The under criminalisation of the Hunting Act 2004 and the intersection of criminal selectivity, policing and classism.

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**Abstract:** This article fills important gaps in criminology by analysing the police response to foxhunting in one English county. Despite the Hunting Act 2004 legislating against hunting with dogs, the article demonstrates how foxhunting proceeds with a ‘business as usual’ discourse. Using Vegh Weis’ (2017) under and over criminalisation and historical development of the criminal justice sector (CJS), the article uses foxhunting as an example of the siting of classism in ‘original criminal selectivity’ that continues to explain police practices today. The use of foxhunting is particularly pertinent given the overlap in privileged relationships not only positioned to mechanisms of criminalisation but the historical development of foxhunting. The article also demonstrates how under criminalisation of foxhunting is enabling the perpetuation of violence and harms by hunts and their supporters, the latter drawing more frequently on organised violence. This violence is aimed primarily at hunt saboteurs whose role is also examined in this article through community activism applied to an abolitionist perspective. The article concludes the police are there to maintain hegemonic practices positioned to economic power, a relationship that is understood by the intersection of original criminal selectivity, the law and classism.

**Keywords:** primary/secondary under criminalisation; foxhunting; classism; policing.

**Wordcount:** 8,000 words

Introduction

In the week this article was initially sketched (October 2023), the Hunt Saboteurs Association (HSA) reported members had been attacked by foxhunting supporters on several occasions when monitoring illegal hunting. Hunt saboteurs (now referred by their preferred title of sabs) are found throughout different counties of Britain and hold local foxhunts to account through a mixture of methods. These include monitoring their behaviour in the field and using direct action to prevent deaths and harms to foxes and other animals[[1]](#endnote-1). The HSA (2023), founded in 1963 and now comprising 61 local groups with hundreds of active members, reported that violent assaults and thefts of cameras took place at the foxhunt meet itself whilst attempts were later made to break into the sabs’ homes, with vehicles in their driveways smashed. This followed the hospitalisation of sabs at another hunt a few weeks earlier when masked men attacked them, smashing vehicles and stealing recording equipment (Black, 2023). Video evidence a month later shows a female sab being attacked by a man now identified as a local parish councillor, who punches her in the face then grabs her around the neck (East & West Kent Hunt Sabs, 2023). Another video (Egret, 2023) shows a man punching and attacking a sab with a large spade before another man joins in. Meanwhile, at a notorious hunt in the home counties, video footage shows a huntsman apparently intoxicated and riding his horse on a public road, yelling racist and misogynist comments (North London Hunt Sabs, 2023a). The same hunt allegedly employed a motorcycle gang as security (2023b).

Violence against anti-hunt opponents is not unusual, deriving from both hunt members and supporters. Stabbings (Elvey, 2015), the weaponization of horses and quad bikes (Watson, 2023; Troughton, 2017), and sadly the deaths of two sabs in the 1990s (HSA, 2009), is evidence of this. What is different in today’s violence, however, appears a pattern of more organised attacks, with masked men both at hunts and away from formal meets attacking sabs, their vehicles and the recording equipment that captures illegal hunting. Sabs with decades of experience both pre and post Hunting Act 2004, say this has formed the character of behaviour since the Act was passed. This is positioned to a reduction of police at foxhunts and unwillingness of the Crown Prosecution Service (CPS) to prosecute, even when provided with evidence of illegal hunting. The situation only changes when national media becomes involved (Evelyn, 2023; Khaliq, 2024).

This article seeks to unravel and analyse the bias and classism embedded in the criminal justice system using the example of the Hunting Act 2004 and the policing of foxhunting today. This is a topic that has been marginalised within the discipline of criminology, often positioned to green or rural criminology that have also been sidelined (Donnermeyer & Donnermeyer, 2014, cited in Graham et al., 2022). The article’s innovative analysis is twofold: firstly, it will apply the concept of ‘under and over criminalisation’ of ‘original criminal selectivity’ to the topic of foxhunting (Vegh Weis, 2017; 2022). This is particularly pertinent given the same privileged relationships inform on both. Not only are they evident in the under criminalisation of the wealthy and powerful but they are also found in the historical development of leisure time and fieldsports including foxhunting that was overwhelmingly confined to the richest in society. This analysis will explain the historical role of police positioned to hegemonic practices and economic power that informs on today’s policing practices. Secondly, the article engages an abolitionist perspective, revealing the role of sabs as important community activists drawing attention to harms and violence in rural spaces on behalf of local communities. The article concludes that current police practices perpetuate violence against hunt saboteurs and the countryside, with foxhunters and their supporters empowered to utilise organised violence. By bringing together critical analysis of policing, crimes against wildlife, green criminology and collective action, it aims to lay the ground for an innovative framework of analysis and contribute to several criminology fields.

The article begins with an introduction to the Hunting Act 2004 and relevant literature. It then briefly explains primary and secondary criminalisation before drawing on Vegh Weis’ (2017; 2022) under and over criminalisation to develop primary and secondary under criminalisation. This will be applied to further our understanding of the policing of the Hunting Act 2004 and foxhunting today. The final section reinforces the role of hunt saboteurs as effective community activists through an abolitionist perspective. The article could not have been written without the support of one hunt saboteurs group based in a rural English county who will remain anonymous, thus abiding by the important principle of ‘doing no harm’ (BSC, no date). Nine sabs, aged from their 20s to their 60s, with sab experience of a few months to four decades, took part in a three-hour focus group and four engaged in walking interviews when sabbing. These methods were particularly useful in encouraging discussion and democratising the relationship between interviewer/interviewee, particularly in entering their spaces of expertise. Along with their contribution, the article also draws on social media accounts provided by sab groups around the country including the HSA.

*Hunting Act 2004*

The Hunting Act 2004 received royal assent on 18 November 2004 and came into English and Welsh law on 18 February 2005[[2]](#endnote-2). The legislation states, ‘A person commits an offence if he hunts a wild mammal with a dog, unless his hunting is exempt’ (UK Govt, 2004). This means that chasing wild animals including foxes, deer, hare and mink with one or more dogs is now banned. The CPS (2019) state the ‘principal purpose of the Act is to criminalise certain forms of hunting of wild mammals with dogs’, extending also to hare coursing. Harrop (2005, p.203) describes the Act as ‘direct and unequivocal’. However, of the exemptions outlined in schedule 1, he states it ‘becomes, for the lawyer, somewhat more interesting’ as loopholes, smokescreens and illegal hunting are enabled. For example, stalking or flushing out a fox[[3]](#endnote-3) is still legal if the animal is said to be causing damage ‘to property or the environment’ and if protecting livestock, game birds, and crops (UK Govt 2004). Hunt monitors have expressed concerns over the exemptions, witnessing occasions when they have merely become excuses for continued hunting, including foxhunts deploying birds of prey under the ‘falconry exemption’. This has led the League Against Cruel Sports (LACS) (no date) to state they ‘believe that illegal hunting with dogs by organised hunts is very common across the country, while there are very few prosecutions’. Meanwhile, Harrop (2005, p.204) says some conditions are ‘so tortuous’ to understanding ‘that any person using dogs may be best advised to be accompanied by legal counsel’. The next section positions foxhunting to relevant criminology literature.

*The marginalisation of wildlife crimes*

There is an absence of literature relating both to the Hunting Act 2004 and from a critical police perspective. One explanation is provided by Donnermeyer and Donnermeyer (2014, cited by Graham et al., 2022) who state the subject straddles rural and green criminology, both argued to have been ‘marginalised’ within the broader discipline of criminology. Others argue that wildlife crime is not taken seriously by police and/or the public (Wellsmith, 2011; Nurse, 2012, cited by Bullock & Garland, in 2023, p.43). However, from the 1990s, green criminology has expanded the ‘crime’ debate to include different perspectives, amongst which are environmental, ecological and species justice. As Lynch and Stretesky (2015, p.1) state, green criminology includes multiple perspectives and theoretical concepts and is ‘an umbrella term for a criminology concerned with the general neglect of ecological issues within criminology’.

In introducing green criminology more broadly, Nurse (2016, p.23) explains how species justice examines if, when and how domestic and wild animals are protected through criminal law, applying this to his (2017) analysis of the Hunting Act 2004 drawing on a legal perspective. He examines attempts by the Countryside Alliance (CA) to use the European Court of Human Rights to challenge the Hunting Act 2004, including the ‘right to a private life’ and ‘freedom of association/assembly’ (2017, p.383). Nurse’s analysis of different socio-cultural meanings applied to hunting throughout Europe becomes important to these legal routes when identifying how challenges to the foxhunting ban in the UK were in the hands of a judiciary considering it from a ‘Europe-wide context’ (p.391). Nurse identifies hunting in the UK as ‘primarily social or recreational activity’, in contrast to ‘culturally ingrained hunting’ of some European countries, often informed through living side by side larger animals including wolves and bears (p.390).

More recently, Graham et al.’s (2022) powerful contribution applies a ‘rural green’ perspective providing insight into the lobbying power and policing of foxhunts. They apply ‘regulatory capture’ in identifying foxhunting as an industry, which not only provides economic understanding to their lobbying power but its unique access to the state. This is because ‘special interests affect state intervention’ and regulators including governments ‘can come under the influence of industry’ (p.55). The power of foxhunting as an industry also informs on its monopolistic relationship with rural police aided by an overlap in membership between police and hunts, leading effectively to the regulation of friends and acquaintances.

Rural criminology also provides useful literature particularly into the priorities of rural crime teams, although again it suffers from a lack of academic research including into ‘processes and practices’ (Bullock & Garland, 2023, p.42). Research often prioritises urban over rural policing, even when at odds to most police forces and public experiences (Wooley & Smith 2022). When it does focus on rural police officers, it provides important understanding into their capabilities. Bullock and Garland (2023, p.47) found that ‘rural crimes may not be prioritised’ partly owing to the extensive geographic space covered by some rural police forces. This is exacerbated by a lack of resources that the loss of one police officer following a case may accrue. Bullock and Garland’s recent contribution updates earlier insights into rural policing, including Yarwood’s (2004) valuable contribution into the ‘constable countryside’. Here again the pressures between the urban and rural police officer are examined, including negotiating state priorities for efficiency and ‘performance culture’ alongside the idyllic rural lifestyle sought by local communities. This can be used to explain rural crime teams attitudes towards countryside pursuits including foxhunting. Overall, however, gaps in the literature inform on the marginalisation of topics in mainstream criminology.

The next section provides a brief explanation of primary and secondary criminalisation and Vegh Weis’ (2017) analysis of under and over criminalisation before combining and applying to foxhunting.

*Primary/secondary and under/over criminalisation*

Primary criminalisation begins when only a small number of behaviours are selected and labelled as warranting state action through legislation. The selection process does two things: reveals the narrow focus applied to processes of ‘criminalisation’ whilst exposing sites of power and privilege in the decision-makers. A key component is how criminalisation is positioned differently according to ‘the aesthetic image of the offender, with classist, racist, age and gender components’ (Zaffaroni, 2000, p.9, cited by Vegh Weis, 2022, p.2). Secondary criminalisation (2022, p.2) reveals this further in layers of bias embedded in the process including whether legislation is actively enforced, specifically through “law enforcement profiling”, “court discretion” and “differential penalisation”. In furthering our understanding of these processes, Vegh Weis (2017, p.24), informed by Marx’s Capital (1867) argues a deeper filtering process or ‘mechanism’ is required to contextualise it, positioned to under and over criminalisation in ‘original criminal selectivity’. It began in the fifteenth century with the nurturing and maintenance of the pursuit of capital, capitalist structures and hegemonic practices. Focusing on who, what and how state structures were constructed, it demonstrates the original focus of classism, protecting the rich whilst demonising the poor. This was initially identified in relationships of protection awarded the landed gentry, employers and escalating to royalty, in comparison to relationships of neglect and absence towards the feudal classes and later the ‘emerging working class’ (2017, p.24). Classism was therefore integral to original differentiation built into processes of criminalisation.

The following section informs on the continuation of these processes, contextualised to the same privileged relationships described above. This is demonstrated using primary and secondary under criminalisation of foxhunting. Initially this is identified through economic and political relationships revealed in the years leading to the Hunting Act 2004 and then informed by police practices today. Importantly, the individuals and sections of rural communities that reveal privileges positioned to original criminal selectivity also represent the history of foxhunting, making this analysis even more informative. Fieldsports and foxhunting developed from the 13th century and were usually only available to those with the wealth, land, connections and leisure time to carry out the pursuit (Trevelyan, 1946; Itzkowitz, 1977; Hughson, 2009). In identifying the importance of these relationships, it informs on the historical and continuing intersection of classism positioned to law making, policing and foxhunting.

The application of foxhunting to primary and secondary under criminalisation

*Primary under criminalisation*

It is unquestionable that foxhunting fell under the gaze of primary criminalisation processes with the Hunting Act 2004, albeit centuries after its cruelty had first been recognised (May, 2013). This was decades after initial attempts to ban it through parliamentary legislation (BBC News 2005). The presence of several anti-foxhunting MPs, animal protection organisations and opinion polls repeatedly in favour of a ban (The Economist 1997), made it somewhat inevitable. However, the process of reaching the Hunting Act 2004 can be characterised as primary undercriminalisation in attempts to delay and weaken legislation on the part of the government including providing legal loopholes enabling hunting to continue through the smokescreen of trail hunting (see below). Informed by the powerful influences of anti-hunt lobbying particularly the Countryside Alliance (CA)[[4]](#endnote-4), they held connections with pro-hunt landowners that stretched from the countryside into parliamentary space revealing both economic and political power. As explained above, these individuals are sited historically both in the development of criminalisation processes and the development of foxhunting.

Despite considerable support against foxhunting, it came as a surprise to many when, in July 1999, the Prime Minister Tony Blair stated his own commitment to a hunting ban by the next election (Guardian, 2014). This has repeatedly been linked to a cash donation to the New Labour government of £1million from Brian Davies who founded the International Fund for Animal Welfare (Stacey 2023). However, the evidence suggests otherwise as, two months later, he began what became a consistent pattern, watering down proposals or offering weak compromises, only one a clear ban on foxhunting (Guardian, 2014). When it was eventually introduced to the House of Commons in 2001 through a second reading of Labour MP Mike Foster’s Private Members’ Bill, an outright ban was overwhelmingly supported (Wintour, 2001). However, it was rejected by the majority of pro-hunting peers in the House of Lords and the ensuing election of May 2001 curbed any further action. Nonetheless, the Commons wanted the democratic voice to be heard and would continue to lobby for another vote, aware the Parliament Act[[5]](#endnote-5) would be triggered the next time.

Blair’s changing attitude was the result of lobbying by powerful rural interest groups, most notably the CA, who held strategic positions in Parliament able to enforce their view over parliamentarians. Evidence for this comes from Blair himself who later admitted he deliberately sought loopholes to enable foxhunting to continue, calling it ‘a masterly British compromise’ (Yorkshire Post, 2010). He cites the influence of one conversation with a ‘Mistress of a Hunt’, ‘that completely convinced me’ (Stocks 2010), a conversation wrapped in the arguments proposed by the CA and achieved through their political connections. Lobbying of the government even extended to Royalty, the then Prince Charles writing to Blair about his opposition to a foxhunting ban, expressing its ‘romantic’ connotations entwined in ‘man’s’ (sic) ‘relationship with dogs and horses’ (Glaze & Bartlett 2017). Both Charles and his future wife Camilla Parker-Bowles were avid foxhunters often riding with the Duke of Beaufort’s hunt, one of the richest in the country.

Initially, early arguments by the CA appeared to fail, such as suggesting that 16,000 jobs would be lost if foxhunting was banned. The Burns Inquiry set up to investigate disagreed, stating, ‘the economic effects of a ban on hunting would be unlikely to be substantial, especially in the context of the drastic changes taking place in the agricultural sector’ (UK Govt, para.20, 2000). Despite the failure of this argument and the short history of the CA, they held connections in parliament that enabled powerful support to be drawn from the centre of government. A new group, the ‘Middle Way’, was founded, including pro-hunting MPs such as Sports Minister Kate Hoey, supported by Baroness Mallalieu, the CA’s own president who still resides in the House of Lords. Links between this group and wealthy pro-hunt landowners were revealed in minutes held by the CA into a ‘secretly channelled’ donation of £46,000, leading to claims they were a ‘Trojan Horse’ (Barnett & Honigsbaum, 1999). Today, three of the thirteen CA board members sit alongside their president in the House of Lords (CA, 2024).

Tony Blair appeared utterly won over and, from then until 2004, the party leadership showed little commitment for a ban, facing regular anger from backbench MPs who felt their voice and that of their constituents had been dismissed. Meanwhile the power of the rural lobby became more overt, witnessed in a ‘Liberty and Livelihood March’ organised by the CA in September 2002 in London with 400,000 pro-hunt supporters descending on the capital. They were joined by the then Conservative Party leader Iain Duncan Smith, several Conservative MPs and members of the aristocracy including Earl Spencer, owner of Althorp Estate. The then Prince Charles, although absent due to its’ political nature, gave staff at his Duchy of Cornwall estate leave to attend (Branigan, 2002).

Despite the nature of support clearly evident from within central government, the CA positioned the march and ban to a failure in ‘tolerating differences and respecting ‘ordinary guys’’ (Branigan, 2002). Baroness Mallalieu blamed opposition to foxhunting on ‘class bigotry’ found in New Labour, an argument still raised by the current chief executive today. However, their political connections were powerful and continued to emerge, including gaining access to the rural affairs minister Alun Michael who met members of the CA and Master of the Foxhounds Association (MFHA) (Branigan 2002). This again appeared to demonstrate what has been described as their ‘monopolistic’ hold over government (Graham et al., 2022). This relationship is positioned not only to their political but economic power, explained in Graham et al.’s article when applying ‘regulatory capture’ to foxhunting. This describes how ‘special interests can impact and manipulate the state agencies’ (Dal Bo, 2006, in Graham et al., 2022, p.53). Despite contributing a limited amount to the rural economy, Graham et al. note that ‘networks of individuals and businesses do have a specific financial interest in foxhunting’ (p.54) which means that foxhunting can be described as an industry. This is positioned to a complex mix of ‘socio-economic dynamics and industrial and financial interests associated with the practice’ (p.54). At the heart of this lies those relationships described above positioned both to ‘original criminal selectivity’ and the history of foxhunting. Their longevity is built upon economic and political power that stretches throughout rural landscapes and maintains their privileged voice in the countryside. For example, on a visit to sabs in one English county, it was pointed out how many foxhunting connections there were between industries and employers even if not directly evident. What bound them together was membership of the hunts, informing relationships that stretched from landownership to political sites of power including MPs and Police and Crime Commissioners. The importance of recognising foxhunting as an industry grows when the regulator is now revealed to be the government, which offers insights into how special interest groups including those with the ‘financial power’ of the CA (Anderson, 2006, cited by Graham et al., 2022, p.55) can build ‘monopolistic’ relationships. This both explains how financial interests can exploit connections with government whilst closing its access to others. Graham et al. (2022, p.63) are led to conclude that, the ‘dominance of the pro-hunt lobby and the exclusion of alternative interest groups indicate that they hold a monopolistic position’.

Although the Hunting Act 2004 was eventually passed, triggered by the Parliament Act when it was overturned again in the Lords, the nature of the legislation meant Blair’s goal of enabling foxhunting through loopholes was ensured. Indeed, the overt and highly visible nature of illegal hunting suggests it is business-as-usual, supported in the following section in secondary under criminalisation and the role of police.

*Secondary under criminalisation*

According to Channel 4 News (2023), 526 examples of illegal hunting took place in the 2022-2023 hunting season, with figures collected over preceding years demonstrating similarities (LACS, no date; WCL, 2022; Weaver 2023). The government does not collect data on illegal hunting so it falls to NGOs and charities to fill this gap. Illegal hunting is often positioned to the ‘smokescreen’ of trail hunting when foxhunts lay false trails using animal scent for the hounds to follow instead of chasing live animals. Even the CA and MFHA admit to a ‘smokescreen’ (Harbour, 2021), revealed in a secret webinar they organised to educate others in the hunting community on how to obfuscate the policing of illegal hunting. The current National Police Chiefs’ Council Lead on Foxhunting Crime, Chief Supt Matt Longman, is also in no doubt, stating of the Hunting Act, “It without doubt is being used at times by some as a smokescreen to allow them to continue hunting as they said they would twenty years ago. Everybody knows this” (Thomson, 2024).

There are two characteristics to policing since the Hunting Act 2004, the absence of police officers and differential outcomes between communities, although the two inform on each other. The absence of police since the Hunting Act 2004 is one characteristic noted by sabs, one stating that:

As soon as the ban came in, the police just disappeared, there was no sign of the police at all (Justin).

Although police were not always present at every hunt meet pre-ban, their absence is said to be exacerbated even more so since 2004, partly explained by the Act, one sab stating:

I suppose like many of us, they felt that the hunt was going to obey the law and also because of the way the Act was written, with it not being a non-recordable offence[[6]](#endnote-6), there was no real incentive for them to police it (Justin).

There is a belief that the less serious nature of wildlife crimes inhibits police action alongside their under-resourcing (Bullock and Garland, 2023, p.47). This is reinforced in the lack of knowledge displayed by police officers of the Hunting Act 2004, the police commonly informing sabs they googled it on their way to a meet. Rural Crime Teams (RCT) are identified by sabs as only engaged in protecting hunts and economic interests of the farming communities, one sab stating they only deal with ‘tractor theft and shit’ (Tom). This reinforces the findings of Graham et al. (2022) who state there is a ’monopolistic relationship’ formed not only between government and rural lobbyists as discussed above but between rural police and hunting communities. The focus of crime becomes dictated by the most powerful people in the communities which includes local employers and landowners who hunt and are involved, either directly or indirectly, with setting crime targets.

The second characteristic is differential outcomes between communities in police enforcement. For example, the current focus on the safety of XL bully dogs has led to hastily introduced legislation by the government (BBC News, 2023) that follows in the footsteps of previous dog related Ms (Kaspersson, 2008). The police have already seized many ‘bullies’ (The Guardian, 2024) as they did with earlier dog legislation, the Metropolitan Police seizing 479 ‘out of control dogs’ just in 2022 (Goodier, 2023). However, aside from the violence inflicted on other wildlife, foxes are repeatedly videoed being chased by ‘out of control’ packs of hounds into private gardens and public areas where pets are attacked and killed (ITV 2021; Evelyn, 2023). On one occasion a hunt caused devastation at an animal sanctuary in East Sussex where several cats were killed and injured (Griffin & Cockburn, 2018). Despite the evidence collated by sabs of ‘out of control’ hounds when huntsmen fail to maintain discipline, the police rarely intervene. MPs have recently announced plans to seek further powers for police to deal with dog attacks on livestock, focusing again on pet dogs rather than hounds (BBC, 2024).

Hunt behaviour relating to road safety also reveals differential outcomes. The use of e-scooters is regularly raised by police as a concern, including messages over Christmas reminding the public of laws against e-scooter use (Kent Police, 2023). However, weekly video evidence of the misuse of single-seat quad vehicles by hunt supporters goes unremarked, often driven without proper registration plates, commonly overcrowded, and carrying large overhanging items (Wiltshire Hunt Sabs, 2024). The dangers were tragically reinforced recently when a young woman lost her life when a passenger on a quad bike, the local hunt denying she was supporting them at the time. Weeks later the same hunt was again ferrying too many passengers on quads. Sabs also document the precarious transportation of children (Glasgow Hunt Sabs, 2023). Aside from this, they are commonly weaponised by hunt supporters when driven directly at sabs, resulting in serious injury (Egret, 2024). Quad bikes and other hunt support vehicles are also frequently used to block rights of way on busy roads.

Road safety more broadly appears to demonstrate the visible overt nature of biased policing inscribed into the rural landscape. Regular footage of drunken huntsmen riding horses on main roads is captured by sabs and signposted to police forces on social media, some huntsmen fairly notorious for their behaviour (North London Hunt Saboteurs, 2023). Foxhunts including packs of hounds, horses, and support vehicles routinely utilise main roads to navigate stretches of land, endangering the lives of other road users and their own animals. This was illustrated recently when several hounds were hit and killed by cars when crossing a main road in Devon (HSA, 2023). It was the sabs rather than hunt members who ferried one injured hound to the vet where it died and retrieved the body of another from the road.

On the few occasions police officers attempt to control them, alternative solutions are found favouring foxhunts. In one recent case in Warwickshire (August 2023), a police sergeant pursued a Community Protection Order against a local foxhunt on the grounds of road traffic safety owing to the hunts routine use of busy roads. This was overturned on appeal (Banbury Guardian, 2023). Instead, a protocol has been drawn up providing the hunt with significant rights, including an hour’s notice when police will attend a hunt, notice of complaints made against them, and a police officer on call to attend the hunt when required. The latter is particularly at odds with claims of under resourcing.

Shared membership between police and hunts partly explains differential outcomes, the sabs referring to one occasion at a hunt where a police officer, a member of a local hunt, was physically violent to them:

There was one of them there who lost the plot. He attacked a sab and it was all on video. He had to be dragged away by his own colleague (Anne).

Many senior police officers are members of hunts including in one county where an overlap includes a former Head of Firearms Unit, Royal Protection teams and, perhaps most concerning, Wildlife Crime Teams. One example was revealed in Wiltshire in the case of a RCT officer who had previously been a Wildlife Crime officer (Burnett, 2023). The former case came to light as she regularly rode with Avon Vale Hunt, later expelled by the sport’s governing body due to repeated evidence of illegal hunting and animal cruelty, a case that made national media (Evelyn, 2023).

Wiltshire Police, due to the efforts of the sabs, have recently changed their recruitment system for RCTs, stating: “The new framework will provide more scrutiny around the suitability of our officers, staff and volunteers to work within the unit” (Egret 2023). However, the sabs are dismissive of this, particularly in its national context, one stating of how police typically recruit to these units:

They’re appointed with, ‘have you got links to the rural community’ and that means are you a member of a hunt, are you a member of a shoot? (Tom).

Evidence for differential policing between communities is backed up by police officers themselves, retired officers frequently approaching information stalls run by sabs stating they would have supported them but describe attempts to do so as blocked from ‘above’. One sab stated:

I get this quite often at our stalls, ex-policemen come up to us and say obviously I support you now but I couldn’t back then when I was serving. That’s happened so many times (Gordy).

Another sab said the same:

We had more interest from ex-coppers or nearly retiring coppers, oh what can I do when I retire? Their hands are tied when they’re serving (Justin).

All of this demonstrates examples of secondary under criminalisation positioned to the police, escalating from an ignorance in the Hunting Act 2004 and low priority of wildlife offences to overt visible bias demonstrated in the privileging of foxhunts over other parts of rural communities. Chief Supt Matt Longman recently described the devastating affect this has on police trust and legitimacy, saying:

In our rural communities, what you’re facing is a real lack of trust and confidence that the police will fulfil its fundamental role of upholding the law. And that’s what that is. Upholding the law (Thomson, 2024).

Having applied primary and secondary under criminalisation to the Hunting Act 2004 and foxhunting today, the next section reinforces opportunities to identify alternatives to the state’s role of policing positioned to an abolitionist perspective. The role of hunt saboteurs is one such example, contextualised to their seeking fairer and safer rural communities.

*Role of hunt saboteurs*

Inspector Oliver Fisher from the National Wildlife Crime Unit recently described the relationship between sabs and foxhunters as follows: “The fact is, one side is trying to stop something illegal and another side is intent on perpetuating some illegal activity” (Channel 4 News, 2024). He could have added how successful that ‘side’ is given at least the last 43 prosecutions were all achieved with evidence supplied by sabs (HSA, 2023), although it is just the tip of the iceberg and covers multiple offences. Despite ‘573 successful prosecutions under the Hunting Act’ relating just to illegal hunting (Hunting Act, no date), this represents a 16-year period and, as discussed above, accords approximately with estimates of illegal hunting per season (Thomson, 2023).

This demonstrates the key role community activists are taking, filling the absences left by police and RCTs, and employing the media and public to hold people accountable, as explained by one sab:

it’s entirely down to activist work and publicity and prosecutions have almost always, as far as I can see, only ever happened after publicity (Tom).

Abolitionist arguments have moved centre stage over the past decade (Vitali, 2017; Duff, 2021; Day & McBean, 2022), contextualised to calls to *Defund the Police* (Vitale, 2017; Fleetwood & Lea, 2022; Jackson et al., 2022; McElhone et al., 2023) following the death of George Floyd. However, they have existed amongst many communities for decades, often positioned to the brutality and violence that accompanies everyday contact with police officers (Purnell, 2021; Davis et al., 2022). The role of sabs provides one such alternative to policing in their current twofold role: firstly, monitoring and intervening at foxhunts and secondly, raising awareness into the biases held by the CJS. Of the first, Channel 4 News (Thomson, 2024) recently captured this clearly in the work of North Dorset sabs and the monitoring of the Blackmore and Sparkford Vale Hunt. Firstly, sabs monitored the hunt on public land and intervened to prevent illegal hunting when hounds pursued a fox. They then utilised a drone when the hunt entered private land. Footage captured clearly demonstrated illegal hunting on the part of the huntsmen including the digging out of a vixen then thrown to the pack of hounds. This led to the hunt’s suspension by the British Hound Sports Association (BHSA), albeit two months after they were made aware of the footage. In another example last year, Wiltshire Hunt Saboteurs also revealed the illegality of behaviours by the Avon Vale Hunt, again captured on film and revealed on national media (Limbu, 2023). Sabs regularly use social media to garner the attention of national media and the public, a means of bypassing the police who typically remain disinterested. One sab explained the different police behaviour witnessed after a video of one such incident aired on national media following it being uploaded to social media:

The police response to the video was quite something, it wasn’t something we would have seen before, I guess, had it not been so blown up as it was, because the police themselves were proactively trying to get people to make statements and give evidence. They were doing it with a sense of urgency, it’s quite strange really (Anne).

Aside from illegal hunting, sabs regularly monitor a range of harms and crimes committed by hunts that in other communities would result in police attention. As described above, they include road safety, organised violence and public order offences.

Although sabs position their key role as protecting the countryside from wildlife crimes and using direct action when necessary, it cannot be separated from the second when revealing privileges positioned in the CJS. This became an important point of discussion between the sabs themselves when seeking to explain differential policing between communities, initiated by Clare:

Do you think it goes back to it when the police were first set up to protect people with money? (Clare).

Probably, yes (Tom).

Explanations for this focused on the elite nature of hunting including their own observations of members of the Royal Family going foxhunting. As Tom explained:

I think this is something we’ve touched on but not gone into properly is that we’ve said corruption a lot but largely in the context of individual officers being like, oh fuck off, or whatever but actually the corruption runs so deep and so high up (Tom).

The sabs not only named senior police officers who take part in hunting but also members of the CPS, Police and Crime Commissioners, judges, magistrates and politicians. This led one hunt saboteur to state:

When you get into it, when you go down the rabbit hole – and I sound like a conspiracy theorist - but once you start researching and linking them up, it’s really clear to see why these cases don’t go through and it’s not just the police on the ground (Tom).

Attempts at upholding the rule of law are ridiculed, particularly contextualised to the rural county these hunt saboteurs are based within, leading one to state:

We had a sab that was arrested for aggravated trespass I think it was and he tried for a year to find magistrates that didn’t have links to hunting and there were none. In the end he was pushed in to taking the case and was obviously found guilty (Justin).

This appears to drive a sense of inevitability in activists taking on the role of enforcing the Hunting Act 2004 rather than the state, given the historical nature of bias embedded throughout the CJS. This was summed up by one, who said:

It’s set up for them, not us. You get people saying, oh vigilantes and this and that but why would people possibly decide they have to do things themselves? Because the system is not set up in a way where it is going to do anything about this (Jane).

Sabs are therefore enforcing forms of punishment, both formal and informal, which appears to collide and challenge abolitionism. However, their main goal is direct action to dissipate harms in the countryside, regardless of legal consequences. The data they collect can and does lead to formal police and state intervention, whilst sabs’ attendance on the ground leads to informal policing. However, the key role of abolitionism is ensuring fairer and safer communities and sabs are applying this, raising awareness of violence and harms in the countryside that endangers the lives of others, some of which is enabled by the police and state’s differential attitude towards wildlife. Whilst abolitionists in urban spaces safeguard members of their communities, sabs extend that right to all in the countryside, human animals and non-human animals alike.

This draws on a final point, the benefits experienced by sabs in the absence of police from hunt meets. Whilst the ‘criminalisation of activism’ is reaching a new crescendo (Liberty, no date; Weis, 2021; Netpol, 2023), police powers brought in from the 1990s to specifically criminalise sabs, notably aggravated trespass[[7]](#endnote-7), has decreased in use since the Hunting Act 2004. This is only partly explained by the reduction in police but again reinforces the under criminalisation of foxhunts. Any successful prosecution of a sab using aggravated trespass relies on their proven interference with a ‘lawful activity’ which is often questionable given legal loopholes in the 2004 Act. Police therefore daren’t open the pandora’s box surrounding trail hunting given the extensive illegalities this will reveal in hunt behaviour and attitudes towards the law. Protecting privileged communities including economically powerful oil and gas companies unites the policing of sabs and environmental protestors, revealing it is not just about the powers held by police forces but when and if they choose to use them (see forthcoming article).

Conclusion

Coordinated attacks designed to intimidate anti-hunt activists and remove evidence of illegal hunting have characterised this year’s hunting season on a weekly basis, including hunt supporters overtly utilising violence even when recording devices are clearly deployed. Despite this, there is a lack of police presence in holding these people to account alongside the continuing under criminalisation of the Hunting Act 2004. The result is overt and highly visible emboldening of hunts and hunt supporters in pursuing foxhunting even when utilising illegal practices and engaging in violence to intimidate protestors. Foxhunts and hunt supporters are taking on informal policing roles, operating as private security firms designed to enable foxhunting to continue seemingly in the belief, supported in practice, that formal police and state reactions will be beneficent and understanding towards them. In applying Vegh Weis’ (2017) understanding of under criminalisation, we find that relationships of privilege and protection explain this, positioned to protecting the activities of the landed gentry, employers and royalty. Although initially located in ‘original criminal selectivity’, the same relationships grew alongside the development of foxhunting as a privileged fieldsport. In applying the under criminalisation and privileging of foxhunting to the original intention of the CJS, it is also hoped this analysis benefits other communities. This includes reversing the focus to the over criminalisation of communities that moves beyond classism to other identities of vulnerability. This includes race and gender that informs on young black men’s experiences of police violence and even deaths (Elliott-Cooper, 2021; Inquest, 2023), making this research even more valuable.

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**Notes**

1. Their role is best exemplified in a Channel 4 News investigation (January 25 2024) into illegal hunting, informed by evidence collected by North Dorset Hunt Saboteurs (<https://www.channel4.com/news/exclusive-footage-shows-how-foxes-are-being-illegally-hunted-by-hounds>). [↑](#endnote-ref-1)
2. Scotland banned foxhunting and hare coursing two years earlier whilst it is still legal in Northern Ireland. [↑](#endnote-ref-2)
3. This is when foxes are chased from hiding places, usually underground, by hounds. [↑](#endnote-ref-3)
4. The CA was set up in 1997, from three organisations, one of which was the British Field Sports Society, founded itself in 1884 for the ’protection of field sports from political and moral opposition’ (McKenzle 2007). The CA state they are ‘campaigning for the countryside and ‘promotes and protects the rural way of life’ (Countryside-Alliance.org) with a key campaign being the promotion of foxhunting. [↑](#endnote-ref-4)
5. The Parliament Act (1949) prioritises the publicly elected democratic House of Commons over the appointed House of Lords by preventing the latter from vetoing an act once approved by the former beyond one occasion which can delay the act by a year.

6 Non-recordable offences lead to no custodial offences. [↑](#endnote-ref-5)
6. [↑](#endnote-ref-6)
7. Section 68, Criminal Justice & Public Order Act 1994.

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 [↑](#endnote-ref-7)