

# FROM THE CENTER

## Fair Chase And Technology—Then, Now And Tomorrow



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### FAIR CHASE DEFINED

First, I want to make it clear that I, in the matter of this article, do not speak for the Boone and Crockett Club. These are strictly my own musings. "Fair Chase" is a concept of how humans restrain their actions in the pursuit and killing of wild animals. That definition is one that would engender little argument. But, when the discussions turn to the nitty-gritty of just what those constraints should be, the debate heats up—and fast.

The concepts of "fair chase" are inextricably bound up in any description of an "ethical hunter," who Jim Posewitz (1994:110) defined as:

"A person who knows and respects the animals hunted, follows the law and behaves in a way that will satisfy what society expects of him or her as a hunter."

When I look in *Webster's Collegiate Dictionary* for a definition of "fair," I find a myriad of definitions—most of which do not lend themselves to use in our discussions today. The only one that makes much sense is the definition of "fair" as that of an activity occurring within rules or boundaries. I am taken with the definition of a "fair ball" as "a batted baseball that lands between the foul lines...."

### WHO MAKES THE RULES?

But who establishes the foul lines? The State makes the laws and regulations that set the minimum standards for fair chase. Violations of these rules can result in penalties ranging from fines to jail time.

The landowners set forth rules for those who would hunt on their properties. Violations of these rules, in the case of public lands, can result in penalties ranging from fines to jail time. In the case of private lands, violations can result in fines (say for trespass) or damages or loss of hunting privileges.

Local mores, in addition to the laws and regulations, help de-

fine "fair" and what is and is not acceptable in various regions. Violations of those mores will produce social castigation.

Group mores are even more potent definitions of acceptability. Violation can result in banishment from the group. Peer pressure can be a potent regulator of activity.

Then comes what should be the most potent arbiter of fair chase—that inner voice that prescribes for each individual what is right and what is wrong—i.e., what is fair chase and what is not. This is what governs the hunter's actions when no one else is watching or will ever know of the actions that did or did not take place.

In discussing the concepts and realities of fair chase, it seems that obedience to the law and the boundaries set by the hosting landowner are the minimum standard of behavior for the hunter who strives to adhere to fair chase principles. It is in mores—local, group and individual—that higher standards are set and maintained.

### HOMO SAPIENS AS A PREDATOR

If we examine *Homo sapiens* as a predator we can begin with a base inventory of attributes that would add up to make a top predator and to rate the species relative to other predators that prey on large animals. Such attributes might include the following: size (moderate); speed (low); strength (low); smell (low); eyesight (low); hearing (low); endurance (moderate); and inherent weapons—fangs and claws (low).

Oh, I forgot one. How about "brains," tool-making ability, capacity to invent and ability to accumulate and pass on knowledge? It is in these attributes that *Homo sapiens* have no peers among predators. And *Homo sapiens*, alone among the predators, could, in the throes of civilization, conceive of "fair chase" or "sportsmanship" or "ethics" or "right and wrong."

Now, we come to the question of the tools applied by humans in predatory activity. When the first human bounced a well-aimed rock off the head of the first monkey who thought he was safely perched in a tree, the contest tilted dramatically in favor of the thrower. Since that "aha!" moment there has been no turning back, and each new weapon—club, sling, spear, atlatl, bow and arrow, musket, rifle and various accrements (sights, scopes, range finders, etc.)—allowed more and more efficient killing at greater and greater range with less and less risk to the hunter.

### SUBSISTENCE AND HUNTING TODAY ARE DIFFERENT THINGS

There was simply no "fair" to it when the hunting and killing was for subsistence. In that case the very survival of the hunter and dependents were on the line. As a result, big game species were on the verge of extirpation over most of the United States by the 1880s. During that decade, with the Boone and Crockett Club as a primary leader, the conservation movement began. Intrinsic to that movement was the recognition that dramatic constraints on hunting were required, and that big game wildlife was to be treasured, pursued and killed as something significantly more than solely a source of meat and hides. Further, these upper-class gentlemen in the Boone and Crockett Club and in other organizations espoused the ideas of "sportsmanship" and "fair chase" imported from Europe.

Within that new ethical framework, the hunted animal was considered a worthy adversary to be contested within described rules of engagement. Within these rules of fair engagement, the pursued had a heightened chance of escape, and the pursuer, upon killing the animal, was buoyed by the knowledge that he had risen above base instincts and carried out the hunt within defined ethical bounds—"fair chase" if you will.

## "FAIRNESS" IS A STRICTLY HUMAN CONCEPT

Obviously, the very idea of rules of engagement, and even the concept of fairness, are strictly human constructs and, as such, were developed by humans and for human reasons. Included in those reasons were the intention of moving hunting beyond the realm of killing wildlife solely for utilitarian purposes and onto another plane that implied some heightened ritualized communion with nature and recognition of the evolutionary past.

Within the last century there has been a recovery of the large wild mammals of the United States that would have been beyond the wildest dreams of the members of the Boone and Crockett Club and other conservationists in the 1880s. And, during that century of recovery, the increase in technology related to hunting and associated activities has been both dramatic and unceasing. Yet, it is difficult to argue that these technological innovations that so increased the killing efficiency of

hunters have, in any significant way, impaired that recovery of large wild mammals. In fact, it can be persuasively argued that some of these innovations have been necessary to provide adequate harvests of some species. What was demonstrated was that regulations could be devised and enforced to impose intentional inefficiencies that offset the increasing technological efficiencies.

### WHY THE CONCERNS ABOUT FAIR CHASE?"

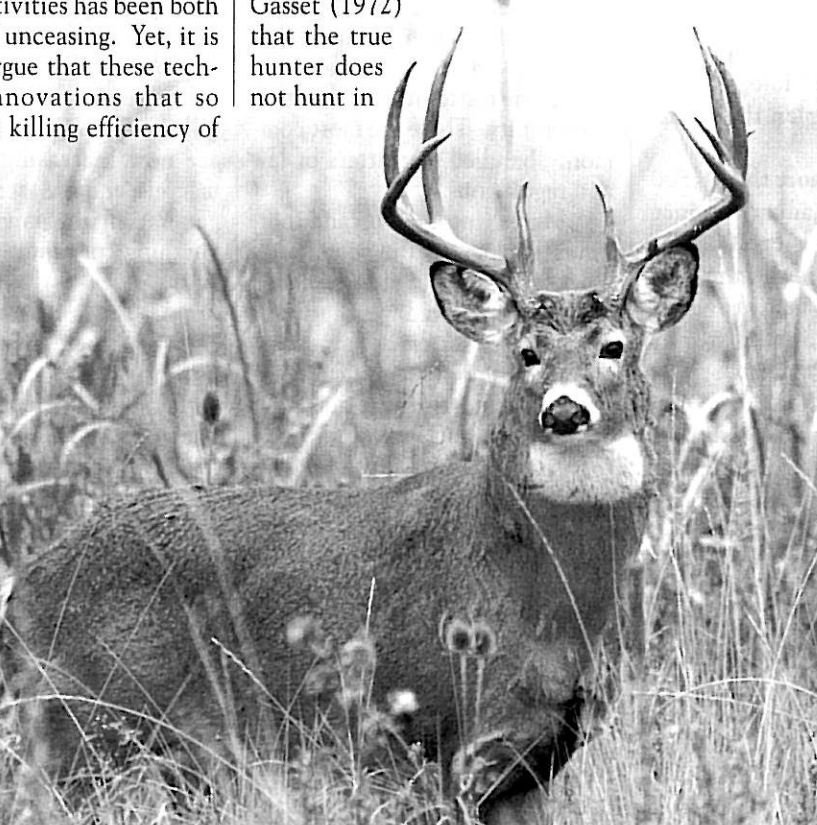
So, why the increasing concern about "fair chase"? Such concepts are necessary to raise hunting from an exercise in mere killing to a higher plane of human experience. There, on that new plane, hunting took on a new aura, at least for some, of something approaching a sacrament. This seems in keeping with the observation of Spanish philosopher Jose Ortega y Gasset (1972) that the true hunter does not hunt in

order to kill, but rather kills in order to have hunted.

Most who will read this essay are hunters and only they, in their individual ways, really know why they hunt and what hunting means to them. Beyond that individual knowing lies the arena of general philosophical musings and opinions—and they are just that.

On this new plane, some hunters needed some approximation of the concept of fair chase to explain and justify hunting to themselves and to the larger society of which we are part. Pragmatically, even hunters to whom the concept of fair chase means but little should realize that hunting will continue at the sufferance of the

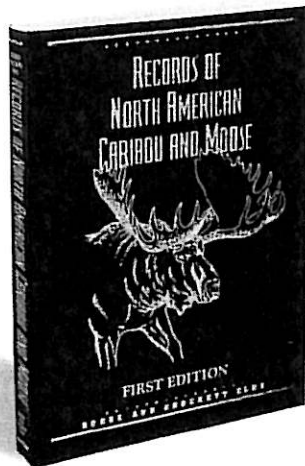
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majority of Americans—most of whom do not hunt. If you doubt that, or you don't believe the general public has a conception of fair chase, it is well to observe the outcome of several referenda in the States on issues such as hunting bears over bait or chasing cats with dogs. The voters overruled the recommendations of wildlife biologists, commissioners and their own legislatures to put an end to hunting practices that they considered grossly unfair. Such is "a shot across the bow" of those who hunt that is to be ignored at peril. The concept of what is and is not "fair" in hunting is destined to become an ever more powerful force in the calculus of hunting.

### LEVELS OF FAIR CHASE

The fair chase concept enters into play at several levels, including setting hunting seasons (locations, timing and length), methods of taking game, limitations on the class of animal that can be taken, bag limits and equity in the distribution of hunting opportunity. These are most commonly handled as matters of law and regulations.

Mores (local, group and individual) make up the remainder. And, at every level, when fair chase is considered, perception is everything. Matters of "fair chase" are not ordinarily technical questions. These largely are questions of the heart and soul, and therefore not easily approached as technical questions.

This is particularly true when considering the interactions of ever-increasing technology (i.e., "gadgets") with the perceptions of fair chase in hunting. This technology has taken several general forms. The first is enhanced ability to kill effectively at longer and longer distances (improved firearms and ammunition, binoculars, spotting scopes, rifle scopes—some with ability to enhance available light, range finders). The second is to be able to reduce the distance

between the hunter and prey using deception (decoys, calls, bait, scents and camouflage) to deter detection. The third is enhanced access to hunting areas (roads, four-wheel drives, all-terrain vehicles, motor bikes, horses, etc). The fourth is improved woodsmanship (GPS positioners, topographic maps, electric lights and lightweight gear).

This is not to even mention such items as night vision goggles and earphones for enhanced hearing. The nuances of hunting skills once learned from grandfathers, fathers and hunting companions are now available via seminar and videotape or both. Calls once laboriously fashioned by hand and their use perfected by experience are now available in wondrous array with accompanying instruction book and audio or videotape.

Even where hunters decided to handicap themselves by using only "primitive weapons"—such as a muzzleloader using black powder or a bow and arrow—technological advancement was quick to follow. These primitive weapons are now increasingly high-tech marvels, and the second and third generations of improvement are anything but primitive.

### WHERE IS THE FOUL LINE?

So, where does the line lie, using the baseball analogy put forth earlier, that differentiates between a fair and a foul ball? When does the use of a particular gadget, or one more gadget, or some combination of gadgets, put the hunter across that line and into foul territory? And, if there is a line, who chalks the playing field?

It is comforting to know that Aldo Leopold, the "father of wildlife management," struggled with the same questions and put forth no definitive answer. But he did make some observations that seem germane here (Leopard 1949:178-182):

"...Suffice it to say that ... there are cultural values in the sports, customs and experiences

that renew contacts with wild things...these...are of three kinds.

"First there is value in any experience that reminds of our distinctive national origins and evolution, i.e., that stimulates awareness of history...

"Second, there is value in any experience that reminds us of our dependency on the soil-plant-animal-man food chain and of the fundamental organization of the biota. Civilization has so cluttered this elemental man-earth relation with gadgets and middlemen that awareness of it is growing dim...

"Third, there is value in any experience that exercises those ethical restraints collectively called 'sportsmanship.' Our tools for the pursuit of wildlife improve faster than we do, and sportsmanship is a voluntary limitation in the use of these armaments. It is aimed to augment the role of skill and shrink the role of gadgets in the pursuit of wild things.

"I do not pretend to know what is moderation or where the line is between legitimate and illegitimate gadgets...Yet there must be some limit beyond which money-bought aids to sport destroy the cultural value of sport...

"I have the impression that the American sportsman is puzzled; he doesn't understand what is happening to him. Bigger and better gadgets are good for industry, so why not for outdoor recreation? It has not dawned on him that outdoor recreations are essentially primitive, atavistic; that their value is contrast-value; that excessive mechanization destroys contrasts by moving the factory to the woods or to the marsh.

The sportsman has no leaders to tell him what is wrong. The sporting press no longer represents sport; it has turned billboard for the gadgeteer. Wildlife administrators are too busy producing something to shoot at to worry much about the cultural value of shooting. Because everyone from Xenophon to Teddy Roosevelt said

sport has value, it is assumed that this value must be indestructible."

### WHAT ABOUT GADGETRY AND FAIR CHASE?

This brings back the question—what about gadgetry and fair chase? Where are the appropriate lines and who draws those lines? Some lines are, most appropriately, set forth in law. Some of these are prohibitions against jack-lighting deer, use of automatic weapons in hunting, using aircraft to herd animals to hunters, closures of hunting areas to motorized vehicles, shooting from a vehicle, etc.

Some are best handled as adherence to mores such as the acceptability of certain hunting techniques such as use of dogs, organized drives, use of motorized equipment, appropriate classes of animals to be hunted, and encroachment on the hunting areas of others. The Boone and Crockett Club, so far as I know, coined the term fair chase and states what fair chase is and is not. Fair chase is defined as: "The ethical, sportsmanlike and lawful pursuit and taking of any free-ranging wild game animal in a manner that does not give the hunter an improper or unfair advantage over the game animal."

That seems clear enough, but the terms "ethical," "sportsmanlike," "improper or unfair advantage" beg definition. Recognizing the difficulty in putting forth such definitions, the document goes on to describe what "fair chase" does not include, such as pursuing or shooting from a motorized vehicle, hunting inside game-proof enclosures, use of electronic devices such as radios to guide hunters to game, etc.

Does compliance with these rules guarantee that "fair chase" has taken place? This is an example of adherence to group mores. Is that enough, or is there something beyond even that definition? The answer, in my mind, is a most definite "Yes." Beyond

any law and any definition by any organization lies the realm of the mores and ethics of the individual. These are the inner voices heard and heeded by the individual after full consideration of his or her skills and limitations.

### HARD AND FAST RULES AND SITUATIONAL ETHICS

This adherence to the principles of "fair chase" is not, at least in my case, confined to a series of hard and fast rules. These considerations are exercises in situational ethics and a conditioned reaction to sensitivities developed over time and many experiences. When the time comes for the application of those ethics, decisions must be quickly made—sometimes in seconds—about what is right and what is wrong. Once loosed, the bullet cannot be called back. These decisions, these very individual decisions, extend beyond the rules of fair chase as laid down by the law and by group mores. At that moment of truth, the decision will be individually made and the responsibility accepted. Then, who is the umpire that calls fair or foul?

### ONE MAN'S ANSWER

I recently had occasion to exchange letters with the members of the Boone and Crockett Club concerning matters of what constituted "fair chase." I was struck by the answer of a highly respected old-timer. He admitted to having more questions about what constituted "fair chase" than he had concrete answers. He said that he had his own measure of fair chase that he has practiced for many decades. He passed that yardstick on to his sons and, now, to his grandsons.

When he walks up to a kill, he asks a simple question: "Am I happy?" In the answer lies his test of fair chase. He opined that he considered that "a pretty high standard." And, so it is. ▲▲▲

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