⁶⁶ cf. Brown, 441

5.1. Development of the Political Debate from 1949 to 1997

From the post-war years until the election of the Blair government in 1997, no government had initiated any legislation on hunting. This does not mean, however, that it was not an issue on the political agenda at all, as there are other ways to initiate Bills in the British political system.

In 1949, two Private Members' Bills against hunting were brought into Parliament by Seymour Cock. One of them was directed against hare coursing and deer, badger and otter hunting, the second Bill dealt with a ban of fox hunting. Reactions were immediate. The British Field Sports Society (BFSS) collected one million signatures opposing both Bills. Although the governing Labour Party was not against the Bills in principle, the Minister of Agriculture, Tom Williams, condemned the Bills on behalf of the National Farmers' Union, which supported the BFSS. The argument put forward was that "hunting [...] was the recreation not of the idle rich, but of the farming community"⁶⁷. In the post-war years, many commodities were scarce and not surprisingly, country people were angry when they heard that social life in the towns went on and short supplies of e.g. fuel were used for recreational purposes like driving to cinemas, but that their harmless pastime should be abolished. Indeed, their perception was that of city people being against the way of life in the countryside.⁶⁸

With the help of William's arguments, the Bill outlawing hare coursing and deer, badger and otter hunting was defeated in Parliament by 214 to 101.

The government decided to further inquire into the matter and established a

⁶⁷ Ridley, 173

⁶⁸ cf. Ridley, 173

Committee on Cruelty to Wild Animals before the fox hunting Bill was debated, with the result that this second Bill was withdrawn.

The Report of the Committee on Cruelty to Wild Animals was published in 1951. It came to the conclusion that “[population] control by a sporting activity should not be regarded as cruel if the degree of suffering is no greater than is caused by the use of other methods”⁶⁹. In the eyes of the Committee, fox hunting for sport was not more cruel than other ways of control. The report also says that “hunting [...] for the purpose of sport should be lawful while conducted under the approved rules of the sport”⁷⁰. Basically, the Committee suggested maintaining the status quo. Hunting opponents criticised the Committee for being biased towards hunting, for three of the members had a strong self-interest in leaving the situation as it was. One member, Miss F. Pitt was the Master of a hunt and the vice-president of the BFSS, Major Pugh a veterinary surgeon of a hunting kennel and a third member, Mr Brown, was a field sport journalist. Only one member of the Committee, the zoologist Peter Medawar, was notably opposed to fox hunting.⁷¹ The composition of the Committee might thus be a reason why politically speaking, the issue of hunting was regarded as resolved for the time being.

For the next almost three decades, hunting did not play a part on the political agenda. Again and again, Private Members’ Bills on the issue were announced, but none of them had any noticeable success. Nevertheless, a Gallup poll, carried out in 1957, established that 53% of the participants were

⁶⁹ Henderson, J.S. et al. *Report of the Committee on Cruelty to Wild Animals*. (= Sessional Papers 1950 – 1951). Excerpts available at URL: <http://www.bopcris.ac.uk/bop1940/ref229.html> (last visited 10/12/03). Cited hereafter as Report of the Committee on Cruelty to Wild Animals.

⁷⁰ Report of the Committee on Cruelty to Wild Animals

⁷¹ cf. Ridley, 174

in favour of a ban on hunting, and only 24% were opposed to it, the rest of the respondents did not have an opinion.⁷² On the political level, however, not much changed until the election of the Labour government in 1997. In the preceding Tory government, which had been in power from 1979 to 1997, 22 Private Members' Bills on the hunting issue had been brought into Parliament, however, again none of them had any success. Still, the matter did not disappear from the political scene completely. Instead, it put some pressure on the government to think about how the problem might be resolved for good.⁷³

5.2. The Political Debate about Fox Hunting from 1997 until Today

In its 1997 General Election Manifesto *New Labour: Because Britain Deserves Better*, the Labour Party promised a free vote in Parliament on the issue of hunting with hounds. In order to be able to lead a more objective discussion based on facts rather than emotion, the government decided to set up a committee to inquire into hunting with dogs in England and Wales. Chaired by Lord Burns, the report on the hunting inquiry also became known as the Burns Report.⁷⁴ The committee was not supposed to provide a recommendation on whether hunting should continue or should be banned or whether hunting was an activity that is morally acceptable or not. Instead, it was appointed to inquire into objective facts surrounding hunting, focussing on three points of reference:

⁷² cf. Ridley, 176

⁷³ cf. McGinness, Stephen and Sear, Chris and Young, Ross and MacGregor, Ed. *The Hunting Bill* (=House of Commons Research Paper 02/82). London: House of Commons Library, 2002, 3 Cited hereafter as Research Paper 02/82.

⁷⁴ cf. *The Hunting Bill [HL Bill 95, 2002-03]* (=House of Lords Library Notes LLN 2002/008), London: House of Lords Library, 2003, 1. Cited hereafter as House of Lords Library Notes.

- the practical aspects of different types of hunting with dogs and its impact on the rural economy, agriculture and pest control, the social and cultural life of the countryside, the management and conservation of wildlife, and animal welfare in particular areas of England and Wales;
- the consequences for these issues of any ban on hunting with dogs; and
- how any ban might be implemented.⁷⁵

For a better understanding of the basis of the political debate, the Burns Report will be outlined in the following paragraphs.

5.2.1. Short Outline of the Burns Report

Published in June 2000 after almost one year of intensive research, the Burns Report is a very comprehensive document of more than 220 pages.

This thesis will only mention the main conclusions for the sake of a more thorough understanding of the background of the heated political debate. Also, as far as possible, it will focus on issues concerning fox hunting and therefore not deal with other kinds of hunting with dogs. However, statistics and other data mostly refer to hunting with hounds in general and not only to fox hunting.

In the first part, the committee reports that there are some 200 registered packs of hounds in England and Wales, the number of unregistered hounds is not known. The registered packs kill approximately 21,000 to 25,000 foxes a year. Especially in Wales and in upland areas, many of the foxes are not caught in the open but flushed out of their dens and shot.⁷⁶

In economic terms, the report estimates that roughly 6,000 to 8,000 full-time equivalent jobs, so-called FTE jobs, depend on hunting. About 700 of those

⁷⁵ Burns Report, 1

⁷⁶ cf. Burns Report, 7

jobs consist of direct employment by the hunts, 1,500 to 3,000 of direct employment in hunting-related activities and the rest depend on hunting only indirectly. Although it was difficult to say how many jobs would be lost in the event of a ban, the report states that even though local and individual effects might be more serious, economic effects of a ban on hunting would not be significant in the long term, i.e. seven to ten years. Many farmers, however, would lose the free pest control service and the 'fallen stock' service, i.e. the disposal of animals that died due to illness or injuries, which is now provided by the hunts.⁷⁷

The next chapter deals with social and cultural aspects. In many rural communities, especially if they are very remote, the hunts play an important social and cultural role, not only organising the hunts themselves, but a whole range of social events. Besides the church and the local pub, the hunts are often a dominant factor in the cultural life of isolated rural communities. For many people, particularly farmers and landowners, hunting is symbol for a traditional, rural way of life, a ban on hunting would be regarded as an unnecessary and ill-informed interference with it. On the other hand, there are people who think the hunt is divisive, intrusive and disruptive to their lifestyle.⁷⁸

With regard to population management and control, the killing of foxes is thought necessary by most farmers, as foxes can cause damage, mainly by preying on lambs and game birds. Fox hunting accounts only for a minority of foxes that are killed deliberately, especially in lowland areas. In upland

⁷⁷ cf. Burns Report, 8/9

⁷⁸ cf. Burns Report, 10/11

areas, where foxes cause more damage, alternative methods of control could not as easily replace fox hunting as a means of pest control.⁷⁹

The next topic the Burns Report deals with is one of the most commonly used arguments of opponents to fox hunting who claim that it is a cruel sport. From an animal welfare point of view, there is only very little scientific data available on the physical condition of foxes after they have been chased. From scientific evidence it would be possible to conclude, at least to a certain degree, if the fox suffers during the hunt. The report says that the welfare of the fox is seriously compromised during the chase and the killing, as death is not always effected by a single bite to the neck, as it is often claimed. The same negative welfare implications occur when a fox has to be dug out of its den or flushed out by dogs and shot, as this practice takes prolonged time. However, alternative methods of killing foxes, e.g. shooting or snaring, which would be resorted to in the event of a ban, can also be problematic from an animal welfare perspective. For the question is not whether foxes should be killed at all, but which way is the best to control their population. Burns comes to the conclusion that the practice of lamping, i.e. immobilising the fox with a strong light at night and shooting it, would be more humane than hunting, if carried out properly. However, this method is not possible everywhere and under all circumstances. There is also some concern about the welfare of other wildlife or pets, unintentionally affected by hunting, as well as about the welfare of horses and hounds, especially about injuries they might receive during the hunt. In the event of a ban, surplus

⁷⁹ cf. Burns Report, 11/12

hounds and horses might have to be put down. According to Burns, this could be avoided by allowing sufficient time for the new law to be adopted.⁸⁰

Next, the report deals with the argument of hunt supporters saying that hunts still play a major role in the management and conservation of habitat and other wildlife. Here, Burns comes to the conclusion that fox hunting used to have an important positive influence on the rural landscape in the past, promoting habitat and supporting biodiversity. Nowadays, however, this role is rather insignificant and outlawing hunting would not have a major impact from a conservation point of view.⁸¹

The Burns Report then looks at possible replacements of hunting. Opponents frequently argue that hunting for live quarry could be replaced by drag and bloodhound hunting, where the dogs follow a man-made trail with an artificial scent. This sport is not widely practised at the moment, but in the event of a ban on fox hunting, it is very likely that these activities would be further developed and participation numbers would rise. Many hunters are now of the opinion that e.g. draghunting cannot replace the thrill of the real chase, but for many people who participate in hunts mainly because they enjoy riding their horses out in the countryside, drag and bloodhound hunting might be activities they would turn to in the event of a ban. Organisational difficulties, e.g. in the availability of suitable land, might hamper the development. Thus, these alternatives probably would not offset negative effects on the rural economy and community following a ban on hunting.⁸²

In its next chapter, the report considers some concerns regarding practical aspects of hunting. One issue that would have to be dealt with in the

⁸⁰ cf. Burns Report, 15-17

⁸¹ cf. Burns Report, 18

⁸² cf. Burns Report, 18-20

absence of a ban is trespass. There are frequent cases of trespass, as well as disruption and disturbances by hunts, which would have to be restricted if hunting was not outlawed. Furthermore, organised hunting should be more open to public scrutiny, which could be achieved by appointing independent monitors. In the absence of a ban, consideration should be given to the issues of autumn/cub hunting, i.e. training young hounds to hunt, mostly killing young animals, and digging out foxes. These practices might have to be reconsidered and maybe restricted. The same applies to the common practice of stopping-up, i.e. closing dens before the hunt starts in order to prevent the fox from going to ground, which prolongs the chase and prevents the fox from escaping. The method of providing artificial earths in order to encourage foxes to live in places suitable for the hunts might have to be stopped as well, as it is inconsistent with the idea of using hunting as a means of population control. In the event of a complete ban, most of these concerns would be resolved anyway. Otherwise, possible exemptions would have to be regulated. In the absence of a ban, self-regulation by the hunts might have to be completed by an Independent Supervisory Authority for Hunting. Furthermore, unregistered and thus unregulated hunting would have to be supervised more efficiently.⁸³

The final chapter of the Burns Report deals with aspects of implementing a ban. It does not answer the question whether a ban would be compatible with the European Convention of Human Rights or if it might constitute an interference with private life and property, but says that this would depend on the form and the wording. The phrasing should clearly identify prohibited offences and possible exceptions or exemptions. Also, legislation would

⁸³ cf. Burns Report, 20-23

have to state whether a ban should be implemented at once or only after a certain period of adjustment. Whichever option would be chosen, it might result in difficulties for the police to enforce a ban. Also, alternative population management methods would have to be developed further. In order to replace hunting as a social activity, other pastimes would have to be promoted, however, this would not be the responsibility of the government. Some consideration, though, would have to be given to the compensation of economic loss suffered as a direct result of a ban.⁸⁴

This short outline of the Burns Report indicates the complexity of the issue. Fox hunting is not only a case of blood sports versus animal rights and country people versus townsmen, there are many more issues directly or indirectly connected to hunting, affecting different areas, e.g. the rural economy, population management and animal welfare, social and cultural aspects, to name but a few. In all of those areas there would be far-reaching consequences on individuals and whole communities, should hunting be banned. During the political debate, all these aspects had to be taken into account to come to a satisfying conclusion. The next chapter will analyse how much progress has been made in the debate and illustrate how comprehensive the issue really proves to be.

5.2.2. The Hunting Bill 2000–2001

After the failure of so many Private Members' Bills the Blair government finally reacted to public pressure and took action in the matter of hunting by introducing a Government Bill in the session 2000-2001. The government presented Parliament with a Bill containing three clauses, i.e. three possible

⁸⁴ cf. Burns Report, 24-26

options. Closest to the status quo is the idea of allowing hunting to continue under the self-regulation through an independent supervisory body. Under the second option, also called the middle way, only hunts which have received an official permission from a statutory licensing authority would be allowed to continue their activities. The third option involves a total ban on hunting with hounds.⁸⁵

5.2.2.1. Debate in the House of Commons

The Bill was rejected by some MPs for not being a significant enough priority on the political agenda, but it was defended by Home Secretary Jack Straw, as being justified due to extensive public interest.⁸⁶ After a debate of more than five hours, the Bill received its second reading with a vote of 373 Ayes versus 158 Noes.⁸⁷

Afterwards it was forwarded to the Committee of the Whole House, where it was debated on 17 January 2001. The Committee expressed several points of concern. The Bill was only intended to apply to England and Wales, therefore the question arose whether Scottish MPs should be able to vote on it. This question could be resolved by looking at the system of devolution, under which Scottish MPs have the constitutional right to vote in the Westminster Parliament, even though the issue did not affect them directly. Of course, they could choose not to express their opinion in a vote.⁸⁸

Some committee members were worried about the implementation of legislation on hunting. They regarded it as an extra burden on the police

⁸⁵ cf. House of Lords Library Notes, 1

⁸⁶ cf. McGinness, Stephen. *Hunting Bill – 2nd Reading and Committee of the Whole House* (=House of Commons Standard Note). London: House of Commons Library, 2000, 1
Cited hereafter as Standard Note – 2nd Reading.

⁸⁷ cf. Standard Note – 2nd Reading, 3

⁸⁸ cf. Standard Note – 2nd Reading, 5

forces. A ban would be very costly to enforce as a new criminal offence would be created and the amount of illegal hunting would probably increase, which would present a challenge to the police. However, considerable sums of money are already spent in order to police legal hunts as well as demonstrations against them.⁸⁹

Hunting opponents sitting in the committee pointed out that they saw the Bill on hunting only as a first step towards the abolition of all blood sports, including shooting and fishing. They had to acknowledge, however, that, although animal rights groups would probably campaign against other field sports as well, the government had explicitly stated that it had no intentions whatsoever of banning shooting or angling. Otherwise, the debate about animal welfare focussed on foxes in particular. Foxes, as opposed to the other quarry species, are considered a pest or vermin and their population has to be controlled. On the question of cruelty, the Burns Report had established that hunting foxes with hounds resulted in adverse welfare implications to the fox. However, alternative methods of killing are not unproblematic either.⁹⁰ Still, some members felt that even though foxes might be vermin, this did not change the fact that it was intolerable to gain pleasure from killing an animal. All those factors would have to be weighed against each other. On the one hand, the fox has the right to live its life, on the other hand, farmers have the right to carry out pest control in the way they think is the best. The question here was, whether they had the right to do this by hunting, i.e. in a manner they find pleasurable.⁹¹

⁸⁹ cf. Standard Note – 2nd Reading, 6/7

⁹⁰ see chapter 5.2.1, 23

⁹¹ cf. Standard Note – 2nd Reading, 8-10

In economic terms, there was some concern about job losses, rising costs to farmers for pest control and the disposal of fallen stock, as well as for the negative effect a ban on hunting might have on communities in which the hunt plays a central role. Those combined effects were difficult to estimate, especially because it was hard to predict by how much costs to farmers would rise in the event of a ban.⁹²

After all possible concerns about Clause 3 of the Bill, i.e. the prohibition option, the MPs proceeded to vote on each of the three options. They were encouraged to vote in favour of their preferred clause, and at the same time against the other two options. Clause 1, the supervision option, was clearly dismissed by 155 Ayes to 399 Noes. The division on Clause 2, the middle way option, showed a similar result with 182 Ayes to 382 Noes. Clause 3, the prohibition option, was favoured by most MPs, achieving 387 Ayes compared to 174 Noes.⁹³

Looking at the party distribution of the votes, especially between the two main parties, there seems to be a connection to the earlier question of whether hunting is a class issue. It is rather striking that the Labour Party, traditionally considered to be the party of the working classes, clearly rejected Clauses 1 and 2, with the supervision option receiving merely one Aye from Labour and the middle way was supported only by 12 Labour MPs. In contrast, the prohibition option received 355 Ayes and only six Noes from Labour. The picture in the Conservative Party, traditionally the party of the middle and upper classes, was more or less reverse. Supervision of hunting was favoured by 137 Tories and only rejected by eight. Very similarly, 140 Conservative MPs supported the regulation option, nine members

⁹² cf. Standard Note – 2nd Reading, 10

⁹³ cf. Standard Note – 2nd Reading, 10/11

disapproved of Clause 2, the middle way. The same number of Tory MPs that supported the regulation option at the same time voted against prohibition, which was the favourite option of only eight Conservatives.⁹⁴

If, broadly speaking, Labour MPs still mostly represent the working classes and Tories the middle and upper strata of society, these figures strongly suggest that there is still some truth in the argument that fox hunters are often members of the middle and upper class. Even if, in theory, the field sport is open to all, this does not necessarily mean that it is not exercised predominantly by representatives of a certain layer of society. Whether this pattern is repeated in further stages of the political debate, will become clear in the following paragraphs.

As the ban option had been approved of in the Second Reading, the Bill had now changed into legislation banning hunting of foxes, deer and mink with hounds, as well as hare coursing. Stalking and hunting of rats and rabbits with hounds would be allowed to continue.

After being discussed further in the Standing Committee, where legal questions had been the focus, the Hunting Bill was reported back to the House of Commons and received its Third Reading on 27th February 2001. During the Report Stage, similar concerns were expressed as before the Second Reading. It was agreed that costs for farmers would rise due to the collapse of free pest control and disposal of fallen stock. Here the question arose whether farmers or other persons who suffered an economic loss caused by a ban on fox hunting, should be entitled to compensation. Some members rejected this proposed amendment, doubting that it was possible to identify losses caused by foxes that would not have occurred if fox hunting

⁹⁴ for precise numbers, see Standard Note – 2nd Reading, 10/11

had not been banned. Furthermore, a provision for compensation might trigger off a huge flood of claims for compensation by people who claim to have suffered an economic loss. A provision of this kind would not be feasible.⁹⁵ In terms of job losses, it was felt that the government should not have the duty to compensate persons who lose their livelihood in the event of a ban, as it was the hunts that employed these people. The hunts, however, could choose to replace fox hunting by e.g. drag hunting, so they would not have to dismiss employees. If they still did so, it would be up to them to compensate the persons who were affected by dismissals.⁹⁶ Devolution was another issue that was mentioned at this stage, this time in the context of cross-border hunting between England and Scotland. No provisions could be made in this respect, as the Scottish Parliament had not yet considered any legislation in this respect.⁹⁷

Some MPs felt that the Bill should not receive the Third Reading as they thought it inconsistent to ban e.g. hunting of foxes but not of rabbits. Still, the Bill was clearly approved of by 319 to 140 votes.⁹⁸ Then, it was passed on to the House of Lords.

5.2.2.2. Debate in the House of Lords

The debate in the House of Lords, where the Bill was introduced on 12th March 2001, focussed on slightly different aspects.

The cruelty of fox hunting was denied by some Lords on the grounds of the hunters' knowledge of animals and nature. They were not cruel people who

⁹⁵ cf. McGinness, Stephen. *Hunting Bill – Report and 3rd Reading* (= House of Commons Standard Note). London: House of Commons Library, 2001, 1-3. Cited hereafter as Standard Note – 3rd Reading.

⁹⁶ cf. Standard Note – 3rd Reading, 4

⁹⁷ cf. Standard Note – 3rd Reading, 4/5

⁹⁸ cf. Standard Note – 3rd Reading, 6/7

only wanted to satisfy their blood lust, but were exercising pest control. Furthermore, according to Earl Peel, hunting was “a culture and a way of life supported by folklore, literature, music and art in all its forms”.⁹⁹ Lord Burns commented on this view by citing from his report that the Committee chaired by himself had found out that hunting was a largely recreational activity, playing only a minor part in pest control, especially in lowland areas. He supported his argument by means of figures: The costs to maintain the hunts are around £1,000 per fox killed in lowland areas but only £350 in upland areas.¹⁰⁰ This suggests that fox hunting in areas like the Lake District or Wales plays a more important part in pest control.

It was also feared that a ban on hunting would not only account for many job losses, but also for the disappearance of traditional skills and trades, changing rural communities and even the rural landscape as part of the national heritage.¹⁰¹

Another controversial point debated in the House of Lords were civil liberties.

Lord Hutchison of Lullington expressed his view rather drastically:

Every countryman knows that the Commons’ vote seeks to destroy not only a country pursuit – a disciplined and historic form of fox and deer control – but also a part of the very culture of the countryside.¹⁰²

He also condemned the Bill as hypocrisy, as it banned hunting, but not shooting or angling. He claimed that the reason for this fact was that the other field sports enthusiasts, “as all ‘townies’ know, include good working-class Labour supporters”¹⁰³. Basically, he implies with this statement that the

⁹⁹ cf. Research Paper 02/82, 41

¹⁰⁰ cf. Research Paper 02/82, 42

¹⁰¹ cf. Research Paper 02/82, 43

¹⁰² Research Paper 02/82, 45

¹⁰³ Research Paper 02/82, 45

government directs the hunting legislation explicitly against people in the countryside. Indirectly, and probably unintentionally, he also supports the argument that fox hunters are middle and upper class members, by contrasting them to 'working class Labour supporters'. Thus, the argument of hunting still being a class issue is further enforced. It is remarkable that here, this is done by a hunting supporter, whilst usually, the advocates of hunting tend to stress that the sport is open to everyone. Similar statements prove that Lord Hutchison's opinion is not an exception. Lord Reay, for example, said that

it is tyrannical to seek to ban the legitimate traditional activities of a minority when its members do no harm to others, except, purportedly, to offend the conscience of what is almost certainly only another minority.¹⁰⁴

However, also in the House of Lords there were different opinions. Lord Archer of Sandwell reminded the Lords of the fact that the argument of liberty had been used earlier to defend other blood sports that have long been banned. He stated that "freedom is not about everyone permitted to do whatever pleases them irrespective of the consequences. That is not freedom but anarchy"¹⁰⁵.

Finally, the Lords proceeded to vote on the same three options as the Commons had done earlier. Formally, the Lords decided with the first vote on whether to remove the ban option from the Bill. The result was 317 Ayes to 68 Noes. The next vote decided on whether to replace the ban option by the supervisory clause, resulting in a vote of 249 Ayes to 108 Noes. The last vote, for replacing the supervisory option with the middle way, was rejected

¹⁰⁴ Research Paper 02/82, 46

¹⁰⁵ Research Paper 02/82, 46

by 122 to 202. The Lords had thus decided to favour the supervisory option, i.e. they had changed the Bill significantly. However, this did not have any consequences as the Bill fell when a General Election was called for the 3rd May 2001.¹⁰⁶

5.2.2.3. Comparison of the Debate in the Commons and in the Lords

Taking into consideration the resentments expressed against the original Bill in the House of Lords, the decision for supervision, which in fact means keeping the status quo, does not seem surprising. Altogether, the debate in the House of Lords was quite different from the one in the Commons. In the House of Lords, the supporters of fox hunting frequently referred to themselves and their fellow hunters as a 'minority'.¹⁰⁷ Using this categorising terminology, they virtually seem to want to set themselves off against the rest of society. In the House of Commons, the debate was less emotional than among the Lords. Practical and contemporary issues like devolution or economic costs were debated in a more matter-of-fact way.¹⁰⁸ The Lords, on the other hand, frequently used the argument that hunting was a historical activity, involving traditional skills and being part of the national heritage.¹⁰⁹ This line of argumentation suggests a certain conservative element in their discussion. Moreover, a more emotional language was used in the House of Lords, with words like 'tyrannical', or 'hypocrisy'.¹¹⁰ Altogether, the Lords' debate seems more passionate. The impression cannot be avoided that the majority of the Lords, who support fox hunting, regard the proposed

¹⁰⁶ cf. Research Paper 02/82, 49/50

¹⁰⁷ see chapter 5.2.2.2, 28. For further information see also Research Paper 02/82, 40-50

¹⁰⁸ see chapter 5.2.2.1, 29. For further information see also Research Paper 02/82, 10-40

¹⁰⁹ see chapter 5.2.2.2, 33

¹¹⁰ see chapter 5.2.2.2, 33

legislation as being directed against country people as such. Initiated by the Labour Party, the Bill thus does not only attack the country way of life, but those people who are traditionally not Labour supporters, i.e. members of the middle and upper class. In the Commons' debate, no such resentments were obvious and it does not seem very plausible that the Labour Party somehow wants to impose legislation that is discriminating against a certain group of society.

5.2.3. The Hunting Bill 2002-2003

Although the Hunting Bill 2000-2001 fell with the announcement of the 2001 General Election the topic did not vanish from the political scene for a long time. For in its 2001 Election Manifesto *Ambitions for Britain*, the Labour Party included hunting:

The House of Commons elected in 1997 made clear its wish to ban fox hunting. The House of Lords took a different view (and reform has been blocked). Such issues are rightly a matter for a free vote and we will give the new House of Commons an early opportunity to express its view. We will then enable Parliament to reach a conclusion on this issue. If the issue continues to be blocked we will look at how the disagreement can be resolved. We have no intention whatsoever of placing restrictions on the sports of angling and shooting.¹¹¹

Accordingly, in February 2002 motions were encouraged in Parliament to be considered in both houses. These motions contained the same provisions as the Hunting Bill 2000-2001. The debate about the same three options took place on 18th March 2002. In the House of Commons, the result of the corresponding vote was almost identical to the division in 2001. While the

¹¹¹ House of Lords Library Notes, 1

year before, 387 MPs favoured a ban and 174 rejected it, the ban option now received 386 Ayes and 175 Noes. Also the distribution between the main parties is remarkably similar, the difference between the single results never being more than ten votes either more or less, compared to the earlier divisions. Also the social pattern, as discussed in chapter 5.2.2.1 is thus repeated, reinforcing the class argument once again. In the House of Lords, the mood had slightly changed, as now the regulation or middle way option was clearly preferred by 366 to 59 votes. Prohibition was still refused by 74 to 331 votes.¹¹² The fact that the Lords are still not completely content with the shift of opinion towards regulation is proven by the vote on supervision. With this option 97 Lords were content and 119 were not content. This means that only about 200 votes were cast while more than 400 Lords voted for – or against – the other two options. Around half of the Lords abstained from giving any opinion at all about the supervision option. These numbers suggest that the Lords are split. Some have adopted the opinion that rather than objecting to the Commons' wishes in principle, they should try to reach a viable compromise and others continue to take the course that is opposite to that of the lower house.

In the Hunting Bill 2002-2003, introduced on 4th December 2002, the government seemed to appreciate the Lords' willingness to compromise. For the new Bill made hunting an offence, but created categories of exempt and registered hunting. This compromised the past year's Bill in so far as, in effect, it created a licensing system with a registrar appointed by the Secretary of State. Hunts could apply to register and would be given a

¹¹² for precise results, see Research Paper 02/82, 51

license if they met tests on utility and least suffering.¹¹³ Consequently, this Bill turned out to be a compromise between the ban and the middle way option, rather tending towards the latter.

The new Bill received its Second Reading on 16th December 2002, after several issues within the Bill were debated. Some confusion became apparent about the tests of utility and least suffering. This could be clarified by explaining that no type of hunting with hounds would be banned completely, with the exceptions of hare coursing and stag hunting, which do not meet the test of utility in the first case and the test of least suffering in the second. For other hunting activities, the newly created registrar would have to assess whether the “inevitable suffering involved in killing an animal would be outweighed by the benefits gained from that killing”.¹¹⁴

The issue of liberty caused some concern especially to opponents of the Bill, who saw it as an arbitrary, unnecessary and unjustifiable limitation to the individual freedom of rural people. They were also bothered by the fact that the burden of proof concerning the tests of utility and least suffering should be with the applicant for a licence to hunt, which reduced the prospects of a successful application. The licensing system was also felt to constrain individual freedom as applicants would have to pay for the application process themselves. Animal welfare groups, on the other hand, could apply to deregister hunts as well, but were funded by public money.¹¹⁵ Furthermore, some members were still concerned about shooting and fishing, even though the government had clearly stated that it had no intention of outlawing these sports. It was even expressed that this

¹¹³ for comprehensive provisions of the Bill, see Research Paper 02/82, 58-63

¹¹⁴ cf. McGinness, Stephen. *Hunting Bill 2002-2003* (=House of Commons Standard Note SN/SC/343). London: House of Commons Library, 2003, 7. Cited hereafter as Standard Note SN/SC/343.

¹¹⁵ cf. Standard Note SN/SC/343, 10/11

distinction between hunting on the one hand and shooting and angling on the other hand, proved that the legislation was “intended to get at a particular section of the population”. This perception does not occur for the first time, the Lords had expressed similar views the year before.¹¹⁶ It is to be seriously doubted whether this feeling is based on facts rather than emotion, as on the side of the government, there are no hints at all that the Bill is directed against fox hunters as representatives of a social class. As one Labour MP explicitly states:

This is not a class issue. If all those who went out hunting were registered members of new Labour, I would still oppose hunting. It is not a town versus country issue [...] It is a moral issue and one which we cannot compromise.¹¹⁷

Finally, some MPs were worried about the Bill’s consequences for biodiversity. There was some evidence that some species might actually decline in numbers if hunting was banned, as the land would no longer be preserved for hunting, but used for agriculture more extensively. In spite of all these concerns, the Bill easily passed its Second Reading by 368 to 155 votes.¹¹⁸

It then went to the Committee Stage on 7th January 2003. A detailed discussion of the rather extensive debate would go beyond the scope of this thesis. However, it should suffice to say that 17 formal amendments were made to the Bill. None of them changed the provisions substantially and none of them related specifically to fox hunting.¹¹⁹

¹¹⁶ see chapter 5.2.2.2, 33

¹¹⁷ House of Lords Library Notes, 6

¹¹⁸ cf. Standard Note SN/SC/343, 6

¹¹⁹ for details of the debate and the amendments made, see Standard Note SN/SC/343, 14-66

Significant changes to the Bill were made during the Report Stage, which took place on 30th June 2003. Three amendments were tabled, one of them a new clause that would remove fox hunting from the Bill's proposed registration system and thus banning fox hunting altogether. Two other new clauses would ban mink hunting, the other would ban hunting of hares and all species of deer with dogs. While the latter was not put to a vote, the other two clauses were adopted. The clause on the ban on fox hunting was approved of by 362 to 154 votes, again banning hunting of foxes completely.

This fundamental change made it necessary to pass the Bill back to a Standing Committee once more, a step that is rather extraordinary, as it is not intended in the normal parliamentary procedure a Bill has to go through.¹²⁰ The Bill was reconsidered in the Standing Committee and in a second Report Stage, but no further amendments were adopted. It finally received its Third Reading on 9th July 2003 by 317 to 145 votes.¹²¹

Afterwards, the Bill was introduced in the House of Lords on 10th July 2003 as a Bill prohibiting "all hunting of wild mammals with dogs, except where it is carried out in accordance with the conditions of an exemption, and all hare coursing events"¹²². Before the Lords could table possible amendments, however, the Parliamentary Session of 2002-2003 came to an end and the Bill fell.

¹²⁰ cf. House of Lords Library Notes, 26

¹²¹ cf. House of Lords Library Notes, 48

¹²² House of Lords Library Notes, 49

5.2.4. The Current Situation – A New Hunting Bill?

In the new Parliamentary Session of 2003-2004, the government has not yet announced a Bill concerning fox hunting. Neither was the issue mentioned in the Queen's Speech at the opening of the session. However, on the 18th December 2003, a Bill to Amend the Wild Mammals (Protection) Act 1996 was introduced in the House of Lords. It makes it an offence to intentionally cause suffering to a wild mammal. However, it is accepted to do so if the normal and humane conduct of a lawful and customary activity is adhered to. The Bill also mentions the creation of an authority appointed to regulate all exceptions.¹²³ The Bill has not been debated and received its Second Reading yet. It could be regarded as an attempt by the Lords to pre-empt a possible government Bill and thus to push through their own will, i.e. a sort of compromise between the supervision and the regulation option.

Furthermore, a Private Members' Bill with the title Wild Mammals (Protection) (Amendment) (No.2) will be introduced by Liberal Democrat MP Lembit Öpik, who is one of the leading supporters of the middle way option. His Bill comes twelfth in the ballot of Private Members' Bills. Only the preliminary titles of this year's PM Bills have been announced by mid-January 2004, so the contents of the Bill are not available to this date.¹²⁴ Considering Öpik's role in the middle way movement, however, a corresponding Bill can be expected.

¹²³ cf. *Public Bills before Parliament*. Available at URL: <http://www.parliament.the-stationery-office.co.uk/pa/pabills.htm> (last visited 26/01/04)

¹²⁴ for preliminary titles, see *Frequently Asked Questions: Private Member's Ballot*. 2003. Available at URL: http://www.parliament.uk/faq/ballot_faq_page.cfm (last visited 28/01/04)

5.2.5. Possibilities of the Government

The government has several options of how to deal further with the hunting issue. It could simply let things, i.e. the House of Lords' Bill and the Private Members' Bill, take their course and not introduce any other Bill. After all, in its Election Manifesto, the Labour Party had only promised to "reach a conclusion on the issue".¹²⁵ This could theoretically also mean the maintenance of the status quo, without any legal change. If the Lords' Bill reaches the House of Commons in the form as it has been introduced, the MPs could accept it, which would seriously compromise the attitude Parliament took in the last two sessions. Or the government could re-introduce the original Bill of 2000-2001, or a similar Bill, containing the regulation option or provisions for a licensing system. A Bill of this kind would have to begin the parliamentary cycle anew. The last option for the government would be to introduce a Bill with the same wording as the Bill that fell with the session of 2002-2003. In this case, there are two possible scenarios. If the House of Lords agreed, the Bill would be passed and receive the Royal Assent. If, what is more likely, the House of Lords did not agree, the Bill could be forced through by means of the Parliament Act. The Parliament Act provides for a Bill that has been rejected by the House of Lords in two subsequent sessions to become an Act even without the Lords' consent.

¹²⁵ see chapter 5.2.3, 37

6. The Debate in Context

Ultimately, the decision of how to proceed with the issue is up to the government. However, the leading party is to a certain degree influenced by opinions and attitudes from inside as well as outside the political scene. The following chapter will deal with a number of groups that are exerting pressure on the government to tackle the issue of hunting.

6.1. Party Interests

Even though the general attitude within the main parties has become clear in the last chapter, the official opinion will be highlighted in a little more detail hereafter, focussing on the three most important parties.

6.1.1. Labour Party

In past divisions that took place in Parliament on the Hunting Bills, the majority of MPs had voted for a ban on hunting. These results were largely due to the massive support of a hunting ban by Labour MPs. This becomes obvious when looking at the distribution of the votes among the parties. Only six, respectively five Labour MPs opposed a ban in the divisions on the Hunting Bill 2000-2001, respectively 2002-2003.¹²⁶ Thus, the Labour Party's stance on hunting is clear. On the official party website, however, the issue is not even mentioned and an e-mail inquiry about an official statement remained unanswered.¹²⁷ As the current governing party, Labour probably

¹²⁶ for further details, see Research Paper 02/82, 19, re. 51 and chapter 5.2.2.1., 29, re. 5.2.3., 37

¹²⁷ cf. The Labour Party Website. Available at URL: <http://www.labour.org.uk> (last visited 27/01/04)

wants to seem unbiased, in line with their statement in the last Election Manifesto that the issue would be resolved by free vote.¹²⁸

6.1.2. Conservative Party

Also the Tories' attitude, i.e. opposing a ban on hunting, has become obvious in past divisions.¹²⁹ Officially, several statements on the issue can be found on the website of the Conservative Party. David Lidington, shadow Secretary of State for Northern Ireland, for example, calls the proposed legislation an "intolerant and illiberal Bill"¹³⁰. Generally, there is the feeling among Tory MPs that fox hunting should not be a priority of the government, as there are plenty of more important issues that have to be tackled first.

6.1.3. Liberal Democrats

Even though the Liberal Democrats did not clearly prefer one of the three options in the past Hunting Bills, they tended towards a total ban.¹³¹ On their website, the Liberal Democrats claim to be committed to strengthening animal welfare across the board. They also say they are the only party with a dedicated spokesman and a researcher for animal welfare. On the topic of hunting with hounds, they declared in their 2001 General Election Manifesto that it "should be settled by MPs on a free vote"¹³². Liberal MP for Montgomeryshire, Lembit Öpik, is one of the most prominent supporters of the middle way option.

¹²⁸ cf. House of Lords Library Notes, 1

¹²⁹ for further details, see Research Paper 02/82, 19, re. 51 and chapter 5.2.2.1., 29, re. 5.2.3., 37

¹³⁰ *Put Public Services Before Foxhunting Ban*. Conservative Party Website, 2004. Available at URL: http://www.conservatives.com/news/article.cfm?obj_id=77556 (last visited 16/01/04)

¹³¹ for further details, see Research Paper 02/82, 19 re. 51

¹³² *Press Release: Animal Welfare is an Election Priority*. Liberal Democrats Website, 2001. Available at <http://www.libdems.org.uk/module/printnews.cfm/article.1099> (last visited 16/01/04)

6.2. The Middle Way Group

Not only that Lembit Öpik supports the middle way, he is also one of the chairmen of The Parliamentary Middle Way Group, an all-party group, lobbying in favour of the middle way option. Interestingly, it is chaired by Lembit Öpik, Liberal Democrat, Conservative MP Peter Luff and Baroness Golding, Labour Party and thus rightly deserves the label of an all-party group.

The Middle Way Group wants to offer an alternative to the black and white choice of the two extreme positions. Accordingly, the group supports a continuation of hunting under a licensing system regulated by a Hunting Authority that is accountable to Parliament and appointed by the Secretary of State. The Middle Way Group argues that a ban on hunting will not save any animal's life, the only thing it would achieve is a change in the methods of population control. According to the Middle Way Group, it would be better to do the killing that is necessary in the framework of a licensing system instead of leaving it unregulated. With this attitude, the Parliamentary Group seeks to balance rights and responsibilities, personal liberties and animal welfare, and thus to find a "lasting and workable solution to the hunting debate"¹³³.

6.3. Non-Political Lobby Groups

Next, other lobby groups from both sides of the debate will be presented, their initiatives will be analysed and compared. Even though there are more groups lobbying on the hunting issue, this thesis only picks the main groups

¹³³ *The Parliamentary Middle Way Group: Policies*. Available at URL: <http://www.themiddlewaygroup.org> (last visited 27/01/04)

or campaigns from each side. Other groups are mostly small and radical, often militant, which means that they are not to be taken seriously in the context of influencing decision-makers and finding a real solution to the debate.

6.3.1. The Pro-Hunting Lobby

The most significant group in favour of hunting is without doubt the Countryside Alliance. The group is a charity that “promotes the interests of rural people, including all field sports, sensible wildlife management, and wider countryside concerns such as jobs, landscapes and freedoms”¹³⁴. Although the Alliance campaigns on many rural issues, their Campaign for Hunting is central to their current programme. They claim that the wish to ban hunting is based on prejudice and discrimination instead of sensible facts. Again this gives rise to the impression that the members of the Countryside Alliance, just like supporters of hunting e.g. in the House of Lords, feel personally attacked and discriminated against.¹³⁵ In order to achieve their aim, the Alliance organises rallies for ‘Liberty and Livelihood’ and information campaigns to show people that hunting has nothing to hide. From their website, supporters can even download a Hunting Action Pack, giving detailed instructions on how to campaign on a local level, how to demonstrate that the clichés about hunting and country people are not true, etc. The Countryside Alliance seeks to influence public opinion and thus prevent any anti-hunting legislation.¹³⁶

¹³⁴ *Information on our Issues*. Countryside Alliance Education Area. Available at URL: <http://www.countryside-alliance.org/edu> (last visited 28/01/04)

¹³⁵ see chapter 5.2.2.3., 36

¹³⁶ cf. *Campaign on Hunting*. Countryside Alliance. Available at URL: <http://www.countryside-alliance.org/cfh> (last visited 27/01/04)

Besides the Countryside Alliance, the Hunting Declaration Campaign has to be mentioned. Calling itself a grass root initiative, i.e. launched by rural people, the campaign wants to demonstrate that those who support the freedom to hunt will never accept a law that bans hunting. Therefore, a so-called campaign on civil disobedience has been initiated. Supporters who sign the hunting declaration agree to peacefully disobey any law banning hunting on the first day it comes into force, by participating in hunts as usual. At the same time, they are prepared to face a prison sentence to show that law-abiding citizens are made into criminals by profoundly unjust law.¹³⁷ In the event of a ban, this would present a huge challenge to both police forces and the government, as it would be impossible to deal with a huge number of offenders at the same time. A situation like this would be an unprecedented situation for the government and the legal system and could have unforeseeable consequences. The threat the campaign presents might even be a reason that government ultimately shies away from imposing a total ban.

6.3.2. The Anti-Hunting Lobby

On the other side of the debate, the Campaign to Protect Hunted Animals (CPHA) is in the centre of attention. It is a joint project of three animal welfare organisations, the RSPCA, The League Against Cruel Sports and the International Fund for Animal Welfare. The campaign opposes hunting with dogs for being cruel, unnecessary and not appropriate in modern Britain. In their central publication “Utility and Cruelty – Reasons to Ban

¹³⁷ for details of the campaign see *The Hunting Declaration*. The Hunting Declaration Campaign. Available at URL: <http://www.huntingdeclaration.org> (last visited 27/01/04)

Hunting with Dogs”, they want to prove their argument with scientific evidence. They argue that pest control should pass the three tests of necessity, effectiveness and humaneness. According to the report, hunting passes none of them. The main points of criticism are that it is morally unacceptable to cause unnecessary suffering, especially in the name of sport. Hunting with dogs is the only activity still allowed in England and Wales where an animal is used to kill another animal for sport. The campaign also provides evidence that the fox is no significant agricultural pest, which makes hunting unnecessary. Moreover, the practice of making artificial earths available to foxes in places suitable for hunting and often dumping dead sheep close to those shelters to further encourage foxes to live there, is sharply criticised for being inconsistent with the purpose of pest control. With these arguments, the CPHA seeks to prove that none of the three tests is met and that hunting foxes with dogs cannot be justified on the grounds of pest control.¹³⁸

6.3.3. Comparison of the Main Campaigns’ Presentation in the

Media

Comparing the Countryside Alliance’s Campaign for Hunting and the CPHA, a few differences become conspicuous.

One of them is the way of how pictures are used to support the arguments.

On the website of the Campaign for Hunting, there are photographs of dogs being walked along a beach and happy children playing with dogs, also

¹³⁸ information on the CPHA available e.g. via URL: [http:// www.rspca.org](http://www.rspca.org) (last visited 16/01/04), report *Utility and Cruelty: Reasons to Ban Hunting with Dogs*. Ban Hunting - Facts and Reports. available at URL <http://www.rspca.org/servlet/Satellite?pagename=RSPCACampaigns/Banhunting/BanhuntingHomepage&articleid=105351824696>(last visited 16/01/04)

beautiful landscapes can be found.¹³⁹ Overall, the pictures convey a very positive image of hunting. In the CPHA's report, by contrast, there are not only positive pictures. On the one hand there is e.g. a picture showing a vixen playing with a fox cub. On the other hand, cruel pictures dominate, showing a fox being torn apart by dogs, dogs swimming in pursue of a stag or a hunter showing a dead fox to the camera.¹⁴⁰ These pictures are certainly more emotional, and in terms of illustration, the CPHA clearly uses more aggressive means to support their cause.

The situation is different as far as language is concerned. Here, it soon becomes obvious that the Countryside Alliance uses more aggressive vocabulary. Words and terms like "prejudice", "coercion", "spite", "bigoted politics", "blatant abuse of the democratic process", "unwanted political intrusion" etc. are frequently used to describe the debate.¹⁴¹ Interestingly, both sides repeatedly quote the Burns Report, but they always quote passages that serve their own interests. The CPHA, for example, uses the statement that hunting with dogs "seriously compromises the welfare of the fox"¹⁴². By contrast, the Countryside Alliance uses a completely different quote by Lord Burns: "Naturally, people ask whether we were implying that hunting is cruel...The short answer to that question is no."¹⁴³ These quotes seem contradictory, but they are used out of context and are subject to interpretation. Altogether, the Countryside Alliance uses more emotional and aggressive language. And looking at the terminology used, it seems once

¹³⁹ cf. *Country Sports Campaign Update*. Issue Six, Summer 2003. Available at URL: <http://www.countryside-alliance.org/cfh.index.html> (last visited 16/01/2004)

¹⁴⁰ see footnote 138

¹⁴¹ cf. URL: <http://www.countryside-alliance.org/cfh/index.html> (last visited 16/01/04)

¹⁴² *Utility and Cruelty*, 4, available at URL: see footnote 138, as in Burns Report, 117

¹⁴³ *The Countryside Alliance and the Council of Hunting Associations Hunting Action Pack Summer 2003*. Available at URL: <http://www.countryside-alliance.org/cfh/actionpack/content.htm> (last visited 19/01/04)

again that hunting supporters feel to be victims of prejudice, almost as if they were personally offended, even though the other side of the debate does not give any hints about a dislike of supporters as a group of society as such.

6.4. Public Opinion

A number of opinion polls have been commissioned by the lobby groups in the past few years. Between 1997 and 2002, ten polls were conducted by MORI on hunting with dogs. In July 1997, 68% of the people questioned supported a ban, only 16% opposed it. The highest level of support for a ban was reached in March 2000, when 74% wanted a ban and only 9% rejected it. This might be due to the high level of media attention the issue received after the government had commissioned the Burns Report. Since then, the figures have become a little more balanced, with 62% favouring a ban and 26% opposing it. These numbers date back to March 2002, the last poll in the MORI series of ten.¹⁴⁴

In another survey, carried out by NOP on behalf of the Countryside Alliance in April 2001, 1,000 people were asked which of the three options they preferred. 22% wanted to maintain the status quo, 36% were in favour of the middle way option and 37% wanted hunting to be made a criminal offence; the rest had no opinion. This meant that 58% opposed a total ban.¹⁴⁵

The latest reliable poll, dating from November 2003, found that 69% thought that fox hunting should not be legal.¹⁴⁶

¹⁴⁴ cf. Research Paper 02/82, 73

¹⁴⁵ cf. Research Paper 02/82, 75

¹⁴⁶ cf. *Campaigning for Wildlife: Public Opinion*. League Against Cruel Sports. Available at URL: http://www.league.uk/com/politics/general_political/public_opinion.htm (last visited 28/01/04)

All these figures prove that the general public would like to see hunting banned. Even if more than half of the people do not want a total ban, a clear majority wants legislation to change. In the final chapter, the possibilities for this to happen during the current parliamentary session will be looked at as the thesis will be brought to a conclusion.

7. Conclusion

In chapter 5.2.5., the possibilities of the government of how to deal with the issue further have been highlighted. The government could either simply not make any move, or re-introduce the original Bill, which would start the parliamentary process again, or re-introduce last session's Bill, which could be forced through with the Parliament Act.

At the moment there are no signs of any action on the side of the government, even though the Parliamentary Session is well under way. Several developments might be seen as a reason for this hesitation. First of all, many hunting supporters believe that anti-hunting legislation would be an infringement of individual freedom and therefore be incompatible with the European Convention of Human Rights.¹⁴⁷ Even though the opinions regarding this argument are split, a law against hunting could trigger off a series of lengthy legal proceedings with uncertain outcome. Secondly, the government might shy away from the difficulties of implementing a ban on fox hunting. The police would be faced with a huge challenge in enforcing the law, even more so, as the Hunting Declaration Campaign has announced widespread civil disobedience. This could be a reason for the

¹⁴⁷ see chapter 5.2.1., 23

government to renounce further attempts to introduce legislation as well. Finally, it seems that fox hunting is simply not a priority in this Parliamentary Session. Current media coverage suggests that the government has more pressing problems to solve at the moment, e.g. the situation in Iraq, the Kelly affair, education and tuition fees, to name but a few. All these prevailing problems have led to the hunting issue being pushed into the background. It seems possible that the government is now playing for time, so that it becomes too late to solve the issue in this session. This might well mean that a potential further debate is postponed until after the next general election. With the government not taking action, the House of Lords' Bill to Amend the Wild Mammals (Protection) Act might take its course through Parliament. As it seriously compromises the general attitude of the Commons, the chances of success are not too high. The same is true for Öpik's Private Members' Bill, as it has only been drawn in twelfth place in the ballot and therefore does not stand a big chance of receiving a Second Reading.

Even if these speculations prove to be right and nothing will be done in this session, it is to be presumed that the issue will come up again sooner or later, as lobby groups will continue their campaigns and thus keep up the pressure to do something.

As far as the social aspect is concerned, this thesis has established that fox hunting does play an important part in numerous rural communities and in the lives of many participants, even though a ban on hunting would not necessarily mean an end of the hunt clubs' social function, as the hunts organise a wide range of public events. Additionally, replacement activities like drag hunting could be expanded. Abolishing these social functions is not

in the interest of those who want a ban, but sometimes it seems that supporters feel discriminated against by possible legislation. One of their means of attracting public opinion is to demonstrate that hunting has nothing to hide and is not an exclusive upper-class pastime, but that it is open to everybody. This however, has been disproved by this thesis, as the participation in hunting is in fact limited by a person's financial means, which is closely connected to the social standing.

But mainly it has become obvious in the course of this paper that fox hunting is a far more difficult and complex issue as it seems to be at first sight. The interests of very different groups of people as well as of animal welfare have to be considered and balanced against each other. Whatever the final outcome of the hunting debate might be, it will surely cause further trouble and it will never satisfy the interests of everybody involved.

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STATUTORY DECLARATION

I hereby declare that I have written this thesis on my own, without anyone else's help.

I have also, to the best of my knowledge, indicated passages and ideas used verbatim or indirectly and I have used no other sources or aids than those indicated.

This thesis contains 16,052 words.

Dagmar Orendi

Berlin, 17. February 2004