

BETWEEN THE SPECIES

Skill or Slaughter in 'Fair Chase:' Animal Resistance to Modern Sports Hunting

ABSTRACT

In philosophy of sport, the internal justification for sports hunting is often that the chase empowers hunters to become skilled performers. However, this internal justification for sport hunting is challenged by two factors. One is the growing awareness that the hunted non-human animals themselves are skilled performers, demonstrating agency is resisting their hunters. Another is that recent developments in hunting practice undermine the internal justification by reducing the necessity for hunters to refine their performance skills, in effect allowing them to rely on technology and shortcuts in place of sportsmanship. Both factors reveal important justificatory deficits in modern sports hunting as closer to slaughter than skill.

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Introduction

Gladiatorial games permitting killing worthy opponents given a ‘thumbs down’ by the Emperor conformed with the moral standards of ancient Roman civilization. Today, such games violate the most basic moral standard of modern society: respect for agency and autonomy. Killing an opponent – no matter how worthy, and no matter how ‘fair’ the competition – is morally out of bounds. Nevertheless, modern society continues to permit practices of sports hunting allowing the killing of non-human *animal* opponents from bullfighting to hare coursing, as sporting cultural practices.

When not presented in terms of therapeutic wildlife management delivering societal goods (Holsman 2000), killing animals for sport is often justified by emphasizing its intrinsic value for hunters, who must develop the skills of the game if they are to defeat their animal ‘opponents’ (Morris 2014). However, a skills-based justification for sport hunting, we contend, is increasingly undermined by new developments in the hunting industry that change the nature or process of hunting. ‘Canned’ hunting, involving hunting in the enclosure of semi-wild or captive-bred animals, along with heavily technologically mediated hunts, appear to reduce the need for hunters to develop skills. This potentially negates performance skill as a sports justification for killing animals. Hunters themselves are the first to admit as much of overreliance on technology: “it’s not real hunting” (von Essen 2017), but more like slaughter.

Replacing skill with slaughter, such a loss of justification for sports hunting is brought into sharp relief by growing awareness of animals resisting humans in multiple contexts of interaction (Colling 2020; Allen and von Essen 2018; Hribal 2013), including, we argue, the less explored context of sports hunt-

ing. Appealing to criteria from the philosophy of sport, we ask whether the canned- and techno-hunting practice that increasingly infuse modern sport hunting may properly qualify hunting as sport today, and hence, allow for an internal skills-based justification for the practice. We also ask what animal resistance to hunters – during the tracking, chase and confrontation – might tell us about these novel developments, as well as the status of sports hunting generally in contemporary society.

We join scholarship on the philosophy of sports (Causey 1989; Suits 1978) concerning the normative justification of controversial or violent games, with the recent burgeoning animal resistance literature (Colling 2020; Allen and von Essen 2018; Hribal 2011), concerning the normative status of the hunted. Doing so, we ask how to resolve potentially unethical practices in modern hunting (Adams 2013); unethical insofar as they are facilitated by ‘cheater’ technology often critiqued as undermining our relationship with nature and animals (Jørgensen 2014). We take it for granted that no sports hunting, strictly speaking, can be justified by utilitarian (Singer 1975) or, even less so, deontological (Regan 1983) animal rights criteria that takes its basis in sentient individuals. Sports hunting obviously fails to pass justificatory muster based on equal consideration for the interests of all animals or respect for them as intrinsically valuable subjects-of-life. This is a more well traversed field in the ethics and animal rights literature (see, for example, Moriarty and Woods 1997; Wade 1990; Causey 1989; Loftin 1984). Of course, on an aggregate utilitarian reasoning, concerned foremost with overall net happiness in a population, trophy hunting for conservation may allow for the moral permissibility of sacrificing individual animals for the species good, who are benefited from revenue generated in hunting tourism. However, this is a tenuous argument to make, and it is

not clear where Singer's original thesis would stand in relation to this somewhat brutal utilitarian assessment.

Given these ongoing debates, we consequently restrict our inquiry to the less explored internalism of philosophy of sport, emphasizing the skills and virtues of hunters pursuing authentic hunting experiences, and the externalism of Marxist approaches to sport, emphasizing the value of hunting as commodity and source of profit. Rejecting internalist criteria, we instead advocate a broad externalist conception of human-animal agency, supplementing Marxism with alternative externalist criteria such as biodiversity conservation.

Animal Resistance and 'Trickster-Resistors'

Sarat Colling defines animal resistance as "an animal's struggle and bid for freedom against their [sic] captive or other oppressive conditions by transgressing or retaliating against human constructed boundaries." Animals "resist through escape, retaliation, liberation of other animals, and everyday defiance" (Colling 2020, 51; Allen and von Essen, 2018). In the context of sports hunting, we focus on prey animals as 'trickster-resistors'. They are *tricksters* because they evade and deceive hunters in whatever ways they can to ensure their survival (von Essen et al., 2020). They are also *resistors* because their trickery demonstrates a *de facto* refusal to play the hunters' game by "transgressing ... [the] human constructed boundaries" (Colling 2020, 51; Allen and von Essen 2018). Indeed, trickster capacities of animals have long been observed by anthropology, making life and cultural practices difficult for humans (Carroll 1984), but this has not been observed in relation to animal agency in resisting sport hunting.

Here, examples of trickster-resistance range from species-level adaptations of mimicry and camouflage to cognitive processes in individual animals (Mitchell and Thompson 1986). Prey animals feint, divert, play dead, or embark on even more elaborate ruses in situations involving hunters, technology, and dogs. Their ruses showcase intentionality, response-ability to hunters' actions as well as anticipations of their opponents' reactions. Hunters recall animals doubling back on their tracks, walking upstream, moving in circles, feigning distress, sabotaging, or making off with everything from trail cameras to hunting rifles (von Essen et al. 2020). Beavers evade the hunters by submerging and using sticks like periscopes to breathe. Badgers sneak onto baiting sites just after the hunters have given up and gone home. Wild boars, "will boldly stroll in front of the property manager's 4WD but never the hunter's vehicle [...] reading hunting intent" (Keil 2021, 105). Rabbits and foxes easily fool and 'taunt' hunting dogs by making great leaps or zigzagging to throw them off their scent during the chase. By virtue of a range of trickery and ruses, animals demonstrate agency, and often quite considerable skill, resisting hunters regarding the termination of their lives as subject of sport. Another strand of our anecdotal data from hunters suggests wild animals sabotaging hunts that do not even target their species – from owls harassing hunters, giving away their position to deer, to stealing their game both before and after the kill shot.

Sports Hunting as Justified Internally and Externally

We now turn to the question of what defines and what justifies sports hunting of the sort that the animals considered above can resist. As distinct from subsistence hunters hunting princi-

pally for meat, sports hunters are “those who take an immense pleasure in the hunt and who kill to have an authentic hunting experience” (Causey 1989, 327). Here the ‘authenticity’ of their experience – if it is to be a *sports hunting experience* – depends on their defeating the animals they prey upon as worthy adversaries enjoying a ‘fair’ or ‘sporting’ chance of escape (Posewitz 1994). To be sure, in practice, the distinction between hunting for the pot and hunting for the thrill is increasingly blurred. Contemporary western hunters report multiple motivations behind their pastime, one of which is sport, but others being meat or wildlife management (Ljung 2014).

Nevertheless, philosophers of sport typically emphasize that all sports entail “playing a game” based on the “voluntary attempt to *overcome unnecessary obstacles*” (Suits 1988 [2014], 43). In soccer, for example, an unnecessary obstacle is the rule against handballs. A game’s outcome must depend on some exercise of “skill” or performance excellence in obtaining victory within parameters set by the rules. Establishing unnecessary obstacles to winning, the rules of the game function as standards for judging better or worse sports performances: they are necessary conditions for demonstrating sporting skill. Analogous to soccer players, sports hunters must demonstrate skill overcoming unnecessary obstacles to obtaining a kill, lusory success, that is, if they are to have an authentic hunting experience.

On the one hand, sports internalists (see for example Kretchmar 2005; Torres 2014; Suits 1978) embrace this philosophical connection between unnecessary obstacles and skill, regarding sport as not only defined but justified by *intrinsic* values to a game, its rules, and its players. Demonstrating skill in victory over worthy opponents is an intrinsic value spanning histori-

cal time from ancient Greek games to the Superbowl. This remains constant despite profound changes in societal mores between classical and modern times. On the other hand, externalists (see for example Sandel 2012; Walsh and Giulianotti 2007) reject this internalist approach, emphasizing instead external definitional and justificatory criteria for sport. Influenced by Marxism, they view sport primarily as a commodity with a merely *instrumental* value external to the game and its rules. A sport is defined and justified by the economic profit generates for an investor class. As far as the class of sports investors are concerned, arbitrary rules establishing unnecessary obstacles for judging performance skills are irrelevant to a game's instrumental, quotidian value in society.

Internalists strongly object to externalists *reducing* sport to such a quotidian value. This does not mean they deny sport is also a commodity; they insist only on weighing intrinsic values more heavily in evaluating a sport. However, we shall argue shortly the reverse holds in the case of canned- and technologically facilitated sports hunting, such that justificatory preference must be given to a variety of external values beyond economic profit.

Canned- and Technologically facilitated-Hunting

Canned hunting is the practice of keeping prey animals in confined, fenced-in areas on game ranches. Their purpose is to create a 'hunting experience' that increases the hunters' odds of obtaining a kill. It does so by, among other things, reducing the need for hunters to acquire the skills necessary to track prey animals in the wild. On the whole, the enterprise is more about product than process. As Ireland notes, a selling point is: "Bag a trophy, guaranteed kill, no kill, no pay" (Ireland 2020, 223). Despite its lucrative value, South Africa banned canned hunt-

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ing in April 2021. Already in 2006, widespread public attention was directed toward the case of Troy Gentry of the country music duo Montgomery Gentry, who bought and shot a tame bear, ‘Cubby’ in an enclosed pen. Gentry then tagged Cubby’s corpse giving the impression of having killed him in the wild before memorializing his supposed ‘wild kill’ in a videotape.

In similar vein to canned hunts, technologically facilitated hunting aim to *reduce* the odds of lousy failure, pertaining to the game, by any number technological enhancements to the hunters’ arsenal. Such enhancements include infrared, motion-sensitive trail cameras alerting hunters’ smartphones to animal presences (thus doing away with tracking), laser scope rifles allowing them to take aim well beyond the animal’s sensory range, and the use of drones chasing animals by concealed shooters. One notable case of technologically facilitated hunting in Texas involved the use of a webcam and remotely controlled gun, allowing hunters to shoot live animals from their computers. According to the Humane Society of the United States, most such ‘techno-hunts’ involve game ranches penning animals in a morbid marriage of canning and technology. Hunters and writers on hunting, again, are mostly critical of these developments, declaring them as ‘cancers’ (Kerasote 1994; Loftin 1984), undermining already tenuous public support for hunting.

Two Claims concerning Canned- and Techno-Hunting

We now consider two claims concerning the status of canned- and techno-hunting as sport. The first claim is that neither qualify as sport by internal criteria for sports hunting. Both are cases of drastically *making it easier* for hunters by removing ‘unnecessary obstacles’ posed by the natural trickery

and resistance of prey animals: hiding, running, feinting and more. That is, they remove these obstacles by confining animals or deploying high-tech advantages to counter their skills of evasion and escape in order for the hunter to obtain a kill. Moreover, both forms reduce the need for hunters to demonstrate physical and cognitive performance skill to achieve luso-ry success. Neither therefore appear to satisfy internal criteria for sport, insofar as they do away with the need for excellence and what most agree are key constitutive skills of hunting as a sport.

The second claim is that both canned- and technological-ly facilitated hunting do qualify as sport by external criteria *only*. Elaborating on the Marxist paradigm, both have a variety of external commodity uses. They provide a basis of profitability for sports entrepreneurs investing in game ranches and developing ever more sophisticated equipment. For example, as affluent urbanites (Tickle 2018; von Essen and Allen 2017), consumers of canned- and techno-hunting get to ‘feel’ like they are having an authentic hunting. They also get to enjoy the benefits of status-signaling among peers based on having the disposable income to afford expensive game ranches and high-tech equipment. Indeed, they may even get to tell themselves they are conservation ‘heroes’ for paying heavy trophy hunting fees going toward biodiversity conservation, and so on. As commodity, both canned- and techno-hunting therefore satisfy external criteria for sport through a variety of values in use for consumers, in addition to profitability for the entrepreneurs and investors.

Objections

Nevertheless, we also recognize and engage with some objections to these two claims. An objection to the first claim

concerning canned hunting as unethical and unsporting might be that a low skill game is still a game. For example, the British pub game, ‘shove ha-penny’ is a decidedly low skill competition, one that players typically enter into while drunk. However, it remains a competitive game recognizing victory may be claimed on the basis of alcoholically diminished performance skills. Consequently, a low skill (or diminished skill) game is still a game. By analogy with shove ha-penny, canned hunting is still properly a sports hunting game – offering an authentic hunting experience – despite the diminished skill-levels it requires from the hunters based on confining prey animals (as opposed to getting drunk).

Moreover, an objection concerning technologically facilitated hunting might be that technological innovations in hunting are far from easily manipulated shortcuts to a kill. They require great training and know-how to operate efficiently, often involving customization. Flying a drone in a forested area so as to effectively flush out an animal might be seen as ‘cheating,’ but it is not something that can be achieved on the first try. Likewise, traps are a particular kind of technology in hunting seen as cheating by many (Loo 2001). They do away with the present, physical, direct entanglement of hunting by not allowing animals a chance to fight back. Nevertheless, traps can be impressive technological constructions, finely calibrated to weather and animals’ *umwelts*, involving elaborate concealment, boiling and scenting of trap parts so as to attract the right species in the right time (von Essen et al. 2020). Consequently, these new developments in hunting that ostensibly appear to reduce the need for skill in hunting success also invite skill development alongside new dimensions, which may or may not have merit on their own. Of course, the question remains whether these new skills of manipulating technology ought to

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be considered within the lusory remit of hunting, and hence characterize a good and skilled hunter, or whether they should be regarded skills external to this.

As concerns the second claim that canned and techno-hunting qualify as sport but on external criteria only, an objection could be that it focuses too narrowly on the Marxist reduction of sport to commodification and profitability. As pointing beyond the Marxist paradigm, both canned- and techno-hunting may also satisfy external criteria instrumentally promoting environmental and humane values. First, the sums of money that businesses for trophy hunters generate may be directed towards biodiversity conservation (Ripple et al. 2016). This may be seen as a dubious and at times ruthless utilitarian practice of sacrificing the lives of worthy opponents for “environmental balance” (Vitali 1990). However, on external environmentalist grounds, game ranches may spare nature habitat from potentially more destructive land-uses (including intensive agriculture) and keeping up the numbers of endangered species (Dobson 2012; Ripple et al. 2016). Second, some defenders of the practice argue enclosing animals for trophy hunting can be a mercy to animals who would otherwise live short, tragic, and suffering lives in the wild, at risk from poachers and nature’s brutality (von Essen and Allen 2020). This may be consistent with humane values if – up until their kill – animals are provided veterinary care, feeding, and protection from poachers. Indeed, trophy hunting bases its very business model on habitats with abundant, large, and healthy animals. To be sure, knowledge concerning the care and wellbeing of wild animals kept in ranches, rather than in other habitats, is limited, and there is certainly reason to suspect some are exposed to additional harms they would not meet in the wild.

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Nevertheless, lusory victories obtained through canning animals and relying on advanced weapons technology may satisfy humane criteria, if the kills are ‘clean.’ Causey notes trophy hunters partaking in canned hunts and technologically-motivated hunters “adopt any and all ... shortcuts to ... compensate for the skills they are not willing or able to develop (Causey 1989, 333). While problematic on internalist criteria, ‘shortcuts to killing’ ensure hunters dispatch their prey quickly and efficiently, that is, cleanly. Their hunting practices may count as humane because they spare prey animals from lengthy and stressful chases internal to the game, intense skirmishes in which wildlife desperately fight back, evade stressful chases by dogs, or exposure to weapons taking great skill but with a higher risk of maiming, like hunting bows. Research on hunters embracing modern technology shows a majority endorse such humane external justification. They regard positively the fact that these new weapons, trackers, and aids reduce the time of disturbing the animal, ensure cleaner and safer kills, and enable quick and efficient tracking efforts if the animal is wounded (von Essen 2017).

Replies

How might we reply to these objections? In response to the first one, we say low skill games leave us with nothing much to *judge* as either better or worse. This obviously presents a serious problem for any internalist definition and justification of sports, concerned with making comparative judgments of performance skill. Such judgments fundamentally depend on rules of the game establishing unnecessary obstacles to victory. However, rules permitting canning and technological enhancements reduce the prospects of lusory failure. They, therefore, also quite significantly quash any opportunities for making comparative judgments of skill.

In reply to the second objection, we say the emphasis among Marxists on commodification and profitability is indeed too narrow – too reductive – as an approach to defining and justifying sports that are violent and involve the taking of animal lives. However, we also say that appeal to alternative externalist criteria, such as biodiversity conservation and ‘clean kills,’ actually does nothing to undermine the claim that canned- and techno-hunting qualify as sport *on external criteria only*. Indeed, as likewise external to sports as games defined by internal performance standards, conservationist and humane criteria prove necessary supplements to Marxism. Together, they provide a richer externalist approach to defining and possibly justifying violence and lethality in sports hunting. For them to gain traction among an increasingly hunting-skeptical public, advocates for canned and techno hunting should deploy a variety of external sports criteria, beyond the econometric and quotidian. As we noted above, many hunters themselves endorse such a broad appeal to external sports criteria (von Essen 2017).

Conclusions

We conclude that canned hunting has little or no inherent value as sport based on developing hunting skills by accepting unnecessary obstacles. For it to count as a sport on internal criteria, this form of hunting would have to build back in obstacles to luscious success. However, that would be contrary to the purpose of game ranches as increasing the odds of a kill for client hunters. By contrast, techno-hunting fares somewhat better on internal criteria. Whether it counts as sport will depend on the particular technology deployed by hunters and how. No skills-based value is realized by hunters shooting from computers when animals step in front of trail cameras realize no skills-based value. However, such value is realized by hunt-

ers operating drones across wild terrain, or devising complex weather-sensitive traps, requiring them to develop new and difficult performance skills. A separate, but equally important issue, may be when in the process of hunting technological ‘shortcuts’ are employed. It is generally frowned upon to rely on technology to tell you when and where an animal is, or indeed the stalking of the animal, but when it comes to the kill shot, greater accuracy and deadliness of the kind ensured by rangefinders and sharp weapons, appear to be in line with hunting credos of minimizing harm.

That said, we conclude the instrumental value of sport is vital to both canned- and techno-hunting. The lusory goal of obtaining a kill makes hunting a singularly controversial kind of sport in modernity. Hunters’ skill and “pleasure” in an “authentic” experience of hunting hardly compensates for loss of animal life. Internal criteria alone are insufficient to justify sports hunting in modernity. This is made clear in the cases of canned- and techno-hunting to the extent hunters fail – either wholly or partly – to satisfy such skills-based criteria. For it to be widely accepted as legitimate, sports hunting must also satisfy a range of external criteria, not just economic, but also environmental and humane. Here the practical necessity for justificatory criteria external to the norms and values of sporting practice is brought into sharp relief by the phenomenon of animal tricker-resistors. Such animals demonstrate agency and high-level performance skills of their own eluding hunters in what is for them a struggle for their lives. This exposes the moral and intellectual paucity of sports hunting, absent appropriate external justifications for taking their lives.

Granted no such justification is likely to be forthcoming from utilitarian or deontological animal rights, our discussion

raises broad themes concerning how technology diminishes or tarnishes human-animal and human-nature interactions. Canned- and techno-hunting, perhaps, border on ‘armchair’ engagement with nature and wild animals to some (Jørgensen 2014). They fail to qualify as authentic hunting experiences by refusing to engage complex relationships of agency between humans and animals. Moreover, such complex relations of human-animal agency extend well beyond a Marxist paradigm focusing exclusively on consumption and commodification. Any plausible justification for sports hunting must foreground such relations of interspecies agency concerning living and dying in “the figures of natural cultural history” (Haraway 2016, 28). This becomes urgent considering infrastructural changes to hunting practice, such as canning prey animals, and technological advances in the efficient killing of tricky and resourceful animal resisters.

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