



URBAN AND RURAL REPORTS 2015:1

# Toward a critical and interdisciplinary understanding of illegal hunting

– a synthesis of research workshop findings

ERICA VON ESSEN

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Within the series are published reports from the divisions at the department: Agrarian and Rural History, Environmental Communication, Landscape Architecture, Rural Development and the Swedish Centre for Nature Interpretation.

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# Summary

Illegal hunting has constituted an expression of contested legitimacy of wildlife regulation across the world for centuries. In the following report, we critically engage with the state of the art on the illegal hunting phenomenon. We do so to reveal emerging scholarly perspectives on the crime. Specifically, we aim to capture the complexity of illegal hunting as a socio-political phenomenon rather than an economically motivated crime. To do so, we adopt a critical perspective that pays particular attention to the societal processes that contribute to the criminalization of historically accepted hunting practices.

To capture perspectives on illegal hunting, fifteen researchers from various countries participated in an illegal hunting workshop in Copenhagen 16–17<sup>th</sup> June 2014. A primary contribution of the research workshop was to bring together criminologists, sociologists, anthropologists and geographers, each equipped with their own research perspective, to engage in a critical and interdisciplinary discussion on how to apprehend and constructively address the challenges of illegal hunting in contemporary society. A majority of those that attended were primarily based in the Nordic and the UK context, which motivated a strong focus on the illegal hunting that currently takes place in these countries. Similar trends of illegal hunting were identified across Europe, many of which traced from EU legislation on the reintroduction of large carnivores or other controversial wildlife conservation projects.

In the workshop, proceedings took the form of individual presentations, plenary discussions and group work. Common themes that emerged from these presentations were: illegal hunting as communicating socio-political resistance; the targeting of specific species based on its symbolism or environmental history; illegal hunting as symptom of class struggles; the role of rewilding and domestication of nature on wildlife regulation; corruption, complicity and conflicts of loyalty in enforcement, and discrepancies and discontinuities in legality. These themes were framed in an understanding of illegal hunting as a complex, multifaceted expression that transgresses livelihood based motivation.

Critical discussions conceptualised illegal hunting as a crime of dissent. This meant situating crimes as everyday forms of resistance against the regulatory regime. In so doing, the relationship between hunters and public authorities was highlighted as a potential source of disenfranchisement. In this interactionist perspective, illegal hunting tells us not just about the rationales of the offenders. It also elucidates the broader context in which non-compliance with regulation serves as symptoms of democratic

and legitimacy deficits on the state level. Erratic transitions in legislation and a subsequent discord between legal, cultural and moral norms in society were identified as factors that contribute to the conflict.

Crucially, the research workshop and the report contribute with three perspectives. First, it emphasizes the need to uncover the grey areas of complicity in wildlife crime. Previously corruption, bribery and selective law enforcement have been associated with wildlife trafficking in the global south, but this understanding is too blunt for the complicity that exists in many other contexts. Here conflicts of loyalty exist across several strata of society and differ in degrees. In highlighting this fact, we show a more opaque and contingent climate of complicity around illegal hunting in Northern Europe and elsewhere. Second, as crimes of dissent seeking to publicise injustices, illegal hunting and its associated resistance tactics are counterproductive by constituting a 'dialogue of the dead'. With this is meant that such communication is prone to distortion, misunderstanding and exaggeration and does no favors to hunters. There is consequently a need to move to a clarity of messages, as in institutionalised dialogue processes. Third, hunting regulation cannot be seen in isolation to the broader differences in society in terms of values, economic factors and development.

Research questions for future scholarship concluded the workshop and are summarized in the report. In terms of illuminating the junctures at which additional research is needed, these questions may provide important guidance. Above all, the report is intended as help for policy-makers, wildlife managers and law enforcement in better understanding and responding to the complexities of illegal hunting. We hope this will lead to more long-term preventative measures that address the core of the issue rather than proximate causes.

The workshop was organized by the Environmental Communication Division of the Swedish University of Agricultural Sciences. The event constituted a part of the FORMAS funded research project *Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden - the case of illegal hunting in Sweden* whose members include Erica von Essen, Dr. Hans Peter Hansen and Dr. Helena Nordström Källström from the Swedish University of Agricultural Sciences, Professor Tarla R. Peterson from Texas A&M University and Dr. Nils Peterson from North Carolina State University.

*Keywords: Illegal hunting, poaching, criminology, wildlife regulation, resistance*

# Sammanfattning

Under flera århundraden har illegal jakt fungerat som ett sätt att uttrycka missnöje med samtida viltförvaltning och jakträttsregler. I denna rapport vill vi redovisa forskningsläget och bidra till en fördjupad förståelse av fenomenet illegal jakt, bland annat genom att beskriva illegal jakt som ett komplext uttryck för sociopolitiskt motstånd. Ett kritisk kriminologiskt perspektiv används därför för att urskilja vilka processer som bidrar till kriminalisering av jaktpraktiker.

För att diskutera ovan beskrivna perspektiv på illegal jakt samlades femton forskare från olika internationella sammanhang på en forskningsworkshop om illegal jakt i Köpenhamn 16–17 juni 2014. Den övergripande utgångspunkten för workshopen var att samla kriminologer, sociologer, antropologer och geografer, där alla medverkade med sitt forskningsperspektiv i syfte att skapa en kritisk och interdisciplinär diskussion om hur illegal jakt kan bemötas och hanteras i dagens samhälle. På grund av deltagarnas geografiska anknytning fokuserades samtalet på illegal jakt i en nordisk och brittisk kontext, men likartade trender inom illegal jakt identifierades även inom resten av Europa. Det konstaterades bland annat att många jaktbrott kan knytas till EU-regler om viltförvaltning och artbevarande, däribland det kontroversiella återinförandet av stora rovdjur i vissa länder.

Samtalet i denna forskningsworkshop tog utgångspunkt i individuella presentationer, gemensamma diskussioner i plenum samt grupparbeten. De huvudsakliga teman som urskiljdes från diskussionerna var: illegal jakt och kommunikation av sociopolitiskt motstånd; fokus på vissa arter på grund av deras symbolik/historik; illegal jakt som symptom på klasskamp; rewildingrörelsens (på svenska: återförvildningsrörelsen) inverkan på jakten; och slutligen korruption och lojalitetskonflikter i polisarbete. Gemensamt för dessa teman är en förståelse av illegal jakt som ett mångfacetterat uttryck som överskrider rent ekonomiska motiv. Följaktligen argumenterar rapporten för att illegal jakt kommer att kräva motsvarande multidimensionella och robusta strategier för att motverkas i ett längre tidsperspektiv.

För att fördjupa analysen av illegal jakt utgick merparten av diskussionerna från synsättet att illegal jakt är ett brott som växer fram ur motstånd. Därmed sattes vardagliga motståndspraktiker kontra regering och lagstiftning i ett större samhällsperspektiv vilket möjliggjorde tillämpningen av ett kritiskt synsätt på relationen mellan jägare/landsbygdsbefolkning och stat. På detta sätt kunde vi upptäcka, inte bara motiv och ideologi hos förbrytare, utan också vilka samhälleliga omständigheter som kan bidra till illegal jakt, som till exempel misstro mot beslutsfattare, brist på legitimitet, nya

bevarandedirektiv och övergripande effekter av modernitet och utveckling. Snabba och oberäkneliga förändringar i lagstiftning kring vilt och lovliga metoder för jakt tillsammans med bristande samstämmighet mellan lagar och regler kontra kulturella och moraliska normer i samhället kan ses som bidragande faktorer till konflikter inom viltförvaltningen och i slutändan även till illegal jakt.

Sammanfattningsvis bidrog diskussionerna vid denna workshop till tre nyskapande forskningsperspektiv på brott mot djur- och miljölagar. Det första perspektivet betonar att det krävs en mer nyanserad syn på delaktighet vid brott och korruption än vad tidigare forskning om illegal jakt, främst i utvecklingsländer, har visat. Med andra ord behöver vi lyfta fokus från enbart mutor till att uppmärksamma en bredd av lojalitetskonflikter hos tjänstemän, av vilka många jagar själva eller uttrycker sympati för utsatta får- och hundägare i exempelvis län med hög vargtäthet. Utifrån detta perspektiv synliggörs också ett grumligare sammanhang av beroende och delaktighet när det gäller illegal jakt i många länder framförallt i Europa. Det andra perspektivet kritiserar den illegala jakten som medvetna brott för att signalera missnöje (så kallade 'message crimes'), eftersom denna typ av kommunikation är ytterst känslig för missförstånd, vantolkningar och överdrifter. Istället behövs tydligare kommunikation som kanske enbart kan åstadkommas genom långvariga dialogprocesser mellan berörda parter. Det tredje perspektivet poängterar att reglering av jakt inte kan ses isolerat från andra samhällsfrågor som kan ligga till grund för konflikter mellan grupper, som ekonomiska klyftor, synen på utveckling och skillnader i värderingar.

Workshopen avrundades med framtagandet av tänkbara forskningsfrågor för fortsatt fördjupning i fenomenet illegal jakt. Resultatet som presenteras här hoppas vi även kan fungera som hjälp för tjänstemän på olika nivåer som i sitt arbete möter illegal jakt att hantera problemet på ett mer konstruktivt sätt. Vi hoppas därmed att detta kan leda till mer hållbara lösningar som tar sig an kärnan i problematiken snarare än fokuserar på de motiv som blir synliga vid första anblicken.

Denna forskningsworkshop initierades och organiserades av avdelningen för miljökommunikation vid Sveriges Lantbruksuniversitet i Uppsala. Aktiviteten ingick som en del i det FORMAS-finansierade forskningsprojektet *Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden - the case of illegal hunting in Sweden* som drivs av Erica von Essen, Dr. Hans Peter Hansen och Dr. Helena Nordström Källström från Sveriges Lantbruksuniversitet, Professor Tarla R. Peterson från Texas A&M University och Dr. Nils Peterson från North Carolina State University.



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# 1 Introduction

## Research context

The prevalence of illegal hunting across the world has become the focus of renewed attention by disciplines such as criminology, geography, natural resource management and sustainability studies. Challenges in the enforcement of hunting and environmental regulation of wildlife have revealed shared characteristics to illegal hunting across international contexts. These include conflicts of loyalty, selective enforcement and multiple motivations behind the crime.

Illegal hunting has a degenerative impact on socio-political stability, the legitimacy of the regulatory regime and on the ecological viability of wildlife populations in developing and developed countries alike. Various approaches have ventured to understand and mitigate illegal hunting by explaining drivers behind the crime on several levels and across philosophical terrains: the individual, the societal, the socio-political and the rational-economic. As yet, many regulatory regimes are struggling with securing compliance with regulation, in large part because understandings of the processes that contribute to illegal hunting are presently underacknowledged.

The aim of the following research report is to capture and relay the most recent perspectives on the illegal hunting phenomenon across a swath of disciplines. A guiding objective to this research is to not just explain the practice of illegal hunting, but the changing socio-political contours of society which mediate how hunting may on the one hand be legally and practically understood, and on the other hand criminalized and rationalized within society. We see this as an imperative pursuit for several reasons. First, such an analysis can reveal preventative and mitigating efforts suited to tackle the particular brand of illegal hunting. Second, by affording a richer understanding of the processes that lead to illegal hunting, we become more sympathetic to the diverse plights of offenders who may not all be utility-maximizing commercial poachers. Third, an analysis of the broader landscape on which illegal hunting is situated can tell us about the junctures at which hunters experience injustice, marginalization and democratic and legitimacy deficit. With these premises, the following report will appeal to law enforcement agencies, criminology scholars, wildlife managers and policy-makers. Beyond this we anticipate that the research will serve as a foundation on meaningful paths for future research.

What must preamble this report is that as a crime, illegal hunting often defies categorization. Crimes may comprise both livelihood concerns and political goals of redressing injustices. The positioning of hunting crimes along the spectrum of ‘defiance’ and ‘survival’ is mediated by such factors as the immediate need and opportunity as well as the constraints and conditions for civic resistance. Equally, however, diverse private motivations may feature in the decision to break the law, including thrill, gamesmanship, custom and peer pressure (e.g. Muth & Bowe, 1998).

The diverse rationales behind illegal hunting means that scholars and practitioners require a thick ethnography of drivers in order to be able to address the phenomenon with long-term solutions. This also means that research on illegal hunting cannot remain confined to single disciplines or remain the purview of legal and criminological studies, but must encompass perspectives on the phenomenon that understand it as something more than a crime. For example, illegal hunting can be taken as a radicalized outcome of societal processes of exclusion, or as a pure construction of the law in criminalizing a historically accepted practice within a community.

The focus of the renewed interest in illegal hunting has particularly centred on the illegal killing of protected species of wildlife. Many of these crimes have been seemingly undertaken without explicit economic gain. Importantly, they often appear to be the work of generally law-abiding citizens, at least in the eyes of the local communities from which they operate (Eliason, 2004; Bell *et al.*, 2007; Rytterstedt, 2013). This appears to be the case in several European states, following implementation of the Habitats Directive’s species reintroduction policies. Resistance tactics and crimes that bear a family resemblance to another have surfaced in the Nordic countries and in other parts of Europe, including France, Germany, Switzerland, Greece, Italy and Spain (Mischi, 2008; 2012). Research has indicated that these crimes may stem from the disenfranchisement of rural hunting subcultures in response to the perceived threat of large carnivore conservation on rural livelihoods and traditional practices (Bisi *et al.*, 2007; von Essen *et al.*, 2014). The illegal killings that occur take the form a ‘shoot, shovel and shut up’ practice (Liberg *et al.*, 2012) as well as in increasingly open defiance policy. This illustrates the breadth and potential directions of illegal hunting as a socio-political phenomenon.

The illegal hunting that takes place in Europe following the EU Habitats Directive can be said to follow the logic of historical poaching practices and parallels contemporary crimes in for example the Global South. In the UK, the illegal killing of badgers, beavers and foxes following the Hunting Ban of 2004, elucidates tensions between social classes who stand to lose from having to surrender customary practices (Woods, 2003, 2012; Enticott, 2011; Nurse, 2011). The pervasive of noncompliance with regulation on the part of citizens may suggest critical legitimacy deficits of certain policy directives. There is therefore a need to problematize contemporary wildlife regulation on the one hand – including its formulation, background, consistency, legitimacy and implementation – and how it is received by those affected on the other hand.

## *Objectives*

The objective of this report is to relay the findings generated from an illegal hunting workshop in Copenhagen. Herein we critically situate the crime in its socio-political, economic and ideological contexts in order to make visible to policy-makers, wildlife managers and scholars the challenges that currently face our understanding of the crime. Hence, a secondary objective is to highlight potential ways forward for research, policy and regulation that better cohere with the realities of hunters and rural subcultures.

In the workshop, these objectives were achieved by bringing together a total of fifteen scholars for a two-day workshop in Copenhagen and engaging them on the topic of illegal hunting. A key focus of the two-day workshop was to acquire a deeper understanding of the societal processes, structures, subcultures and drivers that contributed to, first, the criminalization of hunting practices and, second, the radicalization of hunters toward illegal actions on the other.

From an overview of the broader contexts on which this practice takes place, more informed discussions could be held on the effectiveness of regulatory frameworks on mitigating illegal hunting. Within this we sought alternative solutions to address the fundamental problems that are seen to contribute to the phenomenon.

## *Selection of participants*

Workshop participants were identified over the course of the spring of 2014. This process was based in part on prior contacts cultivated by the SLU illegal hunting research team, and in part from the literature survey process behind the article *Deconstructing the Poaching Phenomenon: A Review of Typologies for Understanding Illegal Hunting* (von Essen *et al.*, 2014). Researchers were identified based on similarity but also breadth of perspectives on illegal hunting to ensure a range of academic disciplines present at the workshop. The final list of participants included social anthropologists, geographers, criminologists, sociologists, political scientists and scholars with a background in natural resource management.

## *Workshop practicalities*

The research workshop was funded by the FORMAS sponsored research project *Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden - the case of illegal hunting in Sweden*, at the Environmental Communication Division at the Swedish University for Agricultural Sciences. The workshop is the first of several symposiums to be held with research peers as part of this project.

A decision was made to host the workshop at the University of Copenhagen primarily due to the centrality of the city to other European states. Dr. Jens Friis Lund, Copenhagen University, hosted the workshop at his Department of Food and Resource Economics. Documentation of the workshop took the form of recording text on posters by a graduate student from the university; two separate sets of notes by the illegal hunting project researchers, and an audio recorder.

## *Summary of proceedings*

The first day of the workshop was devoted in its entirety to presentations prepared by the participants. Presentations centered broadly on the researcher's interest in, experience of and perspective on illegal hunting. The main points of these presentations are summarized for each participant on pages 15-22. A discussion session followed each presentation.

Day two commenced with a brief presentation by postgraduate student and workshop secretary Camilla Morris which concerned potential correctives to the situation of illegal hunting in the future. This fed into a two-hour session in plenary in which participants engaged in a critical discussion on ways forward to address illegal hunting. The discussion had a thematic focus on the constructive power of dialogue processes. The discussion also addressed the limitations of quick fixes to what was perceived to be part of a systemic problem.

Following this session, smaller working groups for focused discussion exercises were constituted by international diversity, evenly dividing the Danes, Swedes, Englishmen and American and Finnish participants across three groups. Over a course of three hours – as separated by a summarizing plenary session – groups first identified similarities and differences that had arisen from day one's presentations and second, sketched out the research questions that they would like to work with based on relevance to prior discussions on gaps in the research and shared interests. The results of the group work were presented in plenary and recorded on posters.

The final session on day two rounded up the workshop through reflections and discussion in plenary. The focus of this hour long session was to consider future potential research collaborations that could address the questions and themes that had arisen in the research workshop. In this discussion all participants demonstrated willingness to engage further with the research field of illegal hunting and to solidify and perpetuate the now established network of researchers in northern Europe. The outputs of this discussion are summarized on pages 35-38.



From left: Helena Nordström Källström, Hans Peter Hansen, Jens Friis Lund, Olve Krange.



## 2 Scholar presentations

Individual presentations were fifteen to twenty minute in length per participant. Notes were recorded both individually and on posters to collectively verify the main points. The order of presentations partly ceded to straightforward seating arrangement, but was also motivated by the need for a red thread and smooth transitions between topics or research perspectives.

### Erica von Essen, Swedish University of Agricultural Sciences

“We want to know: how do we get to this point in society?”

On behalf of the project group organizing the workshop, the first presentation of the day was given by Erica von Essen. In this presentation illegal hunting was presented specifically as a symptom of and challenge to the legitimation crisis of the regulatory regime in natural resource management in Sweden. In this perspective, illegal hunting was further linked to marginalization, distrust and lack of faith in the regime by citizens, notably the hunting subculture in the Nordic countries. The wolf and large carnivore management project provided the context for the radicalization of interest groups experiencing disenfranchisement in relation to the wolf project financially, democratically, ideologically and politically.

The presentation also called attention to the climate of resistance and complicity in which acts of illegal hunting occur, by highlighting boycotts, protests, personal threats, political parties and associations in Swedish civil society. This was understood in a framework of Negt & Kluge’s (1972) counterpublic. When committing acts of illegal hunting, von Essen suggested that one goes beyond the communicative arena of the counterpublic to something extremist, closed-off and non-communicative that represents a dangerous development to society. The presentation introduced the illegal hunting project, its aims and objectives and empirical pillars, and concluded with an overview of the type of illegal hunting that occurs in Sweden today, ranging from private misdemeanors to organized premeditated hunts of protected species.

## Ketil Skogen, Norwegian Institute for Nature Research

”One can almost say that the wolf has stumbled onto an arena of existent conflicts and become emblematic of these...”

Dr. Ketil Skogen offered a sociologist’s perspective on the large carnivore conflict. Dr. Skogen recalled through various qualitative research projects in the past fifteen years how wolf reintroduction, according to many Norwegians, is seen as a rewilding project and deemed unnatural in today’s landscape. Hunters rather than livestock owners were explicated as the central bastion of opposition toward wolf management in these study areas, while other large carnivores are perceived as a bigger threat to livestock grazing in northern Norway.

A key contention in this presentation emphasized the embeddedness of the Nordic illegal hunting phenomenon in class and cultural struggles. These struggles interact with substantive interests, notably the wolf issue. This resistance of hunters and the rural working class can also be seen as a response mobilized in defense of rural society toward the elitist and oppressing knowledge and power of middle class academia and the environmental movement at large.

Viewed in this way, large carnivores like the wolf can be said to have stumbled onto a field of existing latent conflicts. In this context the wolf greatly exacerbated the situation by in part becoming emblematic of value shifts in basis for land management and of asymmetrical power relations between the rural and urban and the working and middle class. Dr. Skogen also pointed to new alliances and constellations of interest groups mobilized in opposition toward this polemic, in which wolf skepticism have provided the uniting force.

## George Holmes, University of Leeds

Geographer Dr. George Holmes presented a perspective on illegal hunting that problematised the potential resistance element of noncompliance with natural resource harvesting regulation. The presentation drew from research experiences of resistance to conservation in protected areas and privately owned nature reserves in South America. With examples from Chile, the Dominican Republic and the Global South, resistance was shown to be intertwined with social, economic and political struggles.

Holmes recalled narratives by his respondents of the people in the capital ‘not caring about the peasant’. Wealthy landowners invested in nature reserves and wildlife parks, bringing conservation directives and hunting regulation into rural areas, which precipitated local resistance. Drawing on Scott’s work (1985; 1990) on everyday resistance, these practices were rooted in livelihood practices and functioned as implicit

resistance that provided a form of direct material gain while constituting a communicative act that sent a message to the regulatory regime. Some acts tended to the more defiant end of the spectrum but retained practical, everyday elements. This included, for example, local citizens demonstrating resistance by constructing a house of timber from a protected nature reserve. It also involved locals tweaking and bending the harvesting regulation to the best of their abilities.

Ascertaining the relative resistance content of illegal hunting or harvesting crimes was seen as an epistemic challenge. Misreporting and exaggeration on the part of offenders, and romanticization of the local and downtrodden on the part of the researcher risks turning everything into acts of resistance regardless of initial intent. Mindful of this, Dr. Holmes emphasized the need for a robust ethnographical analysis of intention, drivers and the broader political context in order to situate illegal hunting in relation to resistance. Dr. Holmes also discussed the commodification of nature through payment for ecosystem services and the implications of post-productivism for changes in the way we view landscape.

## Jens Friis Lund, University of Copenhagen

“Not all animals are ‘equal’ in the eyes of the law.”

The following presentation continued with a perspective on the phenomenon of illegal harvesting of natural resources from the Global South. Currently working with community-based wildlife management approaches in Tanzania, Dr. Lund recalled similar processes of encroachment on people’s livelihoods and lifestyles by nature protection schemes. Dr. Lund called attention to the historical and societal context of wildlife legislation. This was exemplified in the case of Tanzania, where rules that restrict hunting are also couched in selective and often violent means of enforcement. In this context, there is widespread corruption, and an increasing spread of reserves and conservation areas (up to ~40% of Tanzania’s land area) that compound the effects of the regulations by adding restrictions on peoples’ livelihoods and development opportunities.

The presentation asserted the importance of considering the transition and fluid boundaries between legality and illegality. Among other things it was contended that where the illegality lies is contingent on the animal. Dr. Lund thus called attention to what values, practices and ethics are selectively being criminalized. Legality *de jure* and legality *de facto* depends on the selective application and enforcement of wildlife regulations. This observation certainly holds in the Global South, but probably also elsewhere, and emerged as a challenge to the legitimacy of laws.

## Hugh Beach, Uppsala University

“You don’t know who did it, but you know what group it concerns and what it means.”

Cultural anthropology professor Beach’s contribution centered on the indigenous Sami reindeer herders of the Nordic countries and their relation to wildlife law and illegal hunting. Professor Beach recalled Paine’s (1999) work on reindeer theft, and demonstrated how crimes pertaining to animals can be construed as communicative acts. In the Sami reindeer herding setting, Norwegian laws contributed to the criminalization and stigmatization of reindeer theft, which Paine (1999) contends are part of a finely calibrated Reindeer Message System that has moral and political implications among the Sami. The animal targeted – its characteristics, sex, class, size, and the context in which it is stolen – conveys distinct messages to the Sami whose reindeer was stolen.

A parallel was drawn from the reindeer message system to acts of illegal hunting in the diversely constituted rationale of the act, which may satisfy competitive ethics, incur material gain and function as a territorial claim. Professor Beach also raised questions concerning modern reindeer herding and its place in the Nordic states, responding to criticisms that it is no longer ‘traditional’ but rationalized and mechanized. This was connected to the large carnivore conservation and the Sami exemption from having wolves, which in the conflict is sometimes highlighted as a point of injustice by the rest of the population in the Nordic countries.

## Angus Nurse, Middlesex University

“There are people who will cooperate with the police over poaching, but who will absolutely not cooperate with the police over the killing of a bird of prey.”

Criminologist Dr. Nurse’s presentation focused on drivers of wildlife crimes with an emphasis on motives of individuals. In an overview of wildlife regulation in the UK, Dr. Nurse critiqued UK law on the basis of treating wildlife offenders as if they are all part one of bracket: rational, profit-driven criminals. Consequently, responses have invariably focused on increasing the size of fines and prison sentences incurred for crimes. To counter this, Dr. Nurse delineated a four-part model, which stipulated direct financial gain by (A) individual choice, often including organized crime, (B) economic/livelihood-based, (C) masculinities, the expression of identity and the assertion of power and (D) profit-less hobby status, including taxidermy. Each model was briefly summarised with respect to potential motives, offenders, and practices.

Dr. Nurse devoted the latter part of his presentation to a case study examining the Hunting Act (2004) in the UK which banned the hunting of wild mammals with dogs (although aimed primarily at fox hunting). Indeed, this was met with great opposition by hunters and the subsequent condemnation and violation of regulation by hunting proponents. Matza & Sykes’ (1961) neutralisations were included as common tropes

and rationalisations of wildlife crimes by offenders in this context. Nurse recalled from past experiences as an investigator for an NGO that the offender's choice of neutralisations for crime was often contingent on the context in which it was communicated, which coheres with Scott's (1986) findings. Within this, rationalizations will differ widely depending on if one rationalizes psychologically, socially with friends, rhetorically in the media, or while being tried in court. This illustrates the complex and sometimes strategic character to neutralisations by offenders.

## Olve Krange, Norwegian Institute for Nature Research

“The accused are perceived as hard-working men and not criminals.”

In this presentation, titled *The legitimacy of squealing: illegal large carnivore hunting*, public and hunters' attitudes toward illegal hunting in Norway were presented in a series of statistics. The salience of these attitudes was tied to the fact that at the time of the workshop twelve hunters had been accused of illegal hunting of wolves in Norway. Dr. Krange called attention to the indirect and direct support offered to the perpetrators. This included sympathy for the twelve men being victims of 'ridiculous' laws, under which their acts were understandable and to be expected.

Using a TNS Gallup panel of 4002 people as stratified by gender, geography, age and education level, attitudes and perceptions on illegal hunting, crimes were presented. Statistics intimated relatively high support for 'squealing' (reporting crimes) among the public, but less so from 1) people who had endorsed lethal management measures for the wolf population in the survey, 2) people who distrusted NGOs and 3) those that disagreed with the statement that Norway should obey international agreements. Dr. Krange concluded with the acknowledgement that small groups of people – in particular hunters – often feel they have a moral right to break in the law in this context, but that they may overestimate the support and complicity they have from fellow citizens.

## Mari Pohja-Mykrä, University of Helsinki

“[Hunters] are well-organized; they know what they are doing.”

Following Dr. Krange's presentation on the situation surrounding support for and attitudes toward illegal hunting in Norway, Dr. Mari Pohja-Mykrä presented a critical investigation of the nature of community support for illegal killing of large carnivores in Finland. Here the severity of the wolf conflict has reached critical levels. Findings

were presented from a research article that drew from an argumentation analysis of district court sentences, police records and semi-structured interviews with hunting violators and game wardens in Finland. Of attitudes toward illegal hunting, it transpired that seventy-five per cent of hunters living in the countryside were in favour of illegal hunting. Statistics were outlined with respect to perpetrators, indicating that the average hunting violator in Finland is male, aged around fifty, the crime takes place in collaboration with two point three other men. Seventy per cent of violators are licensed hunters.

In a breakdown of motives, Dr. Pohja-Mykrä demonstrated 'disagreement with game policy' ranked as the highest motivation at forty-three per cent of the convicted. Due to the sensitivity of the research subject and the possibility for self-incrimination, the research had utilized non-active role-playing with empathy-based fictitious stories in order to get respondents to talk around illegal hunting. This had solicited respondents' explanations of 'did tell' and 'did not tell' narratives of hypothetical people reporting crimes of illegal hunting. The research concluded, first, that emotions played a crucial role behind the attitudes toward large carnivores. Second, Dr. Pohja-Mykrä found that similar arguments are found in supporters of illegal killings and hunting violators, including crimes constituting 'acts of justice'.

## Anette Nyquist, Stockholm University

"I encountered several grown men crying over their slaughtered dogs, after hours of interviewing."

Social anthropologist Anette Nyqvist's presentation centered on her experience of involvement in the 2007 Swedish National Council for Crime Prevention (BRÅ) report *Illegal hunting of large carnivores: a conflict in a lawless land (Illegal jakt på stora rovdjur – Konflikt i laglös land)* in Sweden. Over a period of three months as part of a year-long study, she undertook qualitative research into the attitudes of hunters in relation to illegal hunting. A premise to this work was the recognition of the potential heterogeneity of illegal hunting offenders and supporters as opposed to dismissing them as criminals. Another objective was to explore potential measures to increase the acceptance of large carnivore conservation policy among the public. The BRÅ report can be said to have had an impact on subsequent policy changes, but demonstrably failed to halt the radicalisation of opposition toward the regulatory regime.

Twenty-five semi-structured interviews and a large number of informal conversations during participant observation in particularly problematic regions of Sweden indicated neutralisations by hunters and a critical disposition toward the regulatory regime. This was expressed in many ways, but frequently took on a character of generalised disdain for the state, the capital and politicians, even issues pertaining to immigration. Dr. Nyqvist recalled how access was also provided through BRÅ to criminal records, facilitating contact with convicted illegal hunters.

Several respondents displayed great emotion behind narratives of beloved hunting dogs getting killed by wolves, sometimes directly forming a basis for opposition toward the wolf conservation. Many respondents, without incriminating themselves, revealed how they knew someone who had committed hunting crimes. The study however also revealed that sanctions were a deterrent to criminal activity in 2006. Dr. Nyqvist's presentation drew attention to the epistemically difficult link between opposition toward the regulatory regime and the crime.

## Paul Larsson, Norwegian Police University College

“The crimes are low on the list of priorities and sometimes distinguished from ‘real’ police work.”

In his presentation, criminologist Paul Larson presented illegal hunting as a challenge to law enforcement due to unremitting perceptions of it being a ‘victimless crime’ (see, for example, Wellsmith, 2011). Using Norway as case study, he contended that conflicts of loyalty make policing work difficult. This was attributed to the fact that many local law enforcers are also hunters. The matter of Norwegian ‘länsman’ was raised in this presentation. The länsman is a locally based sheriff with many different civil tasks that has existed since the 14<sup>th</sup> century. The länsman functions as a mix of a civil servant and a policeman and, relies on social status in the community both for appointment and for facility of enforcement. The länsman is a ‘generalist’ in his work, as opposed to a specialist enforcer. He is also able to exercise some flexibility in his authority and choice of sanctions, unlike national enforcement.

Given the profound importance of hunting as a hobby of many länsmän, sympathy for illegal hunting and conflicts of loyalty in the community were presented as key challenges. As is frequently the case, wildlife crimes are seen as *mala prohibita* or ‘rule-breaking’ rather than law-breaking, which means they may be subject to more lenient punishment, if any. When länsmän fail to charge local illegal hunters on account of social allegiance and shared skepticism toward the regulation of wildlife and game, their act of complicity can further undermine the legitimacy of the law. Despite this, Professor Larsson recognised the potential of locally rooted community enforcement in creating legitimacy at the grass-roots level. This, he contended, would be otherwise unachievable by national law enforcement agencies and personnel, as they are construed as outsiders.



## Michael Woods, Aberystwyth University

“There is a strong British tradition of people standing up for liberty and challenging politicians for justice...”

Professor Michael Woods’ presentation offered a critical perspective on the opposition toward the Hunting Act (2004) in the UK, which built on Dr. Nurse’s foregoing criminological perspective on the same phenomenon. Professor Woods revealed that protests toward the new legislation, which banned fox hunting with dogs, was seen as a grave encroachment on the customs, traditions and hobbies of hunters in many parts of England. The ban was followed by several arrests of illegal hunting in subsequent years. Using a ‘ladder of emotions’ as a model for radicalisation in protests, Professor Woods showed how hunting proponents and members of the NGO Countryside Alliance went through a series of emotions from attachment to place and threat to place and identity marker to experiencing the thrill and solidarity associated with protesting. A significant finding was that a large majority of protesters had never participated in any such activities before.

The presentation highlighted the strong collective basis of the sport and subsequently of the protests, as fox hunting requires the mobilisation of numbers. Examining the arguments and rhetoric behind protests against the act, Professor Woods found calls to independence, rights and defense from discrimination. Despite what may be obvious class differences between the two contexts, the ways in which the hunting proponents represented themselves were found to be similar to the situation in the Nordic countries in terms of the rhetoric used. Some critique was levelled toward the claim that hunters constituted “a repressed minority”. This was particularly in light of the fact that some hunting proponents undertook the protest by standing on the balconies of their gentlemen’s clubs cheering and drinking champagne during the rally.



From left: Hans Peter Hansen, Tarla Rai Peterson, Erica von Essen, Helena Nordström Källström, Hugh Beach, George Holmes, Mari Pohja-Mykrä, Paul Larsson, Annette Nyqvist, Camilla Morris, Michael Woods, Ketil Skogen, Olve Krange and Angus Nurse.



### 3 Findings and perspectives – a discussion based on the emerged workshop themes

The following section provides a synthesis of the workshop in its entirety, including presentations, discussions of similarities and differences and future research questions on illegal hunting. Themes were formulated on the basis of amount of time and interest devoted to discussing a particular aspect. The section is also informed by the discussions on future research collaborations which were articulated in groups and plenary (summarized in section 4). The discussion thereby represents a level of abstraction of findings that constitutes the core contribution of the workshop.

The following themes were distilled from discussions:

- Illegal hunting as communicating socio-political resistance
- Targeting wildlife based on symbolism or environmental history
- Illegal hunting as symptom of class struggles
- Rewilding and domestication of nature
- Corruption, complicity and conflicts of loyalty in enforcement
- Discrepancies and discontinuities in legality

## Illegal hunting as communicating socio-political resistance

While it may be tempting and romantic to label it as such, illegal hunting is not always a proxy of a resistance struggle. As anthropologists have cautioned, not every cultural expression should be turned into a matter of resistance and power (Ortner, 1995; Brown, 1996). The reality is that such intent is difficult to determine from a purely analytic outsider position. It must be ascertained from robust ethnography and phenomenology. While at the same time as motives and ideologies are thus difficult to detect, there remains a need to tap into them as pertaining, in some measure, to politics. As it stands, they are frequently transformed into legal and hence apolitical realities (Passas, 1986). The prevailing view in legal and criminological studies is that intentionality is the key determinant to the category of the crime. In other words, how the offenders reasons about the rationale of his or her crime bears on the classification of the crime.

What complicates hunting crimes, moreover, is the recognition that other factors may 'taint' the crime *ad-hoc*. This includes the interpretation of the crime by society, law enforcement and the media. Interactions between these agents, moreover, may transform the intention of the crime at several junctures. Indeed, even offenders' motivations are not static or available *a priori* but may be subject to changes as they are articulated across different communicative or cognitive contexts. As an example of this, the illegal wolf killings in Norway by an organized group of hunters over the course of a hunting season is now difficult to resolve as anything other than a political act. This was because it took place in such a politically charged climate that even if the intentions of the offenders were to be found to be largely apolitical, the act is imbued with resistance content by virtue of context and reception.

In a related example in Sweden, a particular farmer famously shot and killed a wolf in defense of his livestock in 2003 (Kranz, 2005). It was only later with continued media interest and protest mobilization surrounding the event that it became politicized to the symbolic event that it is seen as today. The farmer has become a vocal political figure who is sometimes heralded as a resistance fighter (Pott, 2012). This dynamic nature of illegal hunting illustrates the complexity of labeling acts as resistance purely on the basis of the offender's original intent.

Access to original intentions are further complicated with Dr. Nurse's and Scott's (1986) contentions that one's reasons and rationalizations for the act are contingent on the context in which they are communicated, and may serve different purposes in private and public settings (see also: Edy & Baird, 2012). This is connected to an epistemic dilemma of respondents embellishing the resistant content of their everyday practice to voice opposition. That is not to dismiss the importance of deliberate misreporting and exaggerations of illegal hunting, as these necessarily add to the resistance struggle by virtue of functioning as a discursive strategy.

Taking illegal hunting as a form of everyday resistance offers a conceptual schema that gives latitude to an accommodating rationale behind the crime. It may be under-

taken both for direct commercial or livelihood gain and function as a continuity of lifestyle while at the same time, through criminalization, the practice may be motivated by defiance toward the regulatory regime (Holmes, 2007). Examples discussed included Eastern Africa where local tribes have shot lions and dumped the carcass on the highway or killed elephants while leaving the ivory tusks behind to make a point about the marginalizing impact of conservation policy; in the Brière marshes of France hunters killed 1,000 birds in immediate response to new conservation regulation to convey protest (Mischi, 2008; 2012). Here it may be prudent to distinguish between what constitutes a 'message crime', an act of resistance and a political crime respectively. More research is needed to demarcate these in the illegal hunting context.

Within a framework of everyday resistance, illegal hunting often proceeds along a logic 'shoot, shovel and shut up'. Indeed, it functions as a low-profile, low-risk and uncoordinated venture. Scott (1986) confers the status of middle ground resistance to such tactics, which he contends are mediated by and reflect the conditions and constraints under which they are undertaken. Illegal hunting thus constitutes part of a prosaic struggle incurred at minimum disadvantage to the offender in contexts in which open rebellion or defiance is precluded for fear of incrimination. In addition to examining the intentions of the offender in order to ascertain the relative resistance content of the act, there is therefore a need to consider the overall climate of non-compliance in which illegal hunting takes place.

In countries where illegal hunting is accompanied by civil disobedience that operate near or within authentic political channels, hunting crimes need to be situated in relation to the broader context of opposition toward the regulatory regime. In addition to illegal hunting, empirical evidence has indicated that the use of counter-narratives, rumors and conspiracy theories serve important functions in the hunting community of undermining the legitimacy of the ruling elite or regulatory regime. In the illegal hunting context, these hidden transcripts (Scott, 1990) sometimes feature publically and so oscillate between introvert and extrovert tendencies, largely depending on how conducive the political climate might be to their views.

The dilemma of resistance strategies toward nature conservation is that by circumnavigating direct and discursive forms of communication, everyday acts of resistance in effect become subject to miscommunication, distortion, exaggeration and misunderstanding. They can also be stigmatizing for the individuals that undertake them, further displacing them to the periphery of society. Thus, while these ventures function to avoid direct conflict, they contribute to 'Chinese whispers' whereby the message gets mistranslated between the interlocutor and the recipient (typically society or the dominant elite).

Unlike in Paine's (1999) Reindeer Message System in which actions are mutually understood by all, illegal hunting acts become a 'dialogue of the dead' through misreading of intentions and messages. As the foregoing illustrated, it remains a considerable challenge for outsiders and researchers to identify the original meaning of the act, insofar as one existed. Circumstances and outside factors can complicate the transmission and meaning-making at all points in the process. For this reason, illegal hunting when taken in a framework of everyday resistance represents a precarious development from a communication point of view.

## Targeting wildlife based on symbolism or environmental history

In many nature conservation contexts, the rather targeted killing of certain species invites questions about the status of that animal. Within this issue emerged two perspectives to be contended with, one of environmental history and one that sees the embeddedness of the species in a broader context. These perspectives address whether the animal in question or its symbolic value is the target. As Dr. Lund purported: "...not all animals are equal". On the one hand divisive species like the wolf have been globally ascribed relatively value-laden characteristics depicting it as an evil and blood-thirsty thrill-killer. The cultural disdain for the wolf is continually demonstrated through demonizing narratives and its killing, which often uses techniques that hunters consider unethical to use for other wildlife. It can be contended that in ascribing the wolf with heavily antisocial symbolism, we are given license to hunt, kill and persecute it (Sharpe *et al.*, 2001). In a socio-criminological perspective, the wolf can be thought of as a 'suitable enemy' (Christie, 1986) whose evil is necessary for social solidarity. The notion of suitable enemy stems from the criminalization and demonization of certain types of drugs before others.

In this way the wolf becomes an easy, functional target for hate in large part due to what are seen as essentialist species-specific characteristics. The symbolic power of large carnivores can arguably also be said to be harnessed by the media in reporting illegal harvesting crimes; simply stated, for many reasons, a killed wolf is likelier to generate headlines than an illegally felled spruce.

On the other hand, an examination of the illegal hunting phenomenon in animal conservations contexts in general reveals that when people condemn and justify the killing of a particular animal species, they do so with reference to aspects that go beyond its proximate characteristics. Simply stated, social factors begin to operate somewhat independently from the animals in question (Lüchtrach & Shraml, 2015). Indeed, opposition to large carnivore reintroduction is discursively interconnected with narratives on the marginalization of the countryside. This perspective in effect intimates that the animal is emblematic of other struggles. One of these is a class conflict. The wolf is in many parts of Europe seen as the "...object of hegemonic and patronizing academic knowledge" (Skogen *et al.*, 2009). Moreover, opposition to the wolf may be partly historically rooted, but the severity and scale of the opposition may be taken as part of a response to the rise and exclusions of the cultural profile of environmental movements along with its academic middle-class supporters (Krange & Skogen, 2007; 2011). In this polemic, the economic expansion of the middle class proceeds at the demise of the rural working class culture, and therefore speaks to the local impacts of globalization at a general level.

In this perspective, illegal hunting of a particular animal elucidates the embeddedness of that animal in existing social, political and economic tensions in society. As support for this view, scholars agreed that it is arguably rare to come across respondents

today who categorically hate the wolf. Rather a majority disagree with its place in the current landscape, the premises surrounding its conservation, and the legislation regulating its management. It is crucial to ascertain to what degree large carnivores merely stumbled onto a field in which conflict was already present and went on to exacerbate the situation, and if there is a deep-seated species-specific hatred toward a particular animal. If the situation falls more heavily in the former category, moreover, formulating solutions to address the management of for example large carnivore may risk being little more than a Band-Aid to a bullet wound.

## Illegal hunting as symptom of class struggles

Examining the wording and content of offenders' neutralizations for illegal hunting discloses a class struggle for which the crime serves in part as a symptom and, potentially, as a form of resistance. Dissatisfaction with rural depopulation and alienation has driven citizens on the periphery of society to reclaim the countryside through increasingly violent acts (Mischi, 2008; 2012). Society is perceived to have turned their back on them, so they turn their back on society and reject public interference. Discontentment over class-based oppositions can thereby be said to function as a driver within hunting subcultures toward illegal hunting (Brymer, 1991).

Hunting proponents, illegal hunters and skeptics of the impact of nature conservation on their livelihoods and lifestyles often rhetorically harness the oppressed minority label. At other times, it may be more productive to ally discursively with other social groups and with the countryside at large. In this case opposition becomes a powerful and sizeable but marginalized broad group of people mobilized to the defense of something rural and working class. In the UK, hunting proponents and protesters toward the Hunting Act, representing the upper class framed themselves as culturally and politically 'marginalized'. Nevertheless, what was concluded as a commonality across research experiences of illegal hunting was that regulation of wildlife primarily precipitates the *de facto* criminalization of the working class. In the UK, game keepers and beaters are at greater risk more than upper class hunters. As such, the reactions from the latter may socially and politically antagonize the general perception of illegal hunting.

The multidimensionality of class-based conflicts is also apparent in opposition toward the rewilding movement in Scotland. The proposed wolf reintroduction here, which was ultimately scrapped due to controversy, highlighted the complexity of the resistance and rights of the local Gallic culture of northern Scotland versus Anglo-Saxon outsiders. It has also brought to the fore the polarized land ownership pattern in the region, which pitted rich landowners against poor. This has historical precedent in Britain's poaching wars when the land-holding and political power of the aristocracy over game and wildlife and resultant led to large-scale poaching by the lower classes. Today the class issue is less confined to direct economic disparities, but relates to the power of scientific experts and other academics in matters of con-

servation. Indeed, Dr. Nurse recalled his labeling as an ‘effete intellectual’ who did not understand the ways of the countryside when conducting fieldwork.

## Rewilding and domestication of nature

A corollary of neo-liberalism and modernity in general is that we are moving from rural landscapes as food-provisioning spaces to post-productive ones. Such post-productive landscapes are increasingly characterized by destocking, the growth of tourism and other forms of non-consumptive activities, including ecosystem services. The re-imagining of rural landscapes has furthermore entailed a critique of agricultural landscapes as not being sufficiently wild or pristine for these new purposes of ecology and services of aestheticism.

Against this background, a significant number of nature conservation projects in Europe today operate with rewilding underpinnings. Indeed, carnivore conservation projects in effect seek to restore regionally extinct species, which coheres with the rewilding movement (Foreman, 1990; Donald, 2005). It is worth noting that large mammals (+44kg) are declining everywhere in the world except in Europe, where they are increasing in numbers. A consideration of the nature and basis of opposition among hunters and other social groups toward this movement may furthermore ameliorate the understanding of drivers of illegal hunting in rewilding contexts.

Broadly conceived, rewilding seeks to restore and protect core wilderness areas by using animals as drivers for ecological change. It can be said to represent a starkly different way of seeing and using previously resource extraction based landscape in a post-productionist era that has seen the growth of a social services sector. This is at odds with ideologies that still prevail in hunting communities. While controversial, rewilding has been embraced by some conservation biologists. At present there is a rewilding network in Europe that endorses a Pan-European wilderness by promoting the return of the Pleistocene megafauna and its modern equivalents in the landscape, which includes populations of wolves. Rewilding aims to bring back extinct species in regions in which they historically inhabited.

Its ecological assumptions concerning knock-on effects however remain uncertain and contested in science. Particularly problematic is its circumvention of identity and culture in relation to rewilding projects. Another point of contention is the arbitrary time scale used to denote the natural state to which one should aspire, prompting questions of how far back one is willing to turn the clock in the normative quest for naturalness (Fairhead & Leach, 1996). Indeed, if a species once thrived in a certain area in an ecological and historical context, is this precedence enough to merit its return to a changed landscape? Rewilding can be conceptualized on a spectrum and so is not all about restoring extinct megafauna, but a criticism that can be levelled to these approaches is that of the questionably ‘wild’ character of these projects and the species they seek to restore.

The relevance of this criticism to illegal hunting lies above all in hunters' critique of double standards with regard to game and wildlife management. Rewilding has taken on increasingly artificial and directional management practices. One cutting criticism is that rewilding involves cleaning out the animals one does not want while disguising it as radical conservation. The species that are lucky enough to be singled out for restoration in nature are frequently subject to a highly controlled form of management that questions the legitimacy of the rewilding premise. Among other things is a rear-and-release practice of animals, the genetic tempering with population pools, and the selective process by which reintroduced species are allowed to flourish in their newly established 'natural' habitat.

Cumulatively these developments can be taken to contribute to a domestication of animals. Beach (2004) contends that the wolf, a symbol of wilderness and a flagship species for the rewilding movement, constitutes one of the most managed species today, with tracking, monitoring and selective breeding. In the UK, relatedly, the reintroduction of the beaver has proven a precarious venture that has precipitated local discontent and illegal culling. The beaver re-colonised parts of Scotland through two separate channels some hundred miles and millions of pounds apart: a government one and a private landowner one from which released beavers were an unintended outcome. The beavers that escaped from the private holding provide an example of accidental rewilding and, perhaps most surprisingly, are considered legitimate to kill. Much money is spent on their culling. Meanwhile the governmentally released beavers, which are not thriving as well as the privately escaped ones, are strictly illegal to kill. This example illustrates the strong management ownership dimension of rewilding on the one hand and the fixed, artificial basis on which projects are carried out. Also labeled 'goldi-locks conservation', the situation should be wild but not too wild so as to slip out of the hands of natural resource managers.

How can we understand the concurrent domestication of nature alongside the rewilding movement and its implications for our attitudes toward wildlife? Are they two sides of the same coin? Is domestication an unintended outcome of rewilding or a necessary component? Tensions between these two concepts need to be explored with respect to the public's perceptions on the premises of nature conservation. While the same charge of controlled and increasingly artificial management schemes of wildlife can be extended to hunters' game management practices, hunting proponents and sympathisers of illegal hunting often use domestication arguments to discredit regulation and conservation projects. The rewilding and resultant domestication of wolf, moreover, have been cited as contributing to a tame conception of the wolf whose natural sense of fear of humans has been eliminated (see, for example, Granlund, 2013). This has fed into a range of neutralisations for illegal hunting, including denial of victim and denial of injury. In deed, it is not considered an authentic wolf.

In the end, illegal hunting calls for research on how the rewilding trend impacts attitudes toward nature in general and large carnivore conservation in particular. This may be situated on a broader terrain of changing relations with wildlife as a result of increasingly market-based conservation including biodiversity offsetting and payment for ecosystem services. Incentivizing can be conceived of as a new form of gover-



nance and mechanism of getting people to 'behave' in wildlife and hunting regulatory contexts. In the Sami reindeer herding context in Sweden, the Sami are now compensated a priori based on the number of large carnivore rejuvenations per year in their area. This scheme is expected to move wolves from being a liability to being a potential resource. The success of the scheme can however be challenged on the basis of in effect turning Sami reindeer herders into wolf herders.

## Corruption, complicity and conflicts of loyalty in enforcement

One of the leading reasons why hunting regulation is difficult to enforce is that there is often sympathy, complicity and conflicted loyalties within communities associated with hunting offenses and wildlife crime (Bisi *et al.*, 2010; Krange & Skogen, 2011; Wellsmith, 2011; Peltola *et al.*, 2013). Research has indicated the importance of social control and allegiance in tight-knit social networks. Snitching is looked unfavorably upon by many hunters, and while hunters may at times overestimate the moral support they have from their communities, some regions genuinely demonstrate strong support for offenders (Pohja-Mykrä, 2014). As testified by the case in Norway, local law enforcement are frequently trapped in conflicts of loyalty between their organization and their community. In some cases, they may even commit misdemeanors themselves. Due to an abiding conception of illegal hunting as a victimless crime many policemen distinguish between real police work and the unimportant task of enforcing wildlife regulation. In some parts it may be seen as shameful do devote one's time and resources to something as seemingly innocuous as a 'folk crime' (see, for example, Forsyth *et al.*, 1998).

In regional or national prosecutions of hunting offenders, the community of support may inflate significantly to accommodate a range of sympathizers. It is particularly problematic when these individuals are in positions of power or associated with government in some capacity. It may be enough for policemen, municipal civil servants and political representatives to take a condoning attitude toward illegal hunting for disenfranchised hunters to become radicalized. This conflict within state-associated sympathizers has consequences for the legitimacy of the regulatory regime and blurs boundaries between professional and private roles. For example, state-bound hunting organizations, such as the Swedish Hunting Association in Sweden, assert a zero tolerance toward illegal hunting in its official discourse. However, the association also recognizes the importance to remain allied with the cause of hunters, its members. The result is that the site-hosted blogs offer an alternative discursive arena where critical opinions are ventilated to the limits of compliance with regulation. Broadly conceived, this double bind communication scheme may be strategic or coincidental. Its implications on the persistence and increase of illegal hunting need however be carefully considered.



## Discrepancies and discontinuities in legality

The transition from legality to illegality sometimes bears the mark of abrupt and erratic change. A result is that moral and cultural norms are in disparity with legal rules. This perspective imparts the following critique: in the context of large carnivore reintroduction, regulation has changed in such a way as to move the wolf from an outlaw to be killed by civic duty and rewarded by bounty to protective status whereby one can go to jail when harming the animal. In similar vein in the UK context, the police used to work together with organized hunts against saboteurs; today enforcement focuses on rounding up suspects of organized fox hunting. Parallel with legal changes, the identity of the hunter illegally killing wildlife has in some cases gone from local hero to criminal. The paradigmatic shift implicit in the criminalization of customary practices has meant that many social groups living with holdover values find it difficult to cope with the new regulation. Stated otherwise, there is a lack of continuity and harmony to the laws, which change rapidly and seemingly arbitrarily to many social groups and without any efforts at change management.

Once the new laws are in place, it is evident that the regime faces other challenges regarding their internal consistency and enforcement. Achieving a satisfactory constellation of the regulatory framework is one aspect that is critical for the effectiveness of law. Indeed, at present, there may be a lack of synergy between laws that regulate similar things. In the UK context, for example, wildlife crime is distinct from hunting crimes. In a number of European countries, harmonization between different scales of legal frameworks needs substantial work. One argument is that all other regulation must be coherent with the constitution.

At present a general perception among hunters, particularly within the EU context, seems to be that regulation does not build up hierarchically from the bottom or constitution level to international levels. Rather, regulation cascades down from the supranational to the national and finally to the regional. This means that legitimacy is expected to 'trickle down' legitimacy from the EU level to the hunting community. The lack of synergy between levels of laws is often subsumed under a critique of legal pluralism. However, it may be contended that where supranational bodies like the EU is concerned laws are created based on decisions taken in conjunction with discussion among states, and so is more akin to legal parallelism.

Furthermore, legal pluralism may have important implications for illegal hunting and the legitimacy of the regulatory regimes in those cases where the legal system recognizes alternative laws. An example of this in the research context is the indigenous Sami of the Nordic countries, whose customary rights that exempt them from large carnivore conservation have been incorporated into the state framework. While this may be commended as a reinvigoration of the monolithic view of the legal system into recognizing diversity, the selection of whose laws to incorporate will doubtless have political consequences. In the UK setting a notion of vicarious liability has furthermore meant that differential prosecution will befall corporations and individuals breaking a license. More research is needed on role and impact of legal pluralism in the illegal hunting phenomenon.

On a practical level of enforcement, the preceding section delineated how conflicts of loyalty within law enforcement bodies, judicial interpretations and public expressions of sympathy for illegal hunters by representatives of government contribute to patchy and unreliable enforcement and prosecution of offenders. This has led some to conceptualize the issue as legality *de jure* versus legality *de facto*. In reality game wardens, local sheriffs and persons in positions of power have been shown to justify, and by extension dismiss, offenses within certain types of illegal hunting with the same neutralizations that the offenders use. This may especially be the case when legislation and the regulatory regime is seen as unjust and illegitimate. Similarly, such neutralizations will feature when crimes are seen as everyday misdemeanors and ‘folk crimes’ by good and honest people. Collectively, however, the impact of these folk crimes may surreptitiously accumulate to a climate of resistance.

## Future measures

### *Enforcement*

Premised on the abovementioned challenges and drivers of illegal hunting, what measures should be taken to mitigate the phenomenon of illegal hunting? Criminalization and deterrence have certainly proven effective in some cases. But there is a risk of deterrence creating martyrs, as is increasingly the case for many charged illegal hunters in the Nordic countries. This includes, for example, the suicide and note left by a convicted wolf hunter in Finland which served as a protest toward his harsh treatment and wolf management in general. Existing deterrence models in the illegal hunting contexts additionally tend to adhere to a traditionally blunt model whereby offenders are seen as profit-driven organized individuals. This is reflected in the UK where operations on group-based wildlife crime activities centers on gang infiltration and surveillance and where there has been a corporate prosecution of a fox hunting organization for illegal hunting whereas normally individual actors are prosecuted.

Recent cases in the Nordic countries showcase a similar preoccupation with deterring the organized criminals through significant forensic investment. For example, the case in Norway that precipitated the arrest of twelve hunters for illegal wolf killing was the result of many months’ worth of work involving wiretapping, DNA testing and surveillance. The scene of the arrest took place with seventy police officers in a region that allegedly rarely saw more than a couple of law enforcement personnel in the course of a year. When brought to prosecution, the case was tried as one of organized crime. This can also be observed in the Lillhärda case in Sweden, in which prosecution stunned the public by pressing for hunting crime in the first degree (Grovt Jaktbrott) as opposed to the anticipated new law of preparation/deliberation of hunting crime. Crucially, this has been cited as an example of the substantial prioritization of enforcing wildlife regulation over what are perceived to be more serious crimes, a point of injustice put forth by many skeptics. The perceived lack of law enforcement in

depopulated rural areas has meant that many residents experience injustice when the police fails to show up in a timely manner in the case of knife fights, car accidents or burglaries, but dependably turn up imminently in reports of wolf or bear kills.

Given the central role of local communities in hiding and supporting hunting crimes, top-down regulation from remote bureaucrats is not likely to provide a lasting solution. Legitimation through moral authority and shared norms may be a more sustainable path to crime prevention. If preventative work is deemed more important than sanctions, moreover, additional measures are required. As illustrated by rationalizations of illegal hunting of protected species, the hunting community often considers this law unjust, illegitimate and discrepant with customary ways of life. Informal social control and a change creating acceptance for the norms that underpin the law would furthermore go toward creating legitimacy and compliance. This is based on the assumption that one's personally relevant collective is the most important both for moralization and for enforcement. The Norwegian *länsmän* provide an interesting but potentially problematic case for local social control through locally rooted law enforcement. Their flexibility in choice of sanctions for hunting offenders may elucidate the differential effectiveness of measures.

### *The creation of legitimacy for regulation – different pathways*

One issue is how to access this personally relevant collective of offenders. Community is an increasingly fluid, virtual and contingent entity not bound in space. Therefore any use of local as point of entry may be troublesome, given that hunters engage with each other in multiple subcultural nodes including online networks. Local also arguably obscures the diversity of voices within communities. Mindful of this, the choice of whom to engage with as a starting point and under what premises needs consideration. It can of course be questioned whether the existing regulative procedures and practices provide the key to solving the problem in the general sense, or if more robust democratic and/or institutional changes are required.

Likening the socio-political phenomenon of illegal hunting to terrorism may shed some light on mitigating approaches. The predominant view within terrorism studies asserts that poor governance produces terrorism (Nagtsaam & Lentini, 2008). If we recognize that legitimacy and democratic deficits promote these kinds of extremist developments in society, there may be a chance of rectifying the situation by an overhaul of decision-making apparatus. By presently not taking part in these dialogue processes, hunters and many citizens are arguably bereft of responsibility for the outcome of conservation and management. This may furthermore motivate or justify radical or illegal behavior toward the situation. This operates on the premise that by taking part in a dialogue process, you are legitimating its outcome. Turning their back on these processes entails not being held liable for the deteriorating situation.

What must be contended regarding premises for participation is that engaging the concerned public within preset frames of crime prevention, or building acceptance for large carnivore conservation, will be patronizing or unsuccessful at best. Similarly, enlightening people on legal frameworks as preventing illegal hunting may be success-

ful in rare cases only. It is therefore imperative that whatever processes one sets up for citizens will be left open-ended. Stated otherwise, it is unhelpful if the problem, and some cases even the solution, have already been defined in advance. Working with a narrow problem obscures the complexity of the illegal hunting phenomenon.

Premised on the abovementioned challenge of distorted communication through illegal acts of resistance, there is a need to find out what that message from hunters is in its undistorted, discursive form. As the foregoing discussions told, the materiality of the issue may transgress the carnivore question or a particular natural resource. Oppositely, the issue may extend beyond rural depopulation and class conflicts and genuinely focus on the problematic management surrounding a particular animal. In this case having participants deliberate over broader structural problems in society will necessarily result in unmet expectations for the processes. Dialogue processes must therefore be able to tap into the wider context if this is needed.

Engaging in open dialogue processes with the target public of regulation means being willing to listen to alternative formulations of what is seen as the problem on the one hand, but importantly accommodating a future orientation by asking the landscape should look like. Determining if wildlife should be protected at all, and examining the arguments for why or why not, should feature in the conversation in a way that is not done today. If wildlife can be permitted following rational agreement, perhaps these spaces can offer the constructive creation of management plans. By coming together and discussing wildlife as a common (as opposed to something privately owned), moreover, the process may foster the psychological ownership of the resource. The theoretical concepts to these dialogue processes include, for example, the role of recognition for citizens in society (Honneth, 1995).

## 4 Outputs and future collaborations

### Research questions of interest

The preceding synthesis delineated pathways for understanding and addressing illegal hunting as informed by the totality of the workshop proceedings. The following section builds on the findings of the synthesis to uncover potential research collaborations.

- Examining the enforcement, prosecution and sentencing policies of illegal hunting in European states: differences in legality and in practices
- Wildlife as commons? Using processes to develop psychological ownership of wildlife as means of preventing illegal hunting
- The commodification of hunting and animals: the implications of canned hunts on the changing social context of hunting
- What is being criminalised: what values, practices and customs?
- Mapping support for illegal hunting in Europe
- Choosing strategies for resistance toward wildlife regulation
- Rewilding and illegal hunting
- International survey of the legitimacy of illegal hunting

**EXAMINING THE ENFORCEMENT, PROSECUTION AND SENTENCING POLICIES OF ILLEGAL HUNTING IN EUROPEAN STATES: DIFFERENCES IN LEGALITY AND IN PRACTICES.** Sub-questions: What is the law? What are the different behaviour of law enforcers and prosecutors? Should this be the job of the police, or are there different agencies that should be involved? Is it a mainstream crime issue or a specialist matter? If the former, how can we get the police more interested in wildlife crime?

**WILDLIFE AS COMMONS? USING PROCESSES TO DEVELOP PSYCHOLOGICAL OWNERSHIP OF WILDLIFE AS MEANS OF PREVENTING ILLEGAL HUNTING.** Social research examining psychological ownership of wildlife across the different countries and how it can be developed through various approaches. Moving wildlife from private to commons through dialogue processes?

**THE COMMODIFICATION OF HUNTING AND ANIMALS: THE IMPLICATIONS OF CANNED HUNTS ON THE CHANGING SOCIAL CONTEXT OF HUNTING.** Trend is prevalent in Africa and in the UK, but increasingly spreads to Europe, such as rear-and-release of pheasants for hunting in Denmark, trend even bigger in the US with game parks. The question is what does this do to hunting ethics, masculinities and attitudes concerning fair chase, to perceptions on land access to 'outsiders', and to the 'stewardship' connotations of hunting?

**WHAT IS BEING CRIMINALISED: WHAT VALUES, PRACTICES AND CUSTOMS?** Looking at what is targeted and what is exempt from criminalisation, the reasons for it, and the implications.

**MAPPING SUPPORT FOR ILLEGAL HUNTING IN EUROPE** – under what circumstances does it occur and how are these attitudes distributed among people in positions of power?

**CHOOSING STRATEGIES FOR RESISTANCE TOWARD WILDLIFE REGULATION.** What informs the choice of strategy and what makes resistance effective in the wildlife and hunting context? When is overt, formal, organised resistance preferred and when do people resort to informal, covert, uncoordinated resistance tactics? Are we going from one to the other?

**REWILDING AND ILLEGAL HUNTING.** How discrepant is the ideology to productionist and agrarian worldviews? How it being received by the hunting community and by citizens in the general sense? Tensions between rewilding and domestication.

**INTERNATIONAL SURVEY OF THE LEGITIMACY OF ILLEGAL HUNTING** – under what forms are support given, neutralisations used why?

## Next steps

Future sites of collaborations for this network include potentially hosting panel sessions on illegal hunting at the International Symposium on Society and Resource Management (ISSRM) and The Annual Conference of the British Society of Criminology in Plymouth 2015.

Research councils and potential sources of funding for future research projects include the EU, Horizon 2020, Northface and HERA (Humanities in the European Research Area).

Two special issue proposals on illegal hunting are also underway as a result of the workshop. These will target the *European Journal of Crime, Criminal Law and Criminal Justice* and *Crime Law and Social Change* respectively.

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Illegal hunting has constituted an expression of contested legitimacy of wildlife regulation across the world for centuries. In the following report, we critically engage with the state of the art on the illegal hunting phenomenon. This reveals emerging scholarly perspectives on the crime, including the complexity of illegal hunting as a socio-political rather than economically motivated crime. In particular, the report adopts a critical perspective that attends to the societal processes that contribute to the criminalization of historically accepted hunting practices.

The discussions presented in this report are a result of a research workshop on illegal hunting in Copenhagen on 16-17<sup>th</sup> June 2014. Fifteen researchers from various countries and disciplines participated. The workshop was organized by the Division of Environmental Communication at the Swedish University of Agricultural Sciences, Uppsala. The event constituted a part of the FORMAS funded research project *Confronting challenges to political legitimacy of the natural resource management regulatory regime in Sweden - the case of illegal hunting in Sweden* whose members include Erica von Essen, Dr. Hans Peter Hansen and Dr. Helena Nordström Källström from the Swedish University of Agricultural Sciences, Professor Tarla R. Peterson from Texas A&M University and Dr. Nils Peterson from North Carolina State University.