

The hunting debate: a question of democracy

By Roger Scruton,
Created 2004-09-16 23:00

Even before the British government of Tony Blair first proposed to ban hunting with dogs in England and Wales two years ago [1], thus provoking massive protest demonstrations involving hundreds of thousands of people, **openDemocracy** realised that this polarising issue required discussion and dialogue between voices on different sides of the argument. The result was our debate of June–December 2002 [2], “Hunting culture – is there a place for hunting in the modern world?”

As external editor of **openDemocracy**’s Ecology & Place [3] theme, as well as an opponent of the government’s proposal, I was aware that these public differences were reflected inside the **openDemocracy** team. All of us realised and welcomed the fact that this was an asset, not a problem.

The extraordinary sight of 400,000 people, many previously unpolitical, converging on London had awoken us to the fact that something of immense significance to our understanding of democracy was occurring on our doorstep. We hoped that as a result of our debate, readers would take a renewed interest in discussions of the democratic process, as this is developing under the impact of global markets [4], multinational corporations and stateless powers.

We also felt that the issue required a different kind of engagement from that which the winner–takes–all British political system encourages: one that drew on evidence from history, anthropology, and literature; that looked at questions of democratic principle as well as party–political advantage; and that tried to understand how the passionate feelings on both sides of the conflict reflected the hunger [4] among people for an honest relationship with those who govern them.

In brief, for **openDemocracy** hunting in England was and is an issue of the future as well as the past.

We wished, therefore, less to measure the rights and wrongs of a hunting ban than to assess the place of hunting in a modern community, and to visit in a new way the wider themes of “hunting culture” – including man’s relationship to nature, animals, and landscape, the division between city and countryside, and the variations in forms of hunting between cultures and over time.

The contributors to the debate included the distinguished anthropologist Hugh Brody [5], the campaigner for hunter–gatherer communities Rupert Isaacson [6], the literary scholar Donna Landry [6], the rural activist and agronomist, Graham Harvey [7], and representatives of the constitutional reform movement Charter 88 [8] and the Countryside Alliance [9] in Britain. Discussions of the Bushmen/San [9] in the Kalahari and the Inuit in Nunavut [10] (northern Canada) reflected our perception that the issue had to be understood in a context broader than that of the English countryside. Yet if the issue also seems to be peculiarly English, that is

because those who wield power in this country have yet to understand that openness means agreed rules, commanding the allegiance of everyone – including those who make the laws.

Indeed, one of the effects of the repeated irruption of the hunting issue onto English streets and front pages is a revived concern that the democratic process should be fair, free, founded in consensus, and limited by a constitution guaranteeing minority rights. People will now be asking themselves whether our unwritten constitution really meets those criteria. They will be wanting to visit the debates initiated by Charter 88, and being continued by many others [10] today. Maybe we need something better by way of a constitution than a collective memory of customs too vague to be defined, and too venerable to be tampered with.

The controversy over hunting, then, is a signal of the need for a new English political settlement. To understand what its components might be, a 19th century discussion of democratic principle is highly relevant. Four years before his election as MP for Westminster (1865), John Stuart Mill [11] warned against the “tyranny of the majority”. If we think of democracy as majority rule, he argued, then “the ruling power may be under the dominion of sectional or class interests, pointing to conduct different from that which would be dictated by impartial regard for the interest of all” (*Considerations on Representative Government*, 1861 [12]).

If Mill had seen the House of Commons in 2004 [13], he would not have found any need to change that judgment.

Mill distinguished between a conception of democracy according to which it is the “government of the whole people by the whole people equally represented” and another conception: “government of the whole people by a mere majority exclusively represented.” Mill looked for an electoral system in which everyone would be represented by someone whom they had voted for. In Britain, no scheme of that sort has ever been implemented, nor has any other been devised against the abuse Mill complained of.

However, there have been two safeguards against the tyranny of the majority [14]: first, a quasi-constitutional but almost forgotten convention discouraging legislative attack by one section of the citizen body against the non-criminal customs and ways of being of another; second, the constitutional functions of the second chamber, one of which Mill himself saw as being to counter “the evil effect produced upon the mind of any holder of power, whether an individual or an assembly, by the consciousness of having only themselves to consult... A majority in a single assembly..., when composed of the same persons always assured of victory in their own House, easily becomes despotic and overwhelming, if released from the necessity of considering whether its acts will be concurred in by another constituted authority...”

These remarks are extremely pertinent to the British government’s decision to ban hunting with dogs. It seems now to be recognised that the official inquiry under Lord Burns [15] showed in its 2000 report that there are no grounds for banning hunting that would not apply to most other legal forms of wildlife management and pest-control. Arguments have been presented, both in the expert press and in the popular media, to cast serious doubt on the once popular image of hunting as a “cruel sport” – and the strength of these arguments was recorded in the dramatic shift in public opinion towards the view that hunting should be regulated, but not banned. The government’s own initial legislative proposals recognised this, and were designed to lay the foundations for a system of regulation that would give the best possible deal to the quarry.

But the proposals were half-hearted and quickly abandoned. The government has now made use of its majority in the commons both to impose a ban and to bypass the second chamber. In order to do this it has threatened to invoke an obscure piece of legislation – the 1949 Parliament Act [16] – which is not only of dubious validity but also expressly designed for national

emergencies and matters of such supreme constitutional or political importance as to brook neither amendment nor delay.

When a piece of transparently vindictive legislation can be passed without the consent of a second chamber, we have reached the situation which John Stuart Mill warned against.

This is the immediate context of **openDemocracy's** hunting debate – one that reveals it to be an argument not just about England, or Britain, but about democracy itself. We are quite proud of this debate, which brought some new light to issues that are of concern [17] to all, and which strove to replace hot vituperation with cool but compassionate concern.

Source URL:

http://www.opendemocracy.net/ecology-hunting/article_2098.jsp

Links:

- [1] http://news.bbc.co.uk/1/hi/uk_politics/1846577.stm
- [2] <http://www.opendemocracy.net/debates/issue-4-63.jsp>
- [3] http://www.opendemocracy.net/ecology_and_place/index.jsp
- [4] <http://www.opendemocracy.net/globalisation/index.jsp>
- [5] <http://www.opendemocracy.net/columns/view-3.jsp>
- [6] <http://www.thehealingland.com/biography.htm>
- [7] <http://www.randomhouse.co.uk/features/country/intro.html>
- [8] <http://www.charter88.org.uk/>
- [9] <http://www.countryside-alliance.com/>
- [10] <http://npc.nunavut.ca/eng/nunavut/claim.html>
- [11] <http://www.philosophypages.com/ph/mill.htm>
- [12] <http://www.mtholyoke.edu/acad/polit/damy/articles/jsmill.htm>
- [13] http://news.bbc.co.uk/1/hi/uk_politics/3661578.stm
- [14] <http://www.serendipity.li/jsmill/jsmill.htm>
- [15] <http://news.bbc.co.uk/1/hi/uk/1873419.stm>
- [16] <http://www.parliament.uk/works/parliament.cfm#parlacts>
- [17] <http://joongangdaily.joins.com/200409/17/200409172135096979900090809081.html>



Copyright © Roger Scruton, . Published by openDemocracy Ltd. You may download and print extracts from this article for your own personal and non-commercial use only. If you teach at a university we ask that your department make a donation. Contact us if you wish to discuss republication. Some articles on this site are published under different terms.