**A paradox of suffering: why bow hunting is illegal in The Netherlands**

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Introduction

This paper is aimed at substantiating a film script set in the Stone Age. I am interested in making a scene that features a real hunt with a bow and arrow. Bow hunting is illegal in the Netherlands, and so I want to better understand why this is the case.

In the Netherlands, concern for the wellbeing of wildlife has led politicians and activists to reform hunting significantly since around the 1950s. Voices against hunting were so strong that the country by now has some of the strictest hunting policies in Europe, with high bars for obtaining a licence and a demand for extensive administration on activities by hunters (Schneeweisz 2022, 142-3; Siebenga 2019, 14-20). Animal rights activists have not only protested against sport hunting, but against culling (i.e. shooting wildlife for population control) as well, in places like the Oostvaardersplassen and the Amsterdamse Waterleidingduinen. Efforts have recently focused on taking cases to court (Schneeweisz 2022). Furthermore, some hunting weapons which are legal in neighbouring countries are banned here, among which the bow and arrow.

In this paper, I will show how the ban on bowhunting revolves around the concept of *needless suffering*. I will first discuss the concept and how bowhunting fares within the perspectives of animal rights theory and hunting ethics, making use of both written sources and an interview I recorded with a wildlife manager. Afterwards, I will make a historical analysis showing how bowhunting was banned more or less accidentally in the 19th century, without this concept yet having a role. Finally, I will discuss that although there are some rare instances of people debating the use of bow and arrow, in recent decades this method of hunting hardly features in public debate. It’s not an active ethical debate that led to bowhunting being illegal; rather, it is a continuous lack of interest on a significant scale.

The concept of needless suffering

Though there is still considerable debate, many biologists agree that large mammals (i.e. anything the size of a mouse or larger) are capable of suffering. I understand suffering to mean pain caused by bodily injuries or psychological pressure as caused by fear or stress. The reasoning of biologists is that the nerve system of such mammals is nearly identical to ours in its shape and functioning, and the animals respond in almost exactly the same way to stimuli that would induce pain or distress in humans. For the purposes of this paper, I will take this view on the capacity of animals to suffer as given. But what exactly is understood by *needless* suffering? Is the suffering caused by hunting needless?

 Peter Singer, in his seminal work *Animal Liberation* (2015), understands the suffering of animals to be needless when it can be avoided without significantly hampering human interests. For example, he states we could feed ourselves perfectly well with plant-based foods, and so the suffering undergone by most farm animals could be avoided (Singer 2015, 1-24). But there is a problem with his theory. As I argued in a recent paper (Attachment 1), though Singer’s arguments about the bio-industry and animal testing work fine, his views on hunting are not very helpful. He mentions it only in passing remarks, and always disapprovingly, even the type done for population control. He suggests that fertility control would be more humane, though he admits we lack the science to do it on a mass scale (Singer 2015, 234). For him, any type of suffering caused by hunting is avoidable. Only once in a Q&A was he able to hesitantly admit that culling is “not the most evil thing you can do” (Singer 2009, 1:06:01-1:07:47). Regrettably, the idea that even wildlife population management is immoral is echoed by some animal rights activists (e.g. Dekker 2023, 43-68), though it is a simple fact that a growing population in a confined reserve will unavoidably hit a nutritional ceiling at some point (Cahoone 2009). Within such frames, all suffering caused by hunting is seen as needless. Something like bow hunting would certainly never be acceptable.

I interviewed Arjen Boerman, who works as a wildlife manager for an organisation called *Free Nature*. “In the Netherlands, we live in a culture where animal wellbeing is very important. This is mostly caused by the fact that people do not live close to nature anymore. If I see a sickly buzzard on the ground, I can easily twist its neck. But some people would have a lot of trouble with this, and take it to an animal ambulance, even though that is not in the interest of the animal.“ For him, merciful killing is a duty. Culling, moreover, is a necessary part of wildlife management. As Swihart (1997) notes, deer populations double every 2-3 years, meaning overgrazing and starvation follow soon.

For hunters, the suffering of the animal is certainly a central consideration too. It is important to shoot right, i.e. to hit the animal in the heart or the lungs (Loftin 1984). The animal then dies instantly or within seconds. A headshot usually provides an instant kill, but since this is more difficult to hit it is not the preferred target. A hit on any other body part results only in bleeding. In this case, the animal can escape from the hunter and often dies a slow death. Only the suffering caused by the bad shot is seen as avoidable, but as Mr. Boerman tells me, “If you shoot wildlife, it simply doesn’t always go right.” The suffering undergone by hunted animals is seen as “part of nature”, a necessity. And despite the risks, death by hunter is justified because in terms of suffering, it is preferable to natural deaths like starvation, disease or getting torn apart by wolves, since these cause much more suffering (Cahoone 2009). Considering the fact that unchecked deer populations disturb ecologies (Swihart 1997), both the interests of an ecology and humans are hampered by refraining from controlling their populations. If we follow Singer’s definition of needless suffering, the suffering of hunted animals is not needless. In other words: respect for animals entails killing them.

How does bowhunting fare in this perspective? Mr. Boerman says that oftentimes death by gunshot “is more humane than with a bow and arrow. (…) A wooden bow probably hasn’t enough force to push the arrow all the way through the body and destroy enough [tissue] on the inside.” He informs me that a modern compound bow, which does give enough force and which is sometimes equipped with a scope, can do the job, but there is still an increased risk of prolonged suffering in the animal. Using a bullet that breaks apart upon impact (a type that is illegal in regular weapons) works best. When I put the point to him, Mr. Boerman agreed that bowhunting is probably legal in places like France because they care less about this type of suffering there.

Considering the above, what counts as *needless* suffering depends on your views of animal wellbeing and your analysis of ecological laws. For an author like Dekker, it is possible to deny the need of population management through hunting, and so any hunter-caused suffering (including by bow and arrow) is avoidable and therefore needless. For hunters, especially wildlife managers like Mr. Boerman, the suffering caused by hunting is “part of nature” or a necessary part of responsible wildlife management, and so it is not needless.

An unexpected policy history of bowhunting in The Netherlands

To understand why bowhunting became illegal, I wanted to find the moment it was officially banned. When I started my research, I expected bowhunting to have been made illegal after the 1950, since, as one official hunting organisation writes, “Shooting game in the hunting field at one's own discretion was then a given.” (Wildbeheereenheid Susteren/Graetheide 2024) My hypothesis was that I would be able to find a debate from the years after between proponents and opponents of bowhunting, and that the opponents would have successfully used ‘an increased chance of unnecessary suffering’ as an argument against bowhunting. I would have been able to show how an ethical argument functioned in the policymaking process of a pluralist society, in line with the course topics. Reality turned out to be more complicated and my paper trail went back more than 200 years. I came to the conclusion that 1) bowhunting was probably banned accidentally or collaterally in the 19th century after a long period of disinterest in the weapon as a means of hunting, rather than after an active ethical debate; and that 2) though the idea of unnecessary suffering didn’t feature in the hunting debate at all around the time bowhunting became illegal, it’s certainly part of the debate today. These conclusions were so unexpected that I hope the reviewer will accept my long diversion into policy history below.

 Bowhunting is illegal today, so I looked for the reform that made it illegal. It turned out all sets of hunting laws of the 20th century did not allow for bowhunting (Ministerie van Landbouw en Visserij 1991, 49; Tweede Kamer, 1952, 3; Buve & Drijver 1936, 223; De Blécourt & Van Andel 1923, 51). These laws contain lists of hunting means that are allowed (“goorloofd”), e.g. rifles, falcons and certain dogs. The bow and arrow is never mentioned, and so it was an illegal hunting weapon. Since I wanted to find the point where bowhunting was still legal, I looked at the hunting laws that were effective before 1923, which led me to the *Jagtwet 1851*. This set of laws was enacted to regulate the awarding of hunting licences at a national level, whereas before this was mostly still the right of land owners (Tak 1854, 13) according to the Civil Code (*Burgerlijk Wetboek,* art. 641, Book II). In article 15 of the *Jagtwet*, I found again a positive list. According to this list, in 1851 the legal means to hunt were falcons, dogs, ropes, nets and rifles. Bows are once again not mentioned. Moreover, to expel any doubts, after this list the article states that “All other means to track, obtain or kill wildlife is forbidden.” It turns out bows were illegal a lot longer than I expected. I went back even further, and found the *Wet op het stuk der jagt en visscherij* (Law on hunting and fishing) of 1814. This law does not contain a positive list of banned items, nor does it explicitly ban bows. But how come it was banned in 1851?

 At this point in my research, I decided that looking for evidence of an early 19th century public debate would be beyond the scope of this paper. Still, I suspected there was something interesting to conclude from what I had found. I noted that none of the documents I had studied mentioned bows and arrows, though they were all explicit on the use of guns. A recent Dutch book entitled *A cultural history of hunter, animal and landscape* also makes no mention of it (Gietman et al. 2021).To try and understand these persistent omissions, I consulted texts on the general history of hunting weaponry, and I formed a new hypothesis on the policy history of bowhunting. It probably wasn’t the case that an ethical debate on suffering led to the banning of bows. Rather, I propose that by 1851, almost nobody in the country hunted with a bow anymore, and because of a lack of attention it got banned accidentally alongside means that led to overhunting. A deeper historical perspective will explain this hypothesis.

In Medieval times, hunting was mostly practiced by the nobility, who had the sole authority on the matter within their territory. There is very little known about the hunting practices of commoners, since writers were not interested in them and they didn’t write much themselves (Gietman et al. 2023, 13-4). They were usually not allowed to hunt and had to do so in secret. Consider also that “bowhunting is usually more of a solitary endeavour” (Bichel & Hart, 2023). Most Medieval writers focused their attention on grand hunting displays by aristocrats. Though they were sometimes used, and certainly formed a large part of the military, bows were not the main hunting weapon of the aristocratic hunter. They preferred chasing a deer with horses and dogs, following it until it collapsed of fatigue, after which a nobleman would finish it off with a spear (Rooney 1993, 3–5). Sometimes, a lady would use a bow and arrow from a distance to avoid direct contact with the animal (Ussing & Kindler, 2022). Other times, one or more animals would get driven into an area where a line of bowmen would wait for them (Rooney 1993, 3–5). So they weren’t the most common hunting weapon to begin with. Then, after the introduction of muskets from the 14th century onwards, the bow became steadily less popular, since rifles were simply much more effective. By the 18th century rifles were certainly the norm for sport, subsistence and commercial hunting (Freund 2016).

The point of the above is that by 1851, it is likely that bow hunting had become such a fringe activity that it was not on the mind of Dutch policymakers at all. It is not impossible that some individuals still hunted with a bow and arrow here and there, but I estimate bowhunting only featured in the public consciousness as something quaint and outdated. It would have gotten banned accidentally in 1851, and no one protested because no one was interested (or represented). Judging from the texts I read, policymakers back then only concerned themselves with banning means of hunting like snares, cages, certain dogs etc. because these increased the likelihood of overhunting. ‘Bowhunting as a source of unnecessary suffering’ most likely didn’t feature in the debate. Peter Singer has argued that generally the suffering of animals wasn’t taken seriously by politics at all until the 20th century (Singer 2015, 185-212).

Though I will leave the exact place of bowhunting in the 19th century to future study, there is clear historical evidence for when it rose again in popularity. In 1918, there was a bestseller on bowhunting inspired by Native American hunting practices that sparked widespread interest (Pope 1918). In 1934, the state of Wisconsin opened the first official bowhunting season. The trend crossed the Atlantic and from the 1940s onwards some European nations started to allow the practice one by one. By now there a considerable list of them, though no advocate group exists in the Netherlands (European Bowhunting Federation (a) 2020).

From this perspective, the historical development of bowhunting policy in the Netherlands can be summarised as follows. Centuries after the introduction of firearms, few if any people hunted with bows and arrows anymore. When policymakers started regulating hunting in the 19th century, no one considered bowhunting and it got banned accidentally. Since then, there hasn’t been a Dutch interest group that tried to legalize bowhunting. The historical development of bowhunting policy presents us with a phenomenon whereby a topic that is now subject to ethical debate was decided upon in the past without this debate yet existing at the time.

Current ideas on bowhunting in the Dutch hunting debate

The most recent hunting law reforms were crystallized in the *Besluit activiteiten leefomgeving* (Decision on activities of the living environment, BAL) in 2018.[[1]](#footnote-1) Like previous laws, it specifies the means that are legal to use for hunting, such as rifles, dogs and duck cages, among other things (Art. 11.71). Bows are not mentioned in this list, making them illegal hunting weapons.

In the BAL, it is not made explicit that bows (or other banned weapons) cause unnecessary suffering. But the BAL is explicit on the concept in article 11.28: “Someone that hunts, must prevent that an animal suffers unnecessarily at the capturing or killing” as well as in article 11.27, 3. Right at the top of the government webpage on hunting it is also stated that hunters ”may not cause unnecessary suffering to wildlife” (Rijksoverheid 2024). This proves the concept was important to policymakers.

 However, as with the policymakers of the 20th and 19th centuries, I think the use of bow and arrow wasn’t a part of the debate leading to this set of laws. There is hardly anything substantial written on the topic in the Dutch media sphere. There has been no organisation lobbying for bowhunting in The Netherlands (European Bowhunting Federation (b) 2020). There are many associations that shoot the bow and arrow for sport, but they only shoot targets, or at most 3D styrofoam animals (Omroep Zeeland 2023). Michael Witjes of the *Dutch Bowhunting Clan* explains that he likes “the walk through nature” most, and that he wouldn’t shoot an animal just as he wouldn’t shoot a human (Witjes 2018). “Personally, I don’t find it ethical,” he writes.

As far as I could tell, real bowhunting is only discussed on the fringes of public debate, and no one really advocates it. I mostly found it mentioned on forum webpages or the Q&A pages of official organisations. In each of these cases, the treatment of the topic is limited to stating that the bow is an illegal hunting weapon. The Royal Dutch Hunters’ Association mentions bowhunting only in a one-sentence Q&A (2024). The government too has a Q&A page (Rijksoverheid 2024). There is one interesting Q&A page of the *Partij voor de Dieren* (2013), a political party advocating animal rights. A news article is discussed whereby someone illegally shot a deer with an arrow (Het Parool 2013). The author mentions a public letter advocating bowhunting written by the *Nederlandse Vereniging voor Boogjagers* from 2011. However, I could find no organisation that goes by that name, and the author gives no link. Lastly, the author writes that “The use of [the bow and arrow] is unsuitable, since it increases the risk of unnecessary suffering,” which finally makes for a clear instance of an opponent to bowhunting using this argument.

Compare this to the situation in Belgium: bowhunting is in a grey area, viz. condoned in Wallonia and illegal in Flanders. Both regions have a bowhunting association, and they recently created a federal association as well (Flemish Bowhunting Association 2024). It is easy to find articles and opinion pieces from Flemish bowhunters, and they enthusiastically write about their activities. There is no indication that something similar will come about in The Netherlands. As Mr. Boerman told me, “People see the bow and arrow, or spears for that matter, as something from the Middle Ages, and not of this time.”

Conclusion

In this paper, I showed how bowhunting can be ethically assessed from the perspective of animal wellbeing. There is controversy about the acceptability of bowhunting, which stems from differing views on the acceptability of suffering in animals related to hunting and wildlife management. Though bowhunting is illegal in the Netherlands, it wasn’t the case that this debate was held to any significant degree in public discourse, after which it was made illegal. This situation came about more or less accidentally in the mid-19th century because nobody considered the bow seriously as a hunting weapon anymore. Since then, nobody has advocated its legalization

Sources

Bichel, N., & Hart, A. (2023). A history of hunting and hunting perceptions. In *Trophy hunting*. Springer, Singapore. <https://doi.org/10.1007/978-981-19-9976-5_2>

Blécourt, A. S. de, & Van Andel, J. (1923). *De jachtwet 1923: Uit de officiële stukken toegelicht*. Haarlem: H.D. Tjeenk Willink & Zoon. <https://resolver.kb.nl/resolve?urn=MMKB02:000118483:pdf>

Buve, W. B. J., & Drijver, J. (1937). *De vogelwet 1936: Toegelicht en verklaard*. Alphen aan den Rijn: N. Samson. <https://resolver.kb.nl/resolve?urn=MMKB06:000004633:pdf>

Cahoone, L. (2009). Hunting as a moral good. *Environmental Values, 18*(1), 67-89.

Dekker, N. (2023). *Jagerslatijn*. Knnv Uitgeverij.

European Bowhunting Federation. (n.d.). Bowhunting by nation. Retrieved November 7, 2024, from <https://europeanbowhunting.org/nations/>

European Bowhunting Federation. (n.d.). Bowhunting timeline. Retrieved November 7, 2024, from <https://europeanbowhunting.org/bowhunting-timeline/>

Freund, A. Men and hunting guns in eighteenth-century France. In *Materializing gender in eighteenth-century Europe* (pp. 17-33).

Fruin, J. A. (1879). *De Nederlandse wetboeken*. Utrecht: J.L. Beijers. <https://play.google.com/books/reader?id=uPRVAAAAcAAJ&pg=GBS.PA2&hl=nl>

Gietman, C., Kuiper, Y., Storms-Smeets, E., & Wessels, L. (Eds.). (2022). *De jacht: Een cultuurgeschiedenis van jager, dier en landschap* (Vol. 20). Uitgeverij Verloren.

Loftin, R. W. (1984). The morality of hunting. *Environmental Ethics, 6*.

Merskin, D. (2010). The new Artemis? Women who hunt. In N. Kowalsky (Ed.), *Hunting philosophy for everyone: In search of the wild life* (pp. 225–238). Wiley-Blackwell.

Ministerie van Landbouw, Natuur en Visserij. (1991). *Nota jacht en wildbeheer*. Den Haag.

Omroep Zeeland. (2023, September 11). Met pijl en boog schieten op nepdieren is enorm populair, misschien ooit Olympisch. Retrieved November 7, 2024, from <https://www.omroepzeeland.nl/nieuws/16034215/met-pijl-en-boog-schieten-op-nepdieren-is-enorm-populair-misschien-ooit-olympisch>

Overheid.nl. (2018). *Besluit activiteiten leefomgeving*. <https://wetten.overheid.nl/BWBR0041330/2024-10-26#Hoofdstuk11_Afdeling11.2>

Parool. (2023, September 7). Fries damhert met pijl in kop afgeschoten. Retrieved November 7, 2024, from <https://www.parool.nl/nieuws/fries-damhert-met-pijl-in-kop-afgeschoten~ba47f0cc/?referrer=https://www.google.com/>

Partij voor de Dieren. (n.d.). Vragen over boogschieten op damherten. Retrieved November 7, 2024, from <https://www.partijvoordedieren.nl/vragen/vragen-over-boogschieten-op-damherten#antwoorden>

Pope, S. T. (1918). *Yahi archery* (Vol. 13, No. 3). Berkeley: University of California Press.

Rijksoverheid. (1951-1952). [PDF] Wetgeving SGD 1951-1952. Retrieved November 7, 2024, from <https://repository.overheid.nl/frbr/sgd/19511952/0000291433/1/pdf/SGD_19511952_0002139.pdf>

Rijksoverheid. *Wat zijn de regels voor de jacht?* Retrieved November 7, 2024, from <https://www.rijksoverheid.nl/onderwerpen/natuur-en-biodiversiteit/vraag-en-antwoord/wat-zijn-de-regels-voor-de-jacht>

Rooney, A. (1993). *Hunting in Middle English literature*. Cambridge: The Boydell Press.

Schneeweisz, O. (2022). *De jacht: Jagen in Nederland*. Atlas Contact.

Siebenga, S. (2019). *Jagen in Nederland*. Uitgeverij Noordboek.

Singer, P. (2009). Peter Singer: The ethics of what we eat [Video]. Williams College. YouTube. <https://www.youtube.com/watch?v=UHzwqf_JkrA&t=3960s>

Singer, P. (2015). *Animal liberation*. London: The Bodley Head.

Staten-Generaal. (1814). *Missive van Z. K. H. met eene concept-wet over de jagt en visscherij*. Den Haag. <https://zoek.officielebekendmakingen.nl/0000454721>

Swihart, R. K., & DeNicola, A. J. (1997). Public involvement, science, management, and the overabundance of deer: Can we avoid a hostage crisis? *Wildlife Society Bulletin, 25*, 382-387.

Tak, S. (1851). *Beschouwingen over een ontwerp van jagtwet, benevens het (in oct. jl. daarna) aan de 2e Kamer der Staten-Generaal aangebodene ontwerp van wet op de jagt en visscherij, met de daartoe behoorende memorie van toelichting; en bedenkingen op dat ontwerp*. Arnhem: J.G. Meijer.

Tweede Kamer der Staten-Generaal. (1952). *Bepalingen betreffende de jacht*. Den Haag. <https://repository.overheid.nl/frbr/sgd/19511952/0000291432/1/pdf/SGD_19511952_0002138.pdf>

Witjes, M. (2018, August 29). *De wandeling door de natuur, dat maakt 3D schieten zo mooi*. Koninklijke HandboogSport Nederland. <https://www.handboogsport.nl/de-wandeling-door-de-natuur-dat-maakt-3d-schieten-zo-mooi/>

1. All translations done by the author. [↑](#footnote-ref-1)