

Group Privilege and Political Division: The Problem of Fox Hunting in the UK

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1 Introduction: Fears About Multiculturalism

One of the more awkward features of animal rights theory, at least as it has been articulated in the tradition of Tom Regan (with a strong individualism and a form of species egalitarianism built in), is that it is simultaneously convincing in key respects but it does not seem to sit at all well with equally plausible approaches to the ordering of human politics or with our relation to the non-human environment.¹ Some notion of animal rights seems to make sense, as a recognition of the considerability of animal interests, yet such rights are perhaps too easily set in

¹Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 2004), 243, locates value in beings who are “subjects of a life”, a view which excludes non-sentient life forms and non-life forms.

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tension with communitarian, relational and less individualist considerations. In extremis, an account of animal rights may seem species-blind and blind also to the special obligations that we have to other humans (irrespective of whether or not a claim of greater human value is made).

Notoriously, any approach towards the environment that resembles a Leopoldian land ethic will systematically subordinate the lives of individual animals to the flourishing of the ecosystem as a whole.² In response, rights advocates are often in the habit of claiming that systems lack interests.³ At best, an “uneasy marriage” of animal rights and environmentalism then results in spite of the fact that both seek to reject anthropocentrism and the overriding primacy of the human.⁴ The tension may have been over stressed (I think that it has been), but the very idea of animal rights accommodating itself to a much larger picture in which such rights may not automatically trump all other considerations has raised worries that animal rights so situated will be radically compromised. Just as worryingly, they may end up being compromised in ways that, covertly or otherwise, return us to some idea of the overriding primacy of the human, the very idea that animal rights theory is supposed to challenge.

Suspicion of, or at least unease about, multiculturalism among animal rights theorists follows a remarkably similar pattern.⁵ It draws from the same apparent difficulty of getting animal rights theory to “play nicely” with other commitments that broadly liberal agents may be inclined to endorse. If, for example, there are legitimate boundaries to our entitlements to require culturally diverse groups, minorities in particular, to conform to a single standard of behaviour, then all manner

²The closing section of Aldo Leopold’s *A Sand County Almanac* (Oxford: Oxford University Press, 1968), 203–207, is the classic statement of ecological holism based around the biotic community.

³Even Alasdair Cochrane, who shifts significantly from the Regan picture, rejects the extension of interests or moral standing to non-sentients, *Animal Rights Without Liberation* (New York: Columbia University Press, 2012), 36–38.

⁴The classic accounts of the animal rights/environmentalism tension are Mark Sagoff, “Animal Liberation and Environmental Ethics”, *Osgoode Hall Law Journal* 22 (1984), 297–307 and J. Baird Callicott, “Animal Liberation: A Triangular Affair”, *Environmental Ethics*, 2: 4 (1980), 311–338. However, Callicott’s position is moderated a good deal in “Animal Liberation and Environmental Ethics: Back Together Again”, in Eugene C. Hargrave (ed.) *The Animal Rights/Environmental Ethics Debate*, (Albany: SUNY Press, 1992), 249–262.

⁵Paula Casal, “Is Multiculturalism bad for animals?” *Journal of Political Philosophy*, 11: 1 (2003), 1–22 explores the grounds for suspicion.

of unwelcome considerations seems, more or less automatically, to follow. Once the group rights of those who are not white, male, anglo-saxon and protestant are taken into account, it seems that some hunting of whales by indigenous peoples may have to be accepted. Similarly so for religious practices such as Santeria and methods of slaughter associated with Judaism and Islam. And here it may do no good to point out that vegetarianism and veganism are both formally compatible with the religious traditions in question precisely because they are traditions to which meat-eating food practices have not, historically, been peripheral. The shift of tradition is a large one, rather than the easy change that those involved in vegan outreach sometimes suggest. What may then seem attractive, especially in the light of a recent wave of broader criticisms of multiculturalism, is to solve the problem by fell swoop. We may simplify by dropping a commitment to multiculturalism, or at least its insights, in spite of the latter's strong credentials as a response to historic oppression and to the continuing legacy of racism, inequality and social exclusion associated with the aftermath of the classic colonial system from which many in the West have indirectly benefitted.

What we may then be left with is reliance upon the strict unwavering universalism of an appeal to animal rights as an absolute side constraint rather than a competing consideration in some more complex pattern of mixed entitlements. Such a position would, awkwardly, be vulnerable to a familiar charge of "performing whiteness", i.e. theorizing and enacting a white elite standpoint that has little traction with ethnic minorities because it is either blind to, or helps to reinforce, their subordination. And whatever we say to point out the extent of vegetarianism among non-white segments of the population in the USA or the UK, such a charge may have some traction in relation to the smaller and less diverse vegan community whose claim to consistently respect animal rights may, on paper, be stronger. Given a political context of rising xenophobia and its penetration into mainstream politics in both the USA and the UK, there may then be a risk that a short-term hostility to special group claims leads us into complicity with an unwelcome rightward drift from which animal rights advocates can expect little that is good.

In what follows, I will use consideration of the “outlier” case of fox hunting in the UK to suggest (and up to a point argue) that this simple expedient of dropping multiculturalism will not do all of the work that is hoped for. The complexities of negotiation between multiple and competing considerations, which stand out so clearly when we embrace some manner of multiculturalist theory, are probably an ineradicable feature of *any* practical animal politics within a liberal context. And in this respect, the following analysis is sympathetic to the familiar defence of multiculturalism as a component part of animal politics set forward by Sue Donaldson and Will Kymlicka.⁶ However, insofar as the question of fox hunting also focuses attention strongly upon cruelty, it departs from their suspicion that a cruelty-focused discourse is likely to enforce the norms of the dominant culture. Elsewhere, I have committed to the view that an increasing tendency within animal rights advocacy to marginalize the issue of cruelty is a serious mistake and this is a claim that, even in the present context, I am inclined to defend.⁷

2 The Case of Fox Hunting

What makes fox hunting such an outlier in discussions of multiculturalism and minority practices is that it is (very clearly) an elite activity rather than a practice associated with some historically oppressed group. Hunting, in a traditional form with dogs that must only be referred to as “hounds” who come in “couples” rather than “pairs”, elaborate etiquette surrounding alcohol consumption, pleated horse tails, horns, hunt masters and red jackets that must be described instead as “pink”, is very far from being the residual practice of a historically oppressed people. Rather, hunting of this sort (hereafter simply “hunting”, unless otherwise stated) is a predominantly elite activity and a focal point for

⁶Sue Donaldson and Will Kymlicka, “Animals, Multiculturalism, and the Left”, *Journal of Social Philosophy* 45: 1 (2014), 116–135. They deal with “performing whiteness” at 123–124.

⁷Tony Milligan, “Putting Pluralism First: Cruelty and Animal Rights Discourse”, in Robert Garner and Siobhan O’Sullivan, *The Political Turn in Animal Rights* (London: Rowman and Littlefield, 2016).

traditionalist political conservatism in England and in areas of Scotland and Wales which border upon England. Its most prominent enthusiasts are landlords and aristocrats, and it involves various forms of conspicuous luxury consumption. Packs of hounds are not cheap to maintain. Horses are expensive to stable, come with high vets fees, and are rarely owned by anyone without tens of thousands of pounds of disposable income, and they have an alarming tendency to die when pressed over-enthusiastically across dangerous terrain. Historically, the practice (again in its present form) dates back to the early modern period and especially to the eighteenth century (which strongly shaped the associated dress norms) and was tied to the rise of the landed gentry as a powerful new political force. It remains heavily linked to horse racing through a network of owners, pony clubs and “point to point” racing, although critiques of racing and of fox hunting tend to draw upon different sorts of arguments.

As a qualification to its outlier status in any discussion of animals and multiculturalism, it should be pointed out that the idealization of tribal hunting by indigenous groups (who have a far better *prima facie* claim upon special standing) is itself problematic. Hunting of any sort, and not just fox hunting, is likely to bear the stamp of the elite groups who have tended to dominate the societies which have produced it. Most obviously, the stamp too of a subordination of women in the face of masculine hunting practice and ritual. However, in such cases, the overall preservation of oppressed group culture might sometimes (not always) reasonably be said to be linked to hunting practice, compromised though the latter may be. Some claimed traditions are modern contrivances but others are not, and it is an empirical question as to which is which and how deeply embedded the traditions are in the culture in question. Fox hunting poses far fewer worries than standard multiculturalist cases because its “elite not oppressed” standing is clear and because (relatedly) there seems to be no special duty to promote group survival of the hunting community in the light of historic wrongs or in the light of their useful ongoing social function.

A further qualification to its outlier status is group response. Two standard moves are made by those who defend various minority practices of animal harm: an appeal to individual or group freedoms and an

appeal to hypocrisy. The latter is, arguably, the more plausible in this particular case. Most opponents of hunting *are* meat eaters who tacitly endorse industrialized animal slaughter even though it too seems to be inseparable from what the agents themselves would ordinarily acknowledge to be cruelty. Approaches towards animal rights which tend to situate all rights violations more or less on a par, as instances of hypocrisy, find it just as hard to single out fox hunting as they do to accommodate the special standing of claims by indigenous groups (or at least claims made by the notional or real leaders of the latter). Whatever the origins of hunting, and the elite standing of its practitioners, some sort of story in response to the hypocrisy charge is therefore still due, or else the special targeting of hunting by animal rights campaigners (complete with mobilization of meat eaters against it) faces a justification problem and ought to be abandoned.

There are, admittedly, some animal rights advocates who are ready to embrace the latter option. Notably, supporters of variant “abolitionist” positions, such as Gary Francione.⁸ Abolitionists, in this sense, reject single-issue campaigns and reforms that fall short of a complete abolition of rights-violating practices. By analogy with revolutionary politics, they reject the classic standpoint of Lenin and Rosa Luxemburg, that reform and revolution are inextricably intertwined, and that the latter cannot actually be secured without campaigns focusing upon the former.⁹ Abolitionism pushed to this extreme of rejecting the importance of campaigns against hunting is, however, rather awkward given the centrality of opposition towards fox hunting at more or less all stages in the

⁸Gary Francione, “The anti-hunting ban in the UK: A great business opportunity for animal welfare groups”, <http://www.abolitionistapproach.com/the-anti-hunting-ban-in-the-uk-a-great-business-opportunity-for-animal-welfare-groups/#.Vyi3k8vmrug>. (Retrieved 03/05/2016). This follows up on a 2009 blog “The Great ‘Victory’ of New Welfarism”, promoting the same view. And so, what we have is not an occasional case of careless wording but an entrenched view that “The ‘ban’ on fox hunting is a classic example of the futility of single-issue welfarist campaigns”. http://www.abolitionistapproach.com/the-great-victory-of-new-welfarism/#.V_4Ino1TGUL. (Accessed 12/10/2016).

⁹Rosa Luxemburg’s *Reform or Revolution* (1899) and Lenin’s *Left-Wing Communism: An Infantile Disorder* (1920) are the classic statements of the necessity for accepting certain limitations of the existing practice of politics such as reforms which do not comprehensively end wrongs, in order to subvert the regular practice of politics and secure ultimate, revolutionary, goals.

UK animal rights movement's development over the past half century. It also seems rather paradoxical that animal rights advocates might walk away from the one campaign that has consistently helped to secure public sympathies. Advocacy of such rights is, in other respects, marginal to the routine practice of politics. And here, the promise of a sudden mass acquisition of support for animal rights secured through some other means seems difficult to sustain in the light of data which indicates that vegetarianism and veganism may have been growing in absolute terms, in line with population levels, but they have long remained only around 3% and 0.5% as a proportion of the UK and US populations.¹⁰

The special targeting of fox hunting *is*, however, something of a peculiarity given that, as Donaldson and Kymlicka point out, the vast majority of animal rights activism focuses upon the central problem of animal slaughter for food, and particularly the intensive, industrialized versions of the latter.¹¹ There are, as a result, dangers associated with according such special standing to a non-central form of harm. During the 1980s, "hunt sabbing" drifted towards weekly ritualized confrontations with police and hunters that almost became an embedded feature of the hunting experience itself, driving many activists away or into less confrontational, because covert, activities associated with the Animal Liberation Front. However, the special importance attributed to fox hunting in the UK is not entirely an exceptional circumstance or some manner of local movement fetish. Plausible comparisons may be drawn with the issue of bullfighting in Spain or, more particularly, in Catalonia where a ban on bullfighting has been successful in spite of opposition from Spain's central government. The guiding thought in both of these cases is that iconic forms of animal harm may call for a special response. Comparably, we might say that campaigns focused upon the treatment

¹⁰These are the stable numbers over the past two decades, with veganism slightly over 0.5% in the USA and slightly under in the UK. A 2016 survey in the UK, funded by the Vegan Society and Vegan Life magazine, suggested a surge to over 1% but this still lacks any independent support. The same survey in the May 2016 edition of *Vegan Life* suggested that the long-standing gender imbalance among vegans, with a ratio heavily weighted towards females, was also well on the way to being overcome. Although widely reported in the national press, the survey painted a conveniently rosy picture.

¹¹Donaldson and Kymlicka (2014), 124.

of Steve Biko and Nelson Mandela, although in certain respects exceptional, were not distractions from the more routine harms of apartheid. (Although this claim *was* made.) Rather, they formed a focal point from which other activisms were able to draw, leading to ultimate movement success.

Moreover, in the UK, because of the elite standing of fox hunting and more particularly its association with the aristocracy, the monarchy (who have invariably been keen hunters), the wealthy and the Conservative Party, opposition to hunting is a point at which the strategic alliance of animal rights and the political left is at its strongest. Without underestimating cross-party support, or the fickleness of all social democratic parties over issues of animal rights, at some point the goals of the animal rights movement will need to secure a solid footing within a sympathetic political constituency that is in a position to translate campaigning into policy and law. Relatedly, unlike vegan outreach, opposition to hunting is not regarded as a middle-class cause but as something closer to class struggle pursued by alternative means. Or, a little less dramatically, the lines of division on this matter do tend to be shaped very clearly by a left-right split rather than by a split along the lines of affluent liberal versus some special section of the poor.

If we are to believe the relevant polling data, while veganism remains under 1%, the banning of fox hunting consistently commands somewhere over 80% support among the population of England at large. And this is a figure which, perhaps surprisingly, does not vary greatly when we shift from public opinion in the cities to opinion in the countryside.¹² There is a drop downward, but only by a couple of percent. Data of this sort clashes strongly with attempts by hunting advocates, notably the pro-hunting philosopher Roger Scruton, to represent the banning of hunting as a form of misguided political correctness imposed by ill-informed left-wing urbanites upon more traditional rural communities.¹³ This urban/rural contrast has, until recently, been the

¹²Milligan, *Civil Disobedience: Protest, Justification and the Law* (London & New York: Bloomsbury, 2013), 51.

¹³Scruton's rationale for supporting hunting is not merely a matter of tolerance but enthusiasm for its apparent cultivation of the virtues. Roger Scruton, *On Hunting* (Yellow Jersey Press: 1998).

dominant (and conspicuously unsuccessful) form of defence of the practice. Essentially, the argument runs to the effect that respect for difference within a tolerant liberal society cannot simply be directed towards idealized oppressed groups for whom the left has special sympathies (often based upon a serious misdescription of realities). Genuine tolerance, respect and acceptance must open a dialogue that includes those that the political left does not like; it must apply in cases where it might be tempted to impose state regulation in place of local choice and group traditions.

Whatever their merits, such arguments failed to prevent a partial ban on hunting with dogs from being passed into law in England and Wales in 2004 in spite of a large rural mobilization against it, culminating in a 2002 *Livelihood and Liberty* demonstration by an estimated 470,000 people. Admittedly, there was a good deal of “bait and switch” involved, drawing in some part upon Scruton’s analysis of hunting as pivotal to a range of issues.¹⁴ Mobilization seems to have been based in many cases upon considerations such as rural housing and jobs, but the master theme on the day then turned out to be prevention of a ban. What was harder for this movement to sustain afterwards was any momentum over the specific issue of hunting itself. Mobilization on the latter fell flat in the aftermath of a disastrous, outnumbered confrontation with police outside of Parliament. Hunt supporters then moved from the prospect of sustained mobilization to a more quiet ongoing violation of the law as “unenforceable”. Scruton, who had previously advocated mass civil disobedience, shifted to quiet unimpeded continuation with the prospect of complicity on the part of the authorities.

By pressing unenforceability, they have been more successful. During the passing of the Hunting Act through Parliament, hunt supporters in the UK’s unelected second chamber, the House of Lords, were able to amend the legislation in ways which strained its force and coherence, particularly by allowing for the use of dogs to “flush out” animals from hiding places, but not to intentionally chase them across the countryside (the core of any traditional hunt). These limitations

¹⁴Milligan, 49–50.

have been a significant source of disappointment with the law on the part of animal rights activists. However, few have embraced Francione's strict abolitionist position that attempts by the Conservative Party to repeal the Hunting Act should not be opposed and that, instead, it is supporters of the Act who should be attacked as "welfarists". For Francione, "abolitionists who point out the absurdity of the campaign, and the obvious fact that the primary beneficiaries of the campaign are the groups promoting it, will be denounced as 'divisive' and told that they are not 'activists' because they are not marching to the tune of the corporate welfarist groups who have declared that 'activism' is making a donation to a large group and serving as free labour for welfarist and single-issue campaigns that raise lots of money for those corporate groups. But the reality remains: single-issue campaigns (and welfare reform campaigns generally) are nothing but business opportunities for the large groups".¹⁵

Few UK animal rights activists, even among those who otherwise identify with Francione and regard themselves as abolitionists, are prepared to adopt such a position. Even UK abolitionists prefer to target other, less popular, campaigns for criticism as pointless single-issue distractions. The reason for this is straightforward: fox hunting is too iconic a centrepiece of activism to be easily set aside. And so, if (with caution and without pressing the similarities too far) an analogy is to be made with antebellum slavery in America, i.e. with the original "abolitionist" movement, we might think of the special attention given by opponents of slavery to the hunting and recovery of slaves, the way in which its open cruelty was exceptionally difficult to disguise and thereby became pivotal to the building opposition to slavery as an institution. Something similar (up to a point) applies with fox hunting. For the public at large, it is an abuse too far. And so, while the ban has been poorly enforced (although some prosecutions have occurred), it has helped to render the practice of hunting *toxic* in ways that have not immediately brought it to a comprehensive end, but have nonetheless compromised its longer-term sustainability. This is not simply special

¹⁵Francione (2015) no pagination.

pleading by anti-hunting organizations attempting to secure ongoing financial support. It also appears to be the assessment of the hunting community itself. They have not been content to keep an indefinitely low profile, or to continue their practice discretely for fear of a further strengthening of the ban. Rather, they have deemed it *essential* to the longer-term survival of hunting that the ban be overturned soon, before it is an entrenched feature of the law and regarded in a similar way to the laws governing bear baiting and dog fighting, laws which helped to toxify the latter beyond any prospect of survival as public activities. (Although underground dog fighting has recently returned in economically depressed areas of the UK).

Where matters stand, at the time of writing, is that one hasty and improvised attempt to repeal the legislation (through a destructive, legislation undermining amendment, in 2015) has failed but other, better-organized attempts at repeal are anticipated. What is striking, however, is that the 2015 attempt at repeal witnessed a politically sensitive shift in the dominant tensions, and the group identity, to which hunt supporters appealed: from *country versus city* to *English traditions* versus the outside threat of interfering Scots.

3 The Play Upon National Tensions

The potential effectiveness of this shift has faced animal rights activists, who want to defend the ban, with a problem, a complication not altogether dissimilar to the familiar complications generated by a commitment to multiculturalism and to special group rights. Specifically, should Scottish Members of Parliament vote to prevent repeal of a hunting ban in England and Wales when (i) the whole process of securing a ban in the latter and in Scotland has resulted from a division of authority over this matter, i.e. a devolution of power and an entitlement of Scots to decide the issue for themselves?; and (ii) any repeated use of the Scottish vote to block repeal in England is liable to worsen a broader political process of “othering” of the Scots, i.e. the extension of growing levels of xenophobia in England (and some of the more anglicized border areas of Wales) to include Scots along with immigrants and

refugees, as those against whom England and English culture must be protected.¹⁶ While this has intensified with the growing recognition of national difference within the UK (the stark realization that Scotland is not broadly the same as the North of England, and that Wales is a culturally divided nation), the othering builds upon deep roots that have been somewhat obscured by the UK's two-party system. Until recently, the binary nature of UK politics has left those situated on the left (and indeed those on the right also) with little choice but to vote in a uniform manner across the whole of the UK, thereby generating an image of consensus across nations which has been increasingly distant from the underlying reality of political fracture.

While this poses animal rights advocates with a dilemma concerning whether or not further political realignment, even state reformation through a separate Scotland (perhaps even Welsh separation in time), will work for or against animal rights advocacy, the more immediate problem emerges out of the already existing Scottish Parliament. Created in 1999 after years of Conservative government generated a democratic deficit (the Scots voted consistently against Conservatism), this devolved Parliament has entitlement to legislate separately upon a limited number of strictly domestic social policies. The upshot is that one of its first major measures was the introduction of a limited ban on fox hunting, with relatively little fuss about the matter. The lack of any major protest, compared to the mass demonstrations and subsequent violence in the streets when a ban was then proposed in England, again indicates a degree of political misalignment between the two nations. In rural settings, such as Fife, and where identity blends Scottish and English influences, such as the Borders (where the Conservative Party retains a strong foothold), there is some support for hunting. However, these are isolated pockets of influence. Overall, the left-right divide does seem to shape sympathies over matters of animal rights and Scotland is consistently to the left-of-centre.

¹⁶Bonnie Greer, in a much-cited interview on Sky News during the election, referred to the emergence of an insidious "Scotia-Phobia" with overtones of misogyny directed towards the SNP's leader, Nicola Sturgeon, <https://www.youtube.com/watch?v=cM1XwCJyM28>. (Retrieved 08/09/2016).

While there is a good chance that the Scottish legislation is now going to be strengthened as part of a broader process of land reform, the reverse appears to be the case in England and Wales where parties of the right have experienced a resurgence. In 2015, a Conservative-Liberal Democrat coalition was replaced by a Conservative majority government, itself under pressure from the populist (anti-European, anti-immigrant and anti-regulation) United Kingdom Independence Party (UKIP). The following year, a section of the Conservative Party and UKIP secured and then won a vote for the UK to leave the European Union. (Based again upon support in England and border areas of Wales but opposition in both Scotland and Northern Ireland.) The electoral dominance of the right, with Conservatives and UKIP between them commanding around 50% of the vote and the main party of the left in England, the Labour Party, performing well on occasion but subject to dramatic swings, gives the latter only an outside chance of a return to power before 2022 at the earliest (due to a system of more or less fixed term government) and very possibly 2027 on a less optimistic scenario.¹⁷ The return of the hunting issue is symptomatic of a high level of confidence on the right, given that it is an issue that (on other occasions) might otherwise have cost them support. Indeed, any lack of movement on the issue of repeal carries the potential for the more stridently pro-hunting UKIP to eat into the Conservative Party's local activist base and, through the latter, into their broader electoral support. Repeal sympathies at a party level are, for the moment, misaligned with attitudes towards hunting among the general public. However, soft-opposition to hunting has not actually shaped the way that most of the electorate votes. Instead, pro-hunting parties on the right have secured and seem likely to retain the support of a broadly anti-hunting electorate.

What has surfaced during this rightward drift of politics in England is a firmer opposition to Scottish influence upon English affairs, or indeed upon the composition of the UK government. During the latter

¹⁷The figures here are the 2015 General Election figures. Afterwards, Labour's position worsened amid in-fighting between different wings of the party and a lost referendum on EU membership but then recovered among younger voters.

stages of the 2015 General Election, the Conservatives charged (with some plausibility) that Labour would be unable to form a government without some form of SNP support and that they would then be unable to block the social agenda of the latter. In return, the leader of the Labour Party, Ed Milliband, announced that he would rather lose than have to cut a deal with the SNP. Even the centre-left press, such as the *Guardian*, started to produce cartoons about the Scots that were reminiscent of the worst nineteenth century caricatures of the Irish. The upshot, when the Conservatives then won the election amid a UK-wide collapse of the support for the Liberal Democrats in the centre of politics, and fears of outside Scots influence, was a quick back-bench attempt to disable the Hunting Act. Opponents of hunting in England, unable to secure enough support from rebellious Conservative MPs, then had to do exactly what the Conservatives claimed Labour would have to do, i.e. call upon the SNP to change the policy that they had affirmed during the General Election in an attempt to hold anti-Scots sentiment in check: a policy of leaving matters concerning only England to the English. After talks with leading anti-hunting lobbyists, this is exactly what the SNP did, blocking out what would otherwise have been a clear pro-hunting majority.

Were the SNP right to change their position? Here, to affirm that they *were* right to do so, we might appeal to (a) the absence of any special group rights by hunters; (b) animal rights as trumps; and (c) strategic deliberation legitimized by the continuing entanglement of Scottish and English politics through the UK Parliament. Here, I will suggest that a combination of (b) and (c) works best. Appeal to the absence of special group rights alone might be made by pointing out the elite origins of the hunting practice, but risks of an entanglement of Scots MPs in an ostensibly English (or rather English and Welsh) matter could be difficult to escape. If, for example, the Conservative Party had made the repeal of hunting a central plank of their electoral agenda, and the iconic or “quintessentially English” standing of hunting had been endorsed at the polls, it would be difficult to legitimize the SNP’s voting decision without some appeal to (b) the overridingness of animal rights, and the sheer lack of an entitlement of any legislative body whatsoever to set them aside. This move might

be defensible at the level of value theory, but it could be strategically disadvantageous.

However, appealing to (b) alone, and to the overriding importance of animal rights, tell us little about *how* to advocate those rights and *how* to oppose hunting in the most effective manner in the context of the UK's electoral system. Yet, the goal of strategic consideration of the sort proposed in (c) does seem to be properly set by (b), especially if we are committed not simply to considering the well-being of non-human animals, but to doing so as part of the "common good" within which both human and non-human interests are in play. More specifically, what I want then to suggest is a particular strategic position such that the SNP's option of trying to push the burden of opposition to repeal into England made good sense. Particularly in the light of the ongoing danger that the pro-hunting lobby might successfully exploit an appeal to outside Scottish influence at a time of rising xenophobia in England, thereby shifting a significant segment of the population in favour of hunting. The SNP does, however, seem to have made a serious initial mistake by insisting that they would not vote on the issue. (A position they had to reverse in the light of the extent of Scottish opposition to hunting and the dangers that a pro-hunting victory in England might make the already bad political climate in the UK even worse). As a point of convenience, the decision to legislate on this matter through the UK Parliament, rather than through some separate assembly for England, also generated plausible grounds for Scottish MPs to vote on the basis that *whatever* is decided through a UK Parliament unavoidably reflects upon the standing of all countries from which it claims to derive its mandate, irrespective of the national scope of the legislation in question and the geographical origin of the MPs who vote for it. (And this is one of the many reasons why there is a separate Scottish Parliament rather than merely sessions of the UK Parliament involving only Scottish MPs).

It also seems arguable that while English MPs *ought* to vote against any attempt at repeal, more or less irrespective of the circumstances, the right thing for the Scots to do *is* more of a tactical matter. Given that animal rights issues (such as hunting but not only hunting) do tend to align along a left-right split, any decisions that reinforce the political right would be unlikely to carry long-term advantages for animal rights

advocacy. Given this, while there could never be a good case for the Scots MPs to vote *for* repeal of the hunting ban, there might well be circumstances in which voting against it could be counterproductive. Opponents of hunting in England do still have the majority on their side, and it is important not to compromise this residual advantage. A parallel consideration was in play during the 2016 referendum on EU membership. The strongly pro-European SNP chose to make their position clear but not to campaign heavily in England for fear that a repeat of the xenophobic anti-Scots reaction during the 2015 General Election would compromise the overall pro-European campaign. This was in spite of the possible strategic advantage that a further rise of xenophobia in England might have offered to their broader case for independence. To say these things is to acknowledge the strongly consequentialist dimension of political reasoning. While consequences are only one factor among many in both ethics and politics, their weighting in the latter can often be stronger.

4 Situating Cruelty Within Animal Rights Advocacy

If the above position is broadly correct, then strategic political considerations alone are enough to reintroduce the kind of complexity that has generated worries about support for multiculturalism among animal rights advocates. The latter long to be able to say something fairly simple: that they oppose *all* human-caused animal harms under any circumstances and do not consider that any group of humans ever has a special entitlement to carry them out. To hold to this position *simpliciter* may send the complexities which are characteristic of an endorsement of multiculturalism into exile, but insofar as advocacy of animal rights is geared to engage with the politics of an actual liberal democracy in an effective way, the complexities are liable to return. (In one way or another.)

However, a good deal of the argument above is premised upon an attitude towards fox hunting as a suitable *special target*. And this is an attitude that might reasonably be disputed by animal rights advocates if they do happen to endorse a form of multiculturalism and are suspicious about the kind of appeals to the *cruelty* of the practice that has

allowed opponents of hunting to gain widespread sympathy. Such a concern may draw from Donaldson and Kymlicka, from the view that notions of cruelty are socially constructed or at least socially variable, and that drawing upon them is liable to operate as a means of dominant group over minorities who happen to have a different set of norms for what cruelty involves.¹⁸ The obvious examples concern slaughter without stunning within the Moslem and Jewish traditions and ritual slaughter in the form of *Santeria*. As a corollary, given that terrible forms of harm (which might just as reasonably be labelled cruel but tend to be overlooked from the standpoint of the dominant culture) occur in the average slaughterhouse, the harming agents' counter-charge of hypocrisy among opponents also returns.

Although set out in these terms by Donaldson and Kymlicka, the downgrading of appeals to cruelty originates in abolitionist theory and in an association between attention to special sorts of harms and welfare reform. (Where the latter is precisely the sort of thing that, on variant accounts of abolitionism, ought to be opposed, or at least not campaigned for, or campaigned for only when it involves complete abolition of a practice and, additionally, meets other criteria for not constituting a special bias). A number of distinct claims are built into this abolitionist downgrading of cruelty: (i) that it is strongly associated with the notion of *unnecessary* harm when, in fact, all human use involves unnecessary harm; (ii) that appeals to cruelty are usually or always insufficiently universal by contrast with appeals to rights; and finally (iii) that the appeal to cruelty is *the* paradigmatic move of a welfare-focused tradition and a downgrading of such appeals is properly the territory of abolitionism.¹⁹ There are aspects of this analysis that I believe to be mistaken: (i) for example, fails to capture the complexities of appeals to cruelty which are only *sometimes* associated with unnecessary harm. Appeals to cruelty also have a long history of association with various kinds of harsh

¹⁸Donaldson and Kymlicka (2014), p. 127.

¹⁹The Francione critique borrows, in turn, from Tom Regan's suspicion about the lack of universality in an appeal to cruelty. See Tom Regan "Kindness, and Unnecessary Suffering", *Philosophy*, 55: 214, 532–541.

necessity. I am suspicious about (ii) for reasons concerning the role of rights appeals within ethics. (I support rights claims but see their role within practical deliberation as more limited.) However, (iii) strikes me as broadly correct. The downgrading of cruelty is properly the territory of abolitionism and is not easily disentangled from the latter.

If this is true, then it will prove awkward for the Donaldson and Kymlicka approach. They too reject key features of an abolitionist position (and indeed regard it as “a strategic disaster”) but nonetheless want to disentangle the abolitionist downgrading of cruelty so that it fits into their own, quite different political theory of animal rights.²⁰ The rationale for this disentangling move in the Donaldson and Kymlicka case draws from the Francione/abolitionist approach (and the strong association in the latter between cruelty and an idea of unnecessary harm) but is driven by the previously stated concern to avoid the apparent imposition of dominant value systems upon minority groups, and the use of the former to strengthen the political right. Appeal to a dominant conception of cruelty is liable to overlook the terrors of industrialized slaughter and concentrate instead upon special harms carried out by minority groups. Animal rights advocacy which tracks this prioritizing of cruelty in pursuit of popular support may then become complicit in building a sense of the cultural inferiority (or primitiveness) of minority (usually non-white) groups and thereby reinforcing xenophobia. Given that, as an empirical point, this does seem to have happened with a number of campaigns (against halal meat and ritual slaughter) in France, particularly during the rise of the Front National, it is difficult to deny the force of the claim.

However, there are three reasons why such a downgrading of cruelty may be too hasty, especially if we already reject a good deal of the machinery of abolitionist hostility towards special targeting or “single issue” campaigns. First, a pragmatic animal politics will accept certain of the broad contours of liberal democracy and the liberal ethical and political norms that are inextricable from the latter (even in its most

²⁰Susan Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2011), 79.

radicalized forms). This is, after all, the driving force for the defence of combining the insights of multiculturalism about mechanisms of dominance together with animal rights. However, the avoidance of cruelty occupies a special place within liberal norms. Figuratively, in a terminology shared by Judith Shklar and Richard Rorty, *being liberal* (in a sense which does not require some artificial contrast with communitarianism but rather commitment to a broader pluralistic political ethic) involves *figuratively* “putting cruelty first”, i.e. recognition that there are some harms that cannot be justified by appeal to consequences or by retributive entitlement.²¹ So, for example, torture is ruled out, and capital punishment is at least problematized.

A second point relates to the first. Because animal rights advocates are, in most cases, ordinary agents, they (in my case “we”) are motivated in the regular way that others who have been socialized within liberal democracies are motivated. As a result, they (again “we”) tend to become and remain advocates of a rights position not because of universalist deliberation, or the extension of some manner of general ethical theory, but because of the manifest instances of cruelty towards animals that we encounter. A danger then is that animal rights advocates who downgrade appeals to cruelty will lapse into what normative ethicists refer to as “moral schizophrenia” where motivations and justifications fall apart. Indeed, the real motivations of such agents may become obscure to them, hidden behind a theory of some sort that is not actually doing the real work.²²

Finally, it is far from obvious that addressing the very real problem of dominance and complicity with the racist and xenophobic right actually requires cruelty to be downgraded, unless we imagine that a focus upon cruelty *literally* requires us to put cruelty first rather than situating it centrally or in plain view among various other considerations. It seems perfectly plausible that animal rights advocates might deliberately avoid

²¹Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989); Judith Shklar, *Ordinary Vices* (Cambridge, Mass: Harvard University Press, 1984); and Shklar (1982), 44.

²²The charge of dividing motivation and justification originates in Michael Stocker “The Schizophrenia of Modern Ethical Theories”, *The Journal of Philosophy*, 74: 13 (1976), 463–466.

heavily targeted campaigning over a particular culturally sensitive matter under conditions where such campaigning is more liable to promote xenophobia than to serve the cause of animal interests. Admittedly, this calls for fine judgement of a sort that animal rights advocates such as myself have not always shown. However, the difficulties of exercising good practical judgement in marginal cases need not lead us to ignore a class of more straightforward cases. For example, given the prevailing political climate in the UK, it would be irresponsible to focus upon the slaughter practices of Jewish and Islamic minorities. Similarly, it would be utter folly to sign petitions against such slaughter circulated by UKIP or by neo-Nazi groupings. This does not mean to say that the practices in question are ethically defensible, and it does not entail acceptance that there *ought* to be special exceptions to animal rights which allow them to continue. It is, rather, a pragmatic recognition that the *manner* in which such practices are opposed, and the *timing* of any decision to run campaigns against them requires nuance and recognition that (given the left/right split over sympathies towards animals) helping to drive politics to the right is likely to be a counterproductive strategy. However, where such dangers are reasonably contained, the relevant campaigns might be strategically (as well as morally) defensible. Additionally, appeals to cruelty in the context of a more constructive dialogue about what is consistent with the compassionate dimensions of the relevant faith traditions are more likely to be defensible.

What may, however, seem worrying about this approach is that by endorsing special campaigns such as the one against fox hunting, and even against the practices of minority groups with better standing than hunters, is that it falls foul of the hypocrisy charge. Many of those drawn into support for such campaigns are likely to tacitly endorse other, equally cruel, practices, e.g. through their consumption of industrially produced meat. But here, I want to close by suggesting that if there is a concept whose use needs to be reined-in by the advocates of animal rights, it is the concept of “hypocrisy” rather than the concept of “cruelty”. The response of hunters on this matter only has force because animal rights advocates have invested far too heavily in the applicability of the latter to routine human flaws. When applied to those who oppose hunting but eat meat, or who love one animal and

consume others, the distinction between hypocrisy and mere cognitive dissonance (the holding of belief-sets that are not ultimately coherent) is collapsed. Hypocrisy, I will suggest, requires a much more deliberate and manifest flouting of the norms that one wants *others* to abide by. Countries with WMD going to war because other countries are supposedly trying to acquire the very same sorts of weapons is a case in point. Political figures promoting family values while having secret affairs or visiting sex workers is another. Speaking out for conservation and then going off on safari is a further (depressingly familiar) example. What is at the heart of the charge is not routine cognitive dissonance (which is a normal part of the psychological makeup of animal rights advocates just as it is part of the psychological makeup of all other humans) but rather the setting up of an indefensible self/other asymmetry such that others ought to do as we say but not as we do.²³ As such, it is a much rarer and more exceptional phenomenon. It is also, conspicuously, a feature of fox hunting where the entire ethos has long been one of an elite sport that is carried out by those who believe themselves entitled to make binding laws for others, but who do not necessarily feel personally bound to obey the law.

More broadly, what this discussion of the specific case of opposition to fox hunting leaves us with is a picture of animal politics, and of negotiating practical ways to oppose distinctive animal harms (and rights violations), as irreducibly complex and multifaceted. Fine judgement as well as caution is required. But this is precisely what we should have expected all along because it is the nature of politics as such. And while we may consider animal harms to be special and distinctive in terms of their extent and moral gravity, animal politics has no claim to privileged strategic standing, i.e. the regular norms of politics are not suspended. There is, as a result, no obvious reason why, when it comes to animal rights, we should expect that competing demands, the legacies of empire and inequality among humans, and all of the varied phenomena that multiculturalist theory responds to, may simply be set

²³The indefensibility of the asymmetry here owes a good deal to the presuppositions of social hierarchy. My suggestion is not that all self/other asymmetries are indefensible.

aside. Individuals can, of course, make such a move and may disregard anything that threatens to compromise their personal commitment. But political communities cannot and do not do so. That is not how they work. Whether or not we then succumb to the lure of simplicity that sits behind suspicions about multiculturalism, and about the intractable unavoidability of political compromises, or suspicion about reforms such as the UK ban on fox hunting, will then depend upon what it is we expect a theory of animal rights to provide: a justifying backdrop to personal lifestyle choice or a rationale for coalition-building and politically effective engagement.

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